

**Oral History Project
The Historical Society of the
District of Columbia Circuit**

**United States Courts
District of Columbia Circuit**



HONORABLE JUNE L. GREEN

Interviews conducted by:
Elizabeth Sarah Gere, Esquire

August 10, September 7, September 21, and October **26**, 1997
January 11, June 21, August 6, and October 21, 1998

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NOTE

The following pages record interviews conducted on the dates indicated. The interviews were electronically recorded, and the transcription was subsequently reviewed and edited by the interviewee.

The contents hereof and all literary rights pertaining hereto are governed by, and are subject to, the Oral History Agreements included herewith.

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PREFACE

The goal of the Oral History Project of the Historical Society of the District of Columbia Circuit is to preserve the recollections of the judges who sat on the U.S. Courts of the District of Columbia Circuit, and judges' spouses, lawyers and court staff who played important roles in the history of the Circuit. The Project began in 1991. Most interviews were conducted by volunteers who are members of the Bar of the District of Columbia.

Copies of the transcripts of these and additional documents as available – some of which may have been prepared in conjunction with the oral history – are housed in the Judges' Library in the E. Barrett Prettyman United States Courthouse, 333 Constitution Avenue, N.W., Washington, D.C. Inquiries may be made of the Circuit Librarian as to whether the transcripts are available at other locations.

Such original audio tapes of the interviews as exist, as well as the original 3.5" diskettes of the transcripts (in WordPerfect format) are in the custody of the Circuit Executive of the U.S. Courts for the District of Columbia Circuit.

Historical Society of the District of Columbia Circuit

Interviewee Oral History Aareement

1. In consideration of the recording and preservation of my oral history memoir by the Historical Society of the District of Columbia Circuit, Washington, D.C., and its employees and agents (hereinafter "the Society"), I, June L. Green, do hereby grant and convey to the Society and its successors and assigns all of my rights, title, and interest in the tape recordings, transcripts and computer diskette of interviews of me as described in Schedule A hereto, including literary rights and copyrights. All copies of the tapes, transcripts and diskette are subject to the same restrictions herein provided.

2. I also reserve the right to use the tapes, transcripts and diskette and their content as a resource for any book, pamphlet, article or other writing of which I am an author or co-author.

3. I authorize the Society to duplicate, edit, publish, or permit the use of said tape recordings, transcripts and diskette in any manner that the Society considers appropriate, and I waive any claims I may have or acquire to any royalties from such use.

June L. Green 12/2/99
June L. Green Date

SWORN TO AND SUBSCRIBED before me this 2 day of December, 1999.

Dorothy Ernst
Notary Public

My Commission expires July 24 2002

ACCEPTED this 28 day of February, 2004, by Stephen J. Pollak,
Gribbon, President of the Historical Society of the District of
Columbia Circuit.

Stephen J. Pollak
~~Daniel M. Gribbon~~
Stephen J. Pollak

Schedule A

Tape recording(s) and transcript resulting from _____
(number)
interviews conducted by Elizabeth Sarah Gere on the following
(Interviewer)
dates:^{1/}

<u>Date (Month, Day, Year)</u>	<u>Number of Tapes</u>	<u>Pages of Transcript</u>
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All interviews are contained on one diskette.

^{1/} Identify specifically for each interview, (1) the date thereof, (2) the number of tapes being conveyed, and (3) the number of pages of the transcript of that interview.

INTERVIEWEE ORAL HISTORY AGREEMENT

Historical Society of the District of Columbia Circuit

Agreement of John Green Respecting Oral History of June Green

1. In consideration of the recording and preservation of the oral history memoir of my wife, June Green, by the Historical Society of the District of Columbia Circuit, Washington, D.C., and its employees and agents (hereinafter "the Society"), I, John Green, as representative of the estate, do hereby grant and convey to the Society and its successors and assigns all of my rights, title, and interest in the tape recordings, transcripts and computer diskette of interviews of June Green, as described in Schedule A hereto, including literary rights and copyrights. **All** copies of the tapes, transcripts and diskette are subject to the same restrictions herein provided.

2. I also reserve for myself and for the estate the right to use the tapes, transcripts and diskette and their content as a resource for any book, pamphlet, article or other writing of which I am, or another representative of the estate is, the author or co-author.

3. I authorize the Society to duplicate, edit, publish, including publication on the internet, or permit the use of said tape recordings, transcripts and diskette in any manner that the Society considers appropriate, and I waive any claims I may have or acquire to any royalties from such use.

John Green 09-21-02
John Green Date

SWORN TO AND SUBSCRIBED before me this
21 day of September, 2002.

Jenni L. Cannon

Notary Public

My Commission expires March 30, 2005

ACCEPTED this 2^d day of February, 2004, by Stephen J. Pollak
~~E. Barrett Prettyman, Jr.~~,
President of the Historical Society of the District of Columbia Circuit.

Stephen J. Pollak
~~E. Barrett Prettyman, Jr.~~
Stephen J. Pollak

INTERVIEWER ORAL HISTORY AGREEMENT

Historical Society of the District of Columbia Circuit

Oral History Agreement of Elizabeth Sarah Gere

1. Having agreed to conduct an oral history interview with June Green for the Historical Society of the District of Columbia Circuit, Washington, D.C., and its employees and agents (hereinafter "the Society"), I, Elizabeth Sarah Gere, do hereby grant and convey to the Society and its successors and assigns, all of my right, title, and interest in the tape recordings, transcripts and computer diskette of interviews, as described in Schedule A hereto, including literary rights and copyrights.

2. I authorize the Society, to duplicate, edit, publish, including publication on the internet, or permit the use of said tape recordings, transcripts and diskette in any manner that the Society considers appropriate, and I waive any claims I may have or acquire to any royalties from such use.

3. I agree that I will make no use of the interview or the information contained therein until it is concluded and edited, or until I receive permission from the Society.

Elizabeth Sarah Gere 3/10/03
Elizabeth Sarah Gere Date

SWORN TO AND SUBSCRIBED before me this
10th day of March, 2003.

Judy M. Hilton
Notary Public **JUDY M. HILTON**
NOTARY PUBLIC
My Commission Expires **DISTRICT OF COLUMBIA**
My Commission Expires June 14, 2007

ACCEPTED this 2d day of February, 2004, by Stephen J. Pollack
E. Barrett Prettyman, Jr.,
President of the Historical Society of the District of Columbia Circuit.

Stephen J. Pollack
E. Barrett Prettyman, Jr.
Stephen J. Pollack

ORAL HISTORY
OF
JUDGE JUNE L. GREEN

August 1997 - October 1998

This interview of Judge June L. Green is being conducted as part of the Oral History Project of the Historical Society of the District of Columbia Circuit, Washington, D.C.

MS. GERE: This is tape one of the oral history of Judge June L. Green. The date today is August 10, 1997; it is approximately 12:30 in the afternoon. We are conducting the oral history at Judge Green's home in Arnold, Maryland, near Annapolis, Maryland. I will be conducting the interview; my name is Elizabeth Sarah Gere, and I was a law clerk for Judge Green from April 1972 through December 1974. Judge Green, good afternoon.

JUDGE GREEN: Good afternoon.

MS. GERE: This is a very fitting place to begin the oral history. We are here in your lovely home in Arnold, Maryland. It is the house in which you were born, is that right?

JUDGE GREEN: That's right.

MS. GERE: Your house overlooks the Severn River and is near Annapolis, Maryland. Your family has been long-time residents of Maryland, is that right?

JUDGE GREEN: In fact, my mother and father were both born in Baltimore, and they lived there until such time as this house was built. And this was started, I believe in 1910, for a summer place. It took a long time to complete. Much longer than my parents expected, mainly because they had to have everything shipped from Baltimore by water.

MS. GERE: Oh my goodness.

JUDGE GREEN: There were no roads to speak of in here. The equipment and all

of the people came by boat, and had to get up this high hill. The workmen stayed here and lived in tents. They liked it so well that they didn't hurry it up. It was, I understand, at least two years before it got finished. Mother and father had expected to be in here at least the previous summer. They had to go down to Virginia on the Rappahannock to spend the summer because this house was not fit to move in. That was where my younger sister got polio and my older sister, Dot, had it also. It did not leave her with any paralysis, but it did Kitty.

MS. GERE: I take it that you did not.

JUDGE GREEN: I was not born then. I was born in 1914.

MS. GERE: How did you come to be born in this house? Had your parents actually moved in here for good by then?

JUDGE GREEN: Oh yes. They had been living here then for a couple of years. They went to Baltimore many times in the wintertime. But at this particular time they were here. This house was expected to be a place for the summertime, although my father did have radiators put in and a coal furnace. It was all established to be comfortable. In later years nobody wanted to go to Baltimore anymore, so we stayed year-round.

MS. GERE: Approximately when was that?

JUDGE GREEN: Well, when we were at school. Dot was at Greenwood, and Kitty and I were at Miss Holiday's School in Annapolis.

MS. GERE: Miss Holiday's School?

JUDGE GREEN: Miss Holiday's School.

MS. GERE: All right. We'll talk about that in a few minutes.

JUDGE GREEN: And so instead of going to Baltimore, Dot stayed with my

father's sister, Aunt Katy, and she—during her school days—she would come home weekends. Then father and mother decided to go to Annapolis to be near our school, Kitty's and mine, and we stayed at the Peggy Stuart Inn, which is just outside the Naval Academy walls.

MS. GERE: Is it still there? In some form?

JUDGE GREEN: The house is still there, but it is not—it doesn't have—it's not an inn anymore. But that was the only time we went to Annapolis for the wintertime, the winter months. When I was finally finished at Miss Holiday's School, and when Kitty was finished—Kitty went with Dot to Greenwood—I went to Greenwood as well.

MS. GERE: And that was in Baltimore?

JUDGE GREEN: That was close to Baltimore. It was in Ruxton when I was there. It moved while I went there. With Kitty and Dot, it was in a different location. They had—the school, at the time was on the Buckley estate, and I started at Greenwood there, on the Buckley estate, too. But they—Miss Elcock who was their headmistress—sold that place and moved to a very handsome place in Ruxton. That was where I finished up.

MS. GERE: So what grades would those have been in school?

JUDGE GREEN: I was in the—that would have been—first, it would have been the eighth grade, and then the first and second years of high school.

MS. GERE: Now were those schools exclusively for women?

JUDGE GREEN: Oh yes. Not so at Miss Holiday's School, that was a co-ed children's school. Every now and then when I talk to my sister Kitty, every night on the phone, we go back many years and she's talking about Miss Lucy Holiday. We did that just last night.

MS. GERE: So that would have been—your schooling from a very early age,

through eighth grade, was at Miss Holiday's.

JUDGE GREEN: That was right. And then I left. Well, Dot was the first graduate of the Greenwood School. Kitty decided to drop out afterward. I think I went one year with Kitty at Greenwood. The next year I went to Annapolis High School, the public school. I skipped a grade. I went just one year. I was a senior then, because I had had so many, I had so many credits—

MS. GERE: From your prior schools.

JUDGE GREEN: From the prior schools, that I could have actually been graduated a year sooner. But at Greenwood I would have been in the class of 1931, and at the high school I graduated in 1930. I had English teachers who were English persons. The French teachers—

MS. GERE: From Great Britain.

JUDGE GREEN: Yes. The French teachers were French. I had four years of Latin, I had four years of French, and I had four years of English.

MS. GERE: Well how did you decide, or how did your family decide that you should go to a public high school at that point?

JUDGE GREEN: Well, it was one of those things. I had planned to go to Vassar. Kitty said she thought that this was ridiculous, and that we could have a lot of fun instead.

MS. GERE: Instead of going to college?

JUDGE GREEN: Instead of going to college. That I should go to the high school and she would pick me up every day after school and we would go to the Naval Academy to see our dates. And we did. I also had met a St. Johnny, from St. John's College, when I was in high

school. So I—

MS. GERE: You were interested in staying in the area.

JUDGE GREEN: Interested in staying in the area. After I was graduated from high school, I started trying to get a job. Nobody wanted anyone without any experience. I didn't know how you got experience if nobody would hire you. But I remember going to Mrs. Fowler's, who had a gift shop for many years.

MS. GERE: In Annapolis.

JUDGE GREEN: In Annapolis, and I asked her for a job, and she said, "Oh no."

MS. GERE: You didn't have any experience.

JUDGE GREEN: I didn't have any experience, so she was not interested. I checked all kinds of places, and I remember one with an advertisement. I said to Kitty, "What will you do with this?", and she said, "Oh, whatever you lined up, I'll do with you."

MS. GERE: So you were looking for a job for both you and Kitty?

JUDGE GREEN: Yes. I remember being interviewed in Baltimore by an encyclopedia salesman or something, and I was somewhat struck by the fact that they told me in the first interview how to, when somebody opened the door, you were supposed to put your foot in it, to keep them from closing it when you announced that you were a salesperson from the encyclopedia company. Somehow I didn't really think my family would appreciate this. Although I believe at the time I had signed up for it—

MS. GERE: Oh, you had actually signed up for it.

JUDGE GREEN: I think so, yes. I believe so. Finally I had to tell them that I was under-age, which was true, and I got out of it, and didn't ever put a foot in the door.

MS. GERE: At least not that door.

JUDGE GREEN: Not that door.

MS. GERE: Well now, backing up a little bit. You talked a little bit about Dot and Kitty. Tell me again what the order of birth was among the three of you.

JUDGE GREEN: Dot was eight years older than I. Kitty is five-and-a-half years older than I.

MS. GERE: So you were the baby of the family.

JUDGE GREEN: I was the baby. So it was, the next thing, we were driving around the Circle one day, still unemployed.

MS. GERE: You're back in Annapolis.

JUDGE GREEN: We're back in Annapolis, and Kitty said, "Oh, there is that cute shop. I used to love to go to that one, and it's for rent. Why don't we rent it?" And I said, "What would we do with it?" And she said, "We could have a day nursery." I said, "What do we know about taking care of children?" And she said, "Oh I don't know, there's no problem." And we stopped immediately and went to see the realtor, who took us in the shop, and we realized that it was drafty. It was heated only by a wood stove.

MS. GERE: This is right on the main circle in Annapolis.

JUDGE GREEN: Yes, it is. It's right across from the little treasury building, and it's still there. It was an attractive little shop.

MS. GERE: But it had some shortcomings, apparently, heating and—

JUDGE GREEN: Including the fact that it didn't have a bathroom for the children. I had at least enough sense to know, no self-respecting mother would send her children to that

place, that drafty place that wasn't heated properly.

MS. GERE: With no bathroom.

JUDGE GREEN: With no bathroom. So Kitty said, "Well, we could have a gift shop. They still have some of the shelves up that they used to have. We could use those."

MS. GERE: Now was Mrs. Fowler's still in Annapolis at that time?

JUDGE GREEN: Oh yes.

MS. GERE: So you were going to be her competitor, perhaps.

JUDGE GREEN: Oh yes. So we signed the lease for a year that same day.

MS. GERE: What year is this, or how old were you at that point?

JUDGE GREEN: I was, I believe seventeen. I was graduated when I was sixteen.

MS. GERE: So quite young. At least from my perspective.

JUDGE GREEN: Well, we signed the lease, and while we were there we found some old catalogs that had been stacked up, nobody had thrown them out. They were gift and art catalogs, so that was the only thing that we knew about, some place to buy things. We thought "Oh, imagine all that mark-up and you could have some—" Well, when we came home, we announced at dinner that we were going to have a gift shop, and we had just signed a lease.

MS. GERE: What did your father say? What did your mother say?

JUDGE GREEN: My mother said, "Oh, that's interesting. Where did you get this idea?" And father said, "You are going to do what? Are you aware of the fact that this is the depths of the Depression? People are having a hard time finding food. You all have just been living in a never-never world, and the fact that you've been very fortunate—nobody is going to buy gifts." My feeling was, if you worked hard enough, and you were willing to do all of the

things you should do right, it had to work.

Well, I found out my father was right. We struggled. In the first place, when people came into the shop that we knew, especially midshipmen, we didn't go in and pose ourselves to say, "Would you like to buy something?" They came in to see us, we thought, which they mostly did. We would never have liked to sell them something and make them feel that they had to buy something—

MS. GERE: Buy something to be there.

JUDGE GREEN: Yes. So we had a circulating library. That brought in a lot of people, both midshipmen and other people.

MS. GERE: A circulating library? You mean like a lending library?

JUDGE GREEN: Yes, right.

MS. GERE: And where did you get the books from?

JUDGE GREEN: Well, we had a connection in Baltimore. Somebody had heard that we were about to have this shop and they said, "We have a branch library and are you willing to do this on a consignment basis?" We said, "Fine."

MS. GERE: So was this through the City of Baltimore? A regular, established library?

JUDGE GREEN: No, this one was, I honestly don't remember at this point.

MS. GERE: It was a private—

JUDGE GREEN: It was a private one, in any case, it also was in some other shops I think, in Baltimore. We had all up-to-date books, novels, and others. I didn't have too much time to read them because I was trying to make the rent. I also advertised that I would tutor

children. I tutored youngsters in Latin, arithmetic and spelling and various and sundry other subjects.

MS. GERE: Did you do this in the shop or did you go to people's homes?

JUDGE GREEN: In the shop. In the shop, because I wanted to be sure that I was there. In the back room we had a little—

MS. GERE: School area?

JUDGE GREEN: School area. I only had one at a time, so that they had my full time and attention when they came in.

MS. GERE: Did Kitty do tutoring also?

JUDGE GREEN: No. No, she didn't think that she would have to do these things. I also was taking care of the books.

MS. GERE: Did you charge people to borrow the books? Was this—the circulation library—income-producing?

JUDGE GREEN: Oh yes, it was very little income producing. My recollection is, they had to join it.

MS. GERE: Like an early book club.

JUDGE GREEN: I guess so. And we had great difficulty in having people return them when they were supposed to. There was one woman who was a writer who wrote detective stories and she would take all of our best ones and keep them forevermore. And every time she would come in we would be very unhappy about it.

MS. GERE: Because she would take most of your inventory.

JUDGE GREEN: Yes. And she, I think, was—I couldn't probably prove this

one—but I had the feeling that she was getting most of her ideas from the other people’s books.

MS. GERE: Was she ever successful, do you know? Did she ever write anything that was published?

JUDGE GREEN: She was, she was quite successful, for a while. I will not give her name. She’s long gone now. I then decided that besides the tutoring I was going to represent the realtor. Nobody was buying any houses, but they were looking for rental places. I had a problem with that, because a lot of the people would be sailors, families. But in Annapolis they wouldn’t rent to them. It was very stuffy. But anyway, we were making out all right. We were just eking out an existence.

MS. GERE: Did you live at home during that time?

JUDGE GREEN: Oh yes, we did. My aunt lived with us and was a wonderful cook. She made cakes and things and we suggested that she let us sell those.

MS. GERE: Now which aunt is this, on your mother’s side or your father’s side?

JUDGE GREEN: This is my mother’s sister.

MS. GERE: And where did she live?

JUDGE GREEN: She lived with us.

MS. GERE: In this house.

JUDGE GREEN: She and my grandmother both lived here. So, she made cakes and all these things. That was one thing that people would buy. They were delighted. People would come in and get cakes and they’d say, “Why doesn’t she open a restaurant?” Well, that was a long time coming. But we heard that so much, we suggested that she do that. And I might say this was the mainstay of our business.

MS. GERE: Oh, her baked goods?

JUDGE GREEN: Yes, her baked things. We saw a place on Maryland Avenue, which was just around the corner from our shop, that was for rent, and we thought it was a small place and we suggested that she take it. She said oh, she couldn't possibly do anything like that. She had never worked in her life, and she didn't think this was a nice thing to do.

MS. GERE: Not proper for an older woman.

JUDGE GREEN: Not proper. I remember she was a very unhappy person, and she was very much depressed at one point, and I said to her, "Well, why don't you try a restaurant?" She said, "I think I'm going to kill myself." And I said, "Well, why don't you at least give this a shot, then if you lose it, then you can kill yourself." I had hoped to shock her out of it, which I did, because she was so surprised, because I had always just been sympathetic. I thought that this might be the thing to do. She said, "Well I guess there's no reason why I shouldn't." I said, "Fine." So she opened the place and we worked like crazy helping her, and she worked so hard she eventually had a heart attack.

MS. GERE: Oh dear.

JUDGE GREEN: She was a success from the beginning. There were so many people waiting to get in her place, midshipmen and drags. Drags are the—

MS. GERE: I was going to say, midshipmen and drags?

JUDGE GREEN: That's their dates, they "drag" you. If you're lucky. They were standing outside all around the block waiting to get in. Because she didn't take reservations. First come—

MS. GERE: First served.

JUDGE GREEN: First served. So she did very well. But then she went to the hospital with this heart ailment.

MS. GERE: Well how long had her business been going?

JUDGE GREEN: Just a month about, about a month or so. It may have been two months, but it was not any longer than that. I remember that we finally put a sign on the door, "closed for repairs." It didn't say to what, but it was to her. And everybody would come back to our shop and say, "Oh, I'm so sorry that the restaurant apparently didn't go over, because we really thought it was great, and all." I said, "Oh no, they'll be opening in a few weeks." Well, I talked to her doctor and her doctor said she should not be bothered with any of these things, but we realized that if she didn't open it within a normal period that it was going to lose all of the goodwill that she'd had. So we hired somebody to take over the Little Different Shop.

MS. GERE: The Little Different Shop, that was your gift shop.

JUDGE GREEN: That was the name of our shop. And my aunt's place was Cruise Inn.

MS. GERE: How did you spell that? Like a ship cruise, c-r-u-i-s-e, or crews, c-r-e-w-s?

JUDGE GREEN: C-r-u-i-s-e. Corny sounding I think.

MS. GERE: Cruise Inn.

JUDGE GREEN: But anyway, Kitty and I ran the Cruise Inn while she was off.

(End of Tape 1, Side 1)

(Tape 1, Side 2)

I was making the angel cakes. I was making birthday cakes, decorating and that sort

of thing. I was the hostess and I was the cashier. I realized that we didn't have enough space, and people were getting hung up, so we had to make some changes in the place. I decided that we would put the first courses on a table in the back of the dining room, so that people wouldn't have to be coming out of the small entryway from the kitchen with everything. There was another room that was before the restrooms.

MS. GERE: Like an anteroom.

JUDGE GREEN: Yes, an anteroom. Well, I took that over, and had salads in there, so they wouldn't have to come out of the kitchen, also. It didn't interfere with the use of the ladies room.

MS. GERE: Now how many tables were in the restaurant? How many people did it hold, could it hold?

JUDGE GREEN: I'm not positive. Now Kitty would probably be able to tell me all of these things right now. But I would say it would have served, in that place, not more than about forty people at one time.

MS. GERE: Were you open for lunch and dinner?

JUDGE GREEN: Oh yes.

MS. GERE: Breakfast?

JUDGE GREEN: No, no breakfast. Kitty was deciding that all kinds of things should be added to the meals, so that we were serving sherbet between the courses and all of these things. They cost quite a bit of money, more than—

MS. GERE: More than the meal was—the profit.

JUDGE GREEN: Yes, right. But, we didn't ruin the reputation.

MS. GERE: So how long did you and Kitty serve as surrogates for your aunt?

JUDGE GREEN: Long enough for us to almost be stolen blind in our Little Different Shop. The person who was there was not dishonest. She just didn't pay attention to people who were shoplifting. She didn't get there fast enough when they would come in the place, and so on. So when we came back we found that loads of things that were on consignment—we had many Chinese linens that were hand done beautifully, all kinds of things, of lingerie—that were missing and had been stolen. We had to make good. This about finished us.

MS. GERE: How many years into the business was this?

JUDGE GREEN: We lasted about a year-and-a-half in the Little Different Shop.

MS. GERE: Now what happened with your aunt? Did she get out of the hospital?

JUDGE GREEN: She eventually came back—about—I think she was allowed to come back to work finally full time. Let's say about two months. But she came in just a little, and we were still trying to help.

MS. GERE: How long did she continue to operate the restaurant?

JUDGE GREEN: All her life; the rest of her life. She got a bigger place that turned out to be right next to the Little Different Shop, where we were no longer, but that was the building. The building is occupied at this time by a restaurant that is not as good as hers was by any means. Of course I am biased. But she was in business for about 25 years.

MS. GERE: Oh my goodness.

JUDGE GREEN: She had built up this tremendous following, and everybody, the people would come down from Washington and Baltimore, especially to go there, for the food. As a matter of fact, she served John's and my wedding reception.

MS. GERE: Oh she did?

JUDGE GREEN: Here.

MS. GERE: At the house.

JUDGE GREEN: Yes.

MS. GERE: Oh my goodness.

JUDGE GREEN: She had all of her help, and they knew us pretty well.

MS. GERE: Until what year did your aunt operate the Cruise Inn—into the '50s?

JUDGE GREEN: Yes. As a matter of fact, the restaurant was sold to a restaurant couple from Baltimore who were pretty good. After my aunt died, we had taken care of that.

MS. GERE: So all during that time did she live—did your aunt live here in the house?

JUDGE GREEN: Oh, no. When she started to be so successful she got her own place. Then she got her first driver's license and car. I had felt always that having been such a smart aleck—to say to her, you know, you can just bump yourself off if it's not a success—I came to the conclusion that I was duty-bound to see that it never happened, that there should never be any kind of problems. But she was thoroughly successful, and had a very interesting life. She joined the Zonta Club and insisted that I, since I was a member of Zonta in Washington, years later, she insisted that I come and talk to the Zontians. And at that time—

MS. GERE: Here in Annapolis.

JUDGE GREEN: In Annapolis, in her place, and I remember that that was the first time that the Annapolitans knew that women weren't treated quite as well as they should be under the law, and I pointed it out to them. And I believe that there were lots of people who were

able to get things changed then.

MS. GERE: In what way?

JUDGE GREEN: Not me, but they could.

MS. GERE: What in particular?

JUDGE GREEN: Well, they always had, until this time, they would, if a person died intestate—

MS. GERE: Intestate meaning without a will.

JUDGE GREEN: That's right. Then the male of the family was always the one who was chosen to be the executor, or administrator. The females were not preferred at all, and I mentioned, there were a number of—

MS. GERE: Distinctions.

JUDGE GREEN: A number of things on the books that I was aware of from my practice. I told the Zontians about the distinctions. Now I think Maryland is quite up-and-coming at this point and has very, very good laws on the books that have come into the proper generation.

MS. GERE: So more equitable, then, for women.

JUDGE GREEN: All of it had, indeed, and I think that they are not really biased at this point.

MS. GERE: Going back, Judge, you talked a little bit about your parents, and growing up in this house with them, and then beginning your first business with both of them being somewhat taken aback at your course. Did your parents change their conclusions, once they saw that you were able to make a go of the businesses?

JUDGE GREEN: Well, we didn't make a go of the Little Different Shop, that's for sure. We didn't tell them all of our problems. I thought that it was better to keep that from them. My mother was very interested in the shop, in that she would go on a trip with my father, she would go to the gift shop in the hotel and buy something beautiful, and bring it back to us and say "Don't sell it, because really, you need this to look nice in the place." And she didn't have to say that, because we couldn't have sold it. It was too expensive.

MS. GERE: What did your father do for a living?

JUDGE GREEN: My father was the president of Industrial Paper Company in Baltimore. And that was a wholesale paper company. The papers—they sold all kinds of papers—but in many cases they were liners for freight cars, and things that were in sizeable rolls.

MS. GERE: So then when you lived here in Arnold, did he commute everyday?

JUDGE GREEN: He commuted to Baltimore, yes. All the time. Until he was ill, he did. He commuted all the time. And in cold weather they would go up to Baltimore, after we were all married, and spend some time in the city, then return as soon as the weather was nice in the spring.

MS. GERE: Did your mother work outside the home?

JUDGE GREEN: Never. No, she was, in her time, she was one of the founders of the Severn River Garden Club. She was interested in the federation of garden clubs. She was a judge in many of the flower shows. She won more prizes for artistic arrangements. One time she was sick, and she had entered a show that was a moonlight—it was called a moonlight display or something—and mother was very artistic, and she had designed the paper lining that she was putting in before the flowers. She had all these things ready and she couldn't go. She said Kitty

and I should take it and put it in her name and do it right.

MS. GERE: You and Kitty weren't quite the same—at that point—flower artists that your mother was, I take it?

JUDGE GREEN: She had everything designed. She had paper, she knew the size of the bins that they had, the background, and she told us how this one should go this way, how this other thing should go that way, and exactly where we were to put these things. These were spring flowers that were very nice. We did the very best we could and we thought that it was pretty nice. I'm happy to say she won the prize.

MS. GERE: Oh my goodness. She must have been very pleased.

JUDGE GREEN: Well it was certainly her design and it was her doing, and we were only—

MS. GERE: You were the messengers.

JUDGE GREEN: We were the messengers, that's all. I remember before the judges had made a decision we were having a fit.

MS. GERE: I bet, wondering whether you were going to let your mother down.

JUDGE GREEN: That's right.

MS. GERE: That's a high standard to meet. You mentioned earlier that your two sisters had contracted polio when they were younger. How did that affect both your mother's life and your life?

JUDGE GREEN: Well, I think that Kitty didn't have the requirements to do lots of things. When the Little Different Shop failed, I felt very positive that I was going to see that everything was paid up. Nobody was going to lose a dime from dealing with us, and I'm happy

to say I did do it. But it did take a couple of years for the—

MS. GERE: To pay off everything.

JUDGE GREEN: What I had worked on for a year-and-a-half, in the shop. It may have been over two years to repay. The first job that I got afterwards was with Mrs. Fowler.

MS. GERE: Your erstwhile competitor.

JUDGE GREEN: She couldn't say that I didn't have any experience at that point, so she did take me. It was a little hard, a bitter pill to swallow, because I would see the customers who had been—

MS. GERE: Your customers.

JUDGE GREEN: I also would see the salespeople who had come in to see us so many times, and when I finally got out of that I had good luck. One of the neighbors here in Joyce Lane, where we live, called me up and said, "Mrs. Lewis, who is a writer, lives just in your lane. She's at Briarcliff. Do you know her?" I said I did not. She said, "She has just lost her secretary, and I think that you ought to apply for it, because it would be very handy for you." I was taking a secretarial course but I had not finished it. I mean I was still taking the course. So then I went to see Mrs. Lewis. She had a great influence on my life. She was a very fine writer of adolescents' books. She had won the Newberry Medal for that.

MS. GERE: The Newberry Medal? So that's—

JUDGE GREEN: N-e-w-b-e-r-r-y. The Newberry Medal, that they're still giving out. Mrs. Lewis had lived in China for about fifteen years, and met her husband there. She had gone there as a missionary from her church in Baltimore. She had the sense, the sensitivity at least, when she was there, to realize, to question whether she was doing the right thing, that these

people had their own beliefs. They had had them for many, many centuries. They should be left alone for that, she felt. So she decided to teach them sanitation and English, instead.

MS. GERE: More like an early Peace Corps rather than a missionary.

JUDGE GREEN: Right, right. She loved her time there, and so many of her books were about the Chinese people. I told her I had not finished the secretarial course, and she said—

MS. GERE: So were you in the process of taking this course or was this a course that you had taken?

JUDGE GREEN: I was in the process of taking it. At the YMCA.

MS. GERE: And why did you decide to take that, if you were—? As the shop was winding down, you thought you needed to develop some other skills, I take it?

JUDGE GREEN: Yes. I didn't think I was going to be a world-beater on the tutoring thing, although the children came in, parents came in and said their children were doing—each one of them—was doing very much better. They were leading the class in Latin, I remember in particular. Because I disliked Latin very much, but I was teaching it.

MS. GERE: And no thought at that point about going on to teach full time?

JUDGE GREEN: Oh, no. I certainly wasn't.

MS. GERE: Why not?

JUDGE GREEN: I didn't enjoy it, really. I found it very difficult.

MS. GERE: I've kind of taken a detour there, back to Mrs. Lewis. So you were telling her that—

JUDGE GREEN: I told her, and she said, "The principal thing is, I don't want paper to be wasted. If you can make proper corrections, that is the most important thing about it.

I have the most expensive paper that you can make corrections on,” she said.

MS. GERE: So you were going to be, essentially, an editor?

JUDGE GREEN: I was going to type all of her manuscripts, which I did from the Dictaphone.

MS. GERE: So she dictated and you transcribed.

JUDGE GREEN: Right.

MS. GERE: I’m seeing you in a new light.

JUDGE GREEN: I was editing what she did, and I re-typed and typed and re-typed, because she was ill. She had picked up some ailment when she was in China, and she was much bed-ridden. This was another reason why she was in bad shape.

MS. GERE: How old a woman was she at the time you were working for her?

JUDGE GREEN: She had a fourteen-year-old son, and this was how she always gauged what she was writing for the adolescents. Because it was what Fulton—his name was John Fulton Lewis. He was eventually a commentator on the radio, but he was not, of course, at that point. There was a Fulton Lewis, who was very well known at that time, not connected with him. Her husband had died, and she was just the sole support of this child. Her husband had gone out as a missionary, that’s when she met him, and he had joined her same thoughts. He was not foisting off religious beliefs on the Chinese either. But when they came back, he died. She then was supporting her son with her writing. Well I find that today, working on opinions, my editing experience has been very helpful.

MS. GERE: Interesting.

JUDGE GREEN: I am not sure I really understood that until my old age. Old, old

age.

MS. GERE: How long did you work for her?

JUDGE GREEN: I worked for her until we were married, John and I. I made sure her book got to the publisher when it was supposed to.

[After a break in interview.]

MS. GERE: We were talking about Mrs. Lewis.

JUDGE GREEN: She was writing her book that had to be at the publishers, a Spartan deadline. She was such a perfectionist in her writing and editing, that she did every single chapter many, many times, and it was running very, very close to my wedding day. We had rehearsals scheduled. John would be coming here to see me, and I would be tied up with Mrs. Lewis in her home.

MS. GERE: Did you go to her home at a set time every day for a certain number of hours?

JUDGE GREEN: Oh yes. I went for hours. If she were ill or something I stayed with her. In fact I would call home and ask, "fix food for her" so that somebody would come over. Kitty would bring it over.

MS. GERE: How long did you work for her?

JUDGE GREEN: It was over a year, I'm sure, because this last book took quite a while. But I had that deadline, and we were getting married the fifth of September, in 1936. We were having our rehearsal and dinner party for the bridal party after the rehearsal, and it still had not gotten the last touches. So I really was there all the way up until my wedding day. But it was at the publishers before we got married. It met her deadline, and it met quite a bit of acclaim for

her. She didn't get another Newberry Medal, but it was very well received by the publishers and the clientele that she was writing for.

MS. GERE: Did she go on, write, after you left her employ?

JUDGE GREEN: She wrote a number of short stories and she wrote articles for adults. She worked on another book with a doctor in Annapolis, and he was contributing all of the medicals that she needed for her book. But it was not, I don't—I was very, very close to her, and John and I would go to see her periodically after we got married. After Fulton had married and had gone, she was there by herself. We would always scour the markets to find the fruit that she enjoyed, that she had gotten used to eating in China.

MS. GERE: You said that she was an influence which you came to appreciate later on, when you were drafting opinions and editing opinions. What other influences did she have on you?

JUDGE GREEN: She allowed me to get a lot of my concern for feeling put upon out of my system. I think that she was a very, very fine person. She really cared a lot about me. On the cases that I had that she knew about, when I was trying them—that was after I'd gone to law school—she would send me telegrams, which I would get at my office, when she had found out what some of the people had said about the case and how I'd done so splendidly in ones where I had been counsel. (End of Tape 1, Side 2)

MS. GERE: This is the continuation of the oral history of Judge June L. Green, and we will resume with the Judge's reminiscences about Mrs. Lewis. Mrs. Lewis would send you telegrams at your office to let you know she'd heard about your cases.

JUDGE GREEN: She thought that it was, that everybody was so pleased with the

presentation that I had made—both before Congress and in the courts. We—John and I—would visit her periodically when we would come over to see the family on weekends, and we always managed to find a little time. She would always have some time for us. We would deliver our particular goodies that we’d found in Washington.

MS. GERE: You mentioned that at the end of your work for Mrs. Lewis, the beginning of your marriage, or your life with John Green. How did you meet Mr. Green?

JUDGE GREEN: He was one of the library card holders.

MS. GERE: One of the book readers from the—

JUDGE GREEN: One of the book readers in the Little Different Shop. He was always a cut-up, and I was never so old as I was in the Little Different Shop. I was so prissy and so serious. All of these things were taken very seriously with me.

MS. GERE: You were very responsible for the shop.

JUDGE GREEN: Right. And I didn’t think these things were very funny. When I asked for his name and address, and I knew he was in the Naval Academy—but I had to have more than that—since he was in his uniform, and he had two books. One of them was John Galsworthy and the other was Anne Green. So he looked like he was going to make it up, and he said, “Galsworthy Green.”

MS. GERE: That’s what he said his name was?

JUDGE GREEN: Yes.

MS. GERE: This was how he was going to check his book out.

JUDGE GREEN: Yes, Galsworthy Green. And I thought this was not amusing at all. I grabbed his cap, because they all had to have their names stenciled in them. I saw that his

name was actually Green, certainly not Galsworthy Green, but J.C. He liked to give me a fit, and Kitty thought he was cute. She thought it was funny.

MS. GERE: So did he come and visit the shop on a regular basis?

JUDGE GREEN: Oh yes.

MS. GERE: Sounds like it.

JUDGE GREEN: In fact, he would—right before Christmas, he came in the shop with an armful of the worst wine I’ve ever tasted. Bottles that he’d gotten from the Academy bootlegger, because you couldn’t buy it legitimately.

MS. GERE: Because of Prohibition.

JUDGE GREEN: Yes. The bottles usually were leaking and it was ruining his uniform shirt, with red wine down his neck and so on. He wanted to just have a nice Christmas for us. We’d say, “Why aren’t you on leave? Why aren’t you back home with your mother?”

MS. GERE: He lived in Washington, right?

JUDGE GREEN: In Washington, yes. He said, “Well, I’m on the ship at this point, the prison ship Marina Mercedes.”

MS. GERE: On the prison ship?

JUDGE GREEN: Yes, the Marina Mercedes. That was the one that was taken from the Spanish-American War. They had midshipmen put on there when they had some demerits or infractions. What he’d done was, he had failed to be in there ushering the officer’s movies at Christmas Eve. We had said, “What are you doing out if you’re supposed to be on?” He said, “Well, I’m supposed to be ushering the movies.” I said, “You are going to be in really great trouble.” And he said, “No way, nobody would be so unkind on Christmas Eve.” So after

Christmas Eve, after Christmas when we came back, in the mail was a letter addressed—he didn’t even know who we were, what our names were—“Proprietresses of the Little Different Shop.” In the envelope was an order, ordering him to the Marina for his infractions for not having been there.

MS. GERE: For not having been at the movie?

JUDGE GREEN: For not having been there, and he wrote on the thing “prophets par excellence.” Meanwhile, I was seeing the people that I liked. But “St. Johnny” was always thawing our water pipes that were always frozen.

MS. GERE: This is in the shop?

JUDGE GREEN: Yes. He was doing that sort of thing, and various and sundry other midshipmen were coming in, and to have a date with me you just had to stay there, that was all, because I was not going to leave. Want to see me? Stick around.

MS. GERE: Come to the shop.

JUDGE GREEN: I indicated some annoyance at dinner from time to time with this midshipman who was in there, always in trouble. And I thought it was so stupid, because, as I say, it was juvenile and I wasn’t very juvenile at that point. I felt like the weight of the world was mine.

MS. GERE: On your shoulders. So this was at home, at night, you would express your displeasure?

JUDGE GREEN: Yes. Unfortunately, this was something that they all remembered when the time came and we were going together. He would call here and ask Kitty—wouldn’t she talk me into going. He didn’t even like to dance, but he’d take me to the hop

if I'd go to it. I said, "You're not going to take me to the hop. I'm going with somebody else, anyway." He was on midshipmen's cruise, in the summertime.

MS. GERE: What's that?

JUDGE GREEN: Midshipmen usually are taken to Europe someplace. They are on a big battleship; they usually have several that take them. First class, and second class usually stays at—of course I don't know what they do now—but this was at that time. The plebes have gotten to be youngsters at this time and there aren't any plebes now because there are just new ones coming into the Academy—plebe summer. But, there are two sets of classes on the cruise.

When John came back from the cruise, he walked into the Little Different Shop, and everything was in boxes. We were engaged in closing up. I had written to everybody, all of the people that we owed, businesses that we owed. I said that if goods were useable and hadn't been shopworn, we would send them back to them and they could dispose of them for whatever they could get for them, for our credit, I'd appreciate it. I said that I would see that they were paid, no matter how long it took, but I would keep them informed. Every time I would get a paycheck I actually would put some little bit on each one of the ones that I'd owed, so that they would know that I was sincere about it. I got it all paid, and I finally have—I don't think I've run across these but they are in this house someplace—the letters from the people saying that it was a most unusual thing, since I didn't go into bankruptcy. I didn't do that. I did pay them all, was told I would be welcome to their business anytime. That meant a lot to me.

But anyway, John came in and was horrified at seeing this, and he said, "What's happened?" I said, "We went broke." He said, "I never even realized that you were serious about it. It's terrible." He was so sad. As I say he would call up periodically—what was I doing

and all these things. It was his first class year. I said, “Well you know, you’re too juvenile for me.”

MS. GERE: You actually said that, or something to that effect?

JUDGE GREEN: Oh yes, something to that effect. Because, although he was four years older than I, he was acting like a child and I was not acting like a child at that point. I’ve often felt that I was older than I’ve ever felt since, really. Anyway, he called me up one time and he said, “I want to tell you, since I have turned over a new leaf, I’m making my leave. It is my first-class leave, the first one I’ve ever made in these years, over Washington’s birthday. I’m going to go see my mother, and I’m asking you if you will go with me. There is an Army-Navy dance, and I thought you might enjoy that. That’s at the Fairfax, the former Ritz-Carlton.”

MS. GERE: Oh, in Washington.

JUDGE GREEN: It wasn’t the Ritz-Carlton then. He said, “Do you have some place where you can stay?” I said, “Well, as a matter of fact—” He said, “I have tickets for the theater, too, and I thought you might enjoy it, before we go to the dance.” I said, “That sounds like it would be very nice.” Furthermore, I really wanted to reward him, in effect, for finally having sense enough to stay out of trouble and making a leave. So, I asked one of mother’s friends if I could stay with her, and she said, “absolutely.” Then I thought I was making a terrible mistake. I decided I was probably going to be fighting him off all evening. He was such a character. I thought maybe I really would like to get out of it. But anyway, Kitty drove me down to the train, which was the Washington, Baltimore and Annapolis. I went to Washington and went to Mrs. Hempstone’s.

MS. GERE: Mrs. Hempstone was your mother’s friend?

JUDGE GREEN: My mother's friend. John picked me up.

MS. GERE: Where did she live?

JUDGE GREEN: She lived on California Street.

MS. GERE: I take it you hadn't gotten out of going with him. You hadn't figured out a plan.

JUDGE GREEN: No, I was still going with him. But I was apprehensive. Well, the first place he took me was to the Madrillon, which turned out to be the restaurant in the Washington Building which I frequented later when I had my office there. We went first of all to the Madrillon, and he couldn't have been more solicitous, more adult, very pleasant. Then we went to the show. Afterwards he said—

MS. GERE: Do you remember what the show was? Was it at the National Theater, or where would it have been?

JUDGE GREEN: I believe it was the Belasco Theater, which was on—the National we did go to plenty of times—but this one I think was the first one. The Belasco Theater was on Lafayette Square. And afterwards it was well known—when it was not having theater things—for the Theater Guild, which came in during the war efforts, for the entertainment of people in the service. They took over the Belasco for that purpose. Anyway, we had a pleasant—we saw June Walker, as I recall. I don't remember exactly the name of the show. It may even be in another box with all of the papers—

MS. GERE: Who is that—June Walker?

JUDGE GREEN: June Walker was the lead. Then John said, “Well I think that there is a pretty nice spot.” Oh, I know. We were then going to the Army-Navy deal. When we

got there it was closed-up, because there had been such obstreperous behavior by both the cadets and the midshipmen. They had thrown furniture—

MS. GERE: They closed it down?

JUDGE GREEN: —thrown furniture out the window and all sorts of things. Any other time, John would have been—

MS. GERE: Part of that.

JUDGE GREEN: He would have been in lots of trouble. We were so happy that we hadn't gone there. John said let's go somewhere else, I think it was some kind of "Square Gardens." It was a roadhouse-type, where they had floor shows and dancing and so on, out on the Marlboro Pike. We went there and we had a great time. Afterwards, it was very late, he took me back to where I was staying with Mrs. Hempstone. In fact just before we got there, he must have been a little tipsy, because he ran up on the curb and blew out his tires.

MS. GERE: Oh no.

JUDGE GREEN: On his mother's car. He had to leave it there all night, until the morning, so he could get it fixed. Well, actually, I thought I had had a lovely time and it had been such a surprise to me about how nicely he had behaved. We just had fun. He wanted to know whether I would be willing to see him, say, next weekend. So I remember that he took me to tea, at Weigard's in Annapolis, which was a little tea room; mainly a little cake shop and that sort of thing, that was all. It was very tame. He thought that he was going to do this up right. I then went with him to everything until he was graduated. He had just two more demerits to make and he would have been thrown out. But he didn't.

MS. GERE: Under your good influence.

JUDGE GREEN: That's what I'd like to say! We had a great time. Then he had to start looking for a job because he wasn't commissioned, and his eyes had gotten bad. Of course, "bad" means that he had to wear glasses. Most every midshipman is wearing glasses nowadays. In those days they were getting rid of and cutting down the Navy as much as possible, not realizing that they were going to be in the war, and need them. (End of Tape 2) (Tape 3, Side 1)

September 7, 1997

MS. GERE: Today is September 7, 1997. It is approximately one o'clock in the afternoon. Good afternoon, Judge Green.

JUDGE GREEN: Good afternoon, Sally.

MS. GERE: I want to begin the interview this afternoon, or to resume the interview just about where we left off with the last tape a few weeks ago. You were just beginning to discuss your impending marriage to Mr. Green. I think it's particularly appropriate that we talk about it today, since you and Mr. Green have just celebrated another wedding anniversary.

JUDGE GREEN: Sixty-first.

MS. GERE: Excellent. On September 5, correct?

JUDGE GREEN: Right.

MS. GERE: Good. Well, having set the stage for that, tell us a little bit about your wedding.

JUDGE GREEN: Well, we were married in the Naval Academy Chapel. That is the church that I always attended, when I was growing up.

MS. GERE: Did you attend with your parents and your sisters?

JUDGE GREEN: No, with my sister, with my one sister. Always. We were planning to have the reception at the house, here, and we did. We decided that we'd have it at dinner time so that we could have a nice dinner with people afterwards.

MS. GERE: Now, who was going to fix the meal? Was your aunt going to be involved in that?

JUDGE GREEN: She catered the whole thing, and brought her help and so on. It was very, very nice. There were about 250 people. The chapel was full, actually, of the local people and ones who had been in the Little Different shop, knew about us, and they were anxious to attend. They were not all included in the reception, but it was a lovely wedding in the Chapel. In fact, my mother had had white gladiolus tied at the end of each pew. It really looked very festive, and of course she'd arranged to have the flowers that were on the altar very attractively done. I had a number of bridesmaids. My sister, Dot, was the matron of honor, and my sister, Kitty, was the maid of honor. We had Dot's daughter, who was a little old for a flower girl, and so we called her a junior bridesmaid. We had others too. The bridesmaids wore white knit dresses with American Beauty appliques on them, all around the skirt. They also had hats on. In those days, that was a big deal. They wore white with red trimming, and they carried American Beauty roses.

MS. GERE: Oh, it must have been lovely.

JUDGE GREEN: My bouquet was white gardenias and lilies of the valley. When John was asking about it, I wanted to have, instead of having one toss on the way out, I wanted to have it break up so that I would be able to give it to a lot of people. It worked very nicely for about three gardenias and some lilies of the valley. I was able to give those to people who were not already wearing things. My mother-in-law already had hers, and my mother already had a very attractive ring, but the minister's wife, for instance, and a number of people who were close did not. I thought, instead of throwing it, they would have flowers too. We were supposed to be there at five o'clock to start the wedding. I was all ready. One of our neighbors, Dr. Hutchinson and his wife had had all the family for luncheon before, and had poured out quite a bit of their

very ancient wine that was lovely, for everybody. Except that I was the only one not drinking.

MS. GERE: Oh, dear.

JUDGE GREEN: I said I was not going to be a drunken bride.

MS. GERE: Probably a good way to start.

JUDGE GREEN: I remember that it was a very nice luncheon, but it lasted a long time. I was quite concerned, because although John had attended the luncheon, everybody had said he was not supposed to, he wasn't supposed to see the bride before. Bad luck or something. I said, well, I thought it would be bad luck if he didn't come. So we—he and his mother—were staying in Carvel Hall, which was still a hotel at that point.

MS. GERE: So is that on the Naval Academy grounds?

JUDGE GREEN: No, it's just across from it. And it is the Paca House now. It was always Paca House, but it was made into a hotel, Carvel Hall. John went down there with his mother and got ready for the wedding. The last thing he said was, "Don't be late, because I'm not going to be stood up!" I said, "Oh, of course I'm not going to be late." Well, I got myself ready and mother said, "You'd better go speak to your father, because he won't put his clothes on. He's just sitting there crying."

MS. GERE: What did your family think of Mr. Green? Or was this not a reflection on him, but on the loss of your father's daughter, perhaps?

JUDGE GREEN: I think that it was the latter. My father said, when I said to him, "Dad, you know, hurry up because we have to be there, and I don't want to be late." He said, "You don't have to do this, you know. I will take care of these guests, and just—just—there's no reason to go through with this." I said, "We love each other."

MS. GERE: We want to do this.

JUDGE GREEN: He said, “You sure?” So, finally, he managed, but really looking like he was at a funeral or something. By the time we got there, it was about twenty minutes past five.

MS. GERE: People were already in the church.

JUDGE GREEN: They said the organist had repeated his collection of music for quite a while. Several people who were quite close to me said, “Thought you’d changed your mind!” They had—my grandmother was quite infirm at the time. It had been discussed about whether or not she would be brought to the wedding.

MS. GERE: Was this your maternal grandmother?

JUDGE GREEN: Yes, my maternal grandmother, who lived with us. I had said, in front of a bunch of people, “If she isn’t there I’m not going to be there, either. Of course I want to have her. Somebody can just be responsible for seeing that she gets there.” I had worked it out with a cousin who was going to take my mother down. So she was there. One of my ushers, when they were worrying about what had happened to me, said, “Call June and tell her her mother’s already here. She can come, now.”

So anyway, I walked down the aisle with my father. I was talking a blue streak to him, because I wanted him to—I said, “You are such a handsome man, I really want everybody to know that. I want you to hold yourself as you customarily do, because I am so proud to have them see you.” I was talking, whatever came into my head—

MS. GERE: Just to keep him moving forward.

JUDGE GREEN: He did pull himself together. He did decide that this was what I

really wanted. Chaplain Thomas, who was a wonderful chaplain, a very understanding man—he said that he’d been with John waiting. John had had my brother in law, Delano Fitzgerald, as his best man. They were wondering what in the heaven had happened. Maybe I had changed my mind or something. The chaplain said to John, “I want to tell you, we haven’t lost a bride yet.” Then he said to me, when we had gotten up to the Benediction and so on, he said, “That wasn’t so bad, was it?” Afterwards at the reception, he said, “I just want to tell you that I told a little white lie. We did lose a bride at one time, but I didn’t think John could appreciate it.”

MS. GERE: He didn’t think that was the time to tell him that. No, I guess not.

JUDGE GREEN: So, anyway, after we went on a short honeymoon—

MS. GERE: Where did you go on your honeymoon?

JUDGE GREEN: We were planning to go to Virginia Beach, which I had liked very well, and I thought that was the thing. We were pretty self-centered at that point. It didn’t dawn on us that it was Labor Day weekend, and that we didn’t have a reservation. We decided we were going to stop in Richmond on the way down to Norfolk and Virginia Beach. We would call then for accommodations. They said that they were totally stacked up, couldn’t take us, bride and groom or not. So we didn’t know what to do. We decided that we had better stay another day in Richmond or something, which we did. We always liked Richmond, thought it was very nice. On many dates we started driving down toward Richmond. We decided, well, this time we could go.

MS. GERE: Get all the way there.

JUDGE GREEN: We got all the way there. We decided maybe we’d go to New York. That’s what we’d do.

MS. GERE: From Richmond? You're already in Richmond when you decide maybe we'll go to New York?

JUDGE GREEN: Well, we didn't know what else to do. So we decided we would drive back to Baltimore and go to the station and take the train. Or maybe we could drive up there and take, you know, little stops someplace. Well, unfortunately we were driving up Charles Street, and John had on his brand new shoes. A car stopped fairly rapidly in front of us and his shoes, his foot slipped off the break, and we—

MS. GERE: Rear-ended the person in front of you.

JUDGE GREEN: We got out of the car. The driver cried, and we thought, my God, we killed her or something. She said, no, no, she wasn't injured at all. It was their brand-new car that had just been delivered. Her husband told her not to take it. Ours was a car we borrowed from my aunt.

MS. GERE: Oh, your car.

JUDGE GREEN: Yes, because we didn't have one.

MS. GERE: How much damage was done to both of the cars? A significant amount?

JUDGE GREEN: Yes. So we had to leave—we wrote and were surprised that the insurance company paid. I heard afterwards that this is not the sort of thing that you do—admit entire responsibility. But indeed that was the only thing we could do. We gave her a note—to take to her husband, in particular. Also to the insurance company, that it was entirely our fault and we were so sorry. We apologized so much for the inconvenience and the rest of it. Then we had to go find a garage to put my aunt's car in to be repaired. Well, we decided maybe we'd

better curtail our—

MS. GERE: Your trip.

JUDGE GREEN: So we went to New York for about five days. We came back pretty fast, because we decided we'd better. We stopped here, at home, and nobody expected us, because they still had all kind of relatives from out of town visiting here. Nobody was very happy to see us.

MS. GERE: Two more people to take up more space and beds.

JUDGE GREEN: So we went to Washington and went to a hotel. It was not the Annapolis Hotel, but it was the one that was across the street from it, at 14th and the Park there. That was when I started to look for an apartment, because we hadn't—

MS. GERE: You hadn't done that, either?

JUDGE GREEN: I hadn't the time to do it. I was working all the time, you see, until we were married.

MS. GERE: That same fall, Mr. Green was going to begin law school?

JUDGE GREEN: Yes, he began Georgetown Law School at night.

MS. GERE: Oh, at night.

JUDGE GREEN: Yes, his job was as a Patent Examiner, in the Patent Office. He'd only had the job a little while. They told him that he had to be a lawyer.

MS. GERE: Oh, to continue on in the position.

JUDGE GREEN: Yes. So he started right in.

MS. GERE: Now, how did he decide on Georgetown?

JUDGE GREEN: Well, he was a good Catholic boy.

MS. GERE: A good reason right there.

JUDGE GREEN: I think that it never occurred to him to consider any other place.

And so—

MS. GERE: So he was working and he started school, and then you immediately went out and looked for an apartment for you to live in.

JUDGE GREEN: Oh, yes. Because we also couldn't afford to stay in the hotel very long.

MS. GERE: Right. That would get a little costly after a while.

JUDGE GREEN: So I looked at lots and lots of apartments, and I was very much interested in the building that you're in.

MS. GERE: Oh my goodness. In the Woodley Park Towers. Right off Connecticut Avenue.

JUDGE GREEN: Right. We couldn't afford that. So right across the street, across the Park—

MS. GERE: Right across the bridge, there.

JUDGE GREEN: —was 3220 Connecticut, that looked over the—

MS. GERE: Right. That overlooks Rock Creek Park, that tributary, there.

JUDGE GREEN: Well, that was one that we could afford. So we took this one-bedroom apartment. It had a reasonably nice-sized living room, no dining room, but I made the foyer a dining room. Of course, if somebody wanted to come in, it was hard, because the table took up the whole thing.

MS. GERE: So now, let's see, that's basically at the corner of Connecticut and

Macomb. Was your apartment on the Park side?

JUDGE GREEN: It was on the Park side, and it was on the top of the building.

MS. GERE: Oh, nice.

JUDGE GREEN: It had a lovely view. We had lots of black squirrels in the trees. They were right outside of the windows all the time. We were very happy to have that apartment. In fact, we stayed in it 11 years, which was quite a bit longer than we really wanted to.

MS. GERE: My goodness. So you would have moved in there in the fall of 1936.

JUDGE GREEN: We were there for 11 years, and for the last 3, we were trying to find a house that we wanted. First of all, we used to spend every weekend here—

MS. GERE: Back here at Annapolis.

JUDGE GREEN: Yes. And that was the only way we could stand it. We were always here. But for the five days, we were—

MS. GERE: City-dwellers.

JUDGE GREEN: Right. And John was gone from quite early in the morning for his job. And then he of course went straight on to law school afterwards, and came home. That started the habit of a lifetime—our eating dinner very late.

MS. GERE: I can identify with that. So what did you do initially when you first moved to Washington and Mr. Green started law school?

JUDGE GREEN: I started—well, first of all I tried to arrange the apartment and that sort of thing. I tried to get a job. I had been so well recommended by Mrs. Lewis that she said I ought to be able to get a social secretary's job, to be a lady with one of the embassies or something. She said I should run an ad indicating social secretary offers. Well, it created a

wrong impression. I didn't go with any of those potential offers. Then I went to an employment agency. I don't recall whether the first job that they got me—I think it was with the *Post*. It was as a secretary for their Advertising Manager. I was working there very hard, and they had told me that the Advertising Manager preferred a single person, and that I'd better not wear my wedding ring.

MS. GERE: Here you were, just newly married.

JUDGE GREEN: Oh, yes, I thought that was terrible. But I decided I was at least going to wear my engagement ring. I just kept quiet. It didn't come up, actually, whether I was single or otherwise. I just gave him my name.

MS. GERE: How long did you work for him?

JUDGE GREEN: Not very long. Because, as it turned out, he really didn't give me any work. He didn't come in until lunch time, and then he went—perhaps they were business luncheons—but he was gone a very long time, and then he would come in about three o'clock from lunch, or later, and dictate a whole mess of things, and then say, I want them all out tonight. Then he would bid me goodbye.

MS. GERE: My goodness. He didn't suggest that you could start work, say, four hours later in the day.

JUDGE GREEN: No, no. I was there at eight o'clock. So John would be waiting to meet me. We would be going to get a bite to eat somewhere.

MS. GERE: So he'd already worked all day, been to law school, and there you were, still working. And then you'd meet him for dinner? Oh, my goodness.

JUDGE GREEN: He said, "You know, there's something really wrong with this,

and I think this is absurd.” It also turned out that he—my boss—decided that I would be able to set up all of the advertising for them.

MS. GERE: For the paper?

JUDGE GREEN: All of the outside, the ones that would be—not the local classifieds, but these were the regular ones that were the shops and all that sort of thing. Local places. That took at least a full day’s work, to get that in. Of course, we were on a deadline. I felt when somebody told me that they had to have the thing out that night, that they had to have the thing out that night. He would ask me to sign his name and send it out. That’s what I did.

MS. GERE: I hesitate to ask. I’m sure you were not making a salary anywhere near commensurate with his.

JUDGE GREEN: You’re so right. I was very unhappy because it was making my husband unhappy. I didn’t know what else to do. John said, “I’ll tell you what to do—resign.” I decided the next day that I would see my boss when he came in and tell him that, one, I was married, and that my husband was not really appreciating this job that I had. He said, “Well, I’d have to break in somebody.”

MS. GERE: To replace you?

JUDGE GREEN: Yes. I agreed to do that. So the young woman he employed, I said, well, because he was still doing the same things, I showed her how to set up the ads, and I told her that these things had to be out by the deadline. She said, “You must be crazy.” Which I guess I had been. She said, “It’s enough for two people.” He agreed, and he hired another person to do the setting up.

MS. GERE: You’re kidding. So you resign, and he hires two people to replace

you.

JUDGE GREEN: I said to her, the time came, and she got herself ready to go, five o'clock. I said, "But you've got all these things to do. You've got to do these things." She said, "Watch me." She put them, the whole pile of stuff, under the blotter. And she walked out. She said, "You are the biggest sucker I ever saw in my life." I came to the conclusion she was so right. And so the next time I decided that I, on my own, would check out a place. As a matter of fact, as it turned out, it was a national target company which was a part of the—the national target company was tied in with the—this is going to take me a little while, so at my next job, I was secretary for the vice president of the National Target Association. It was a very small office. It was on 26th Street, just at the edge of Georgetown. It was a rather poor neighborhood. My boss was very nice, very understanding. It was all kept in proper line.

MS. GERE: Now, how did you get—did you find that job through the employment agency as well?

JUDGE GREEN: I don't think so. I think this was one that I answered an ad for.

MS. GERE: Word of mouth.

JUDGE GREEN: Maybe checked in the paper, but I don't remember. I was doing tape recorders. They weren't tape recorders. It was these dictation tapes, that's what I was doing. He was very pleased. However, there was another secretary in the place who was not pleased with me at all. She really didn't have anything to do with me, but she was the office—the self-designated—office manager, I think. She didn't like me. She thought I was competition with her, or something. I had simply said to him, to my boss, "You haven't any kind of decent towels in the ladies' room. I'm sure you don't want us to have a roller towel (which was the only thing

in there). Paper would be alright, as far as I'm concerned. I do think that we need something like that. Unless you want me to bring my own." So he gave the "office manager" hell, because she had never bothered to see to this. I got the flu. My boss and I were quite happy with the job I was doing, then I got the flu. I finally got a letter saying they were very sorry, but they—I think I was out for several weeks, really, really ill. They said they were so sorry, but they couldn't hold the job for me.

MS. GERE: Oh, goodness.

JUDGE GREEN: I wrote to him and I said I understood, but I wondered whether they would give me some information. That was, I wanted to, if I had failed in any respect on the job, I wanted to be able to correct it. I wondered whether he could tell me in what respect I was—what my shortcomings were. I would appreciate it very much. He wrote back and said—and I said, "Was it because I was sick?" He wrote back and said, "You were a delight. I was delighted with your work. It was only because you were sick." Nowadays, could you imagine getting a letter like that?

MS. GERE: No!

JUDGE GREEN: Well, I figured that—

MS. GERE: That the office manager—

JUDGE GREEN: —the office manager had seen fit to put in a word there.

MS. GERE: Probably several words.

JUDGE GREEN: After that, I was unemployed for a while. I didn't dash into anything at this point. I remember that I spent a good deal of time at the Zoo.

MS. GERE: Oh, sure. Right down the street.

JUDGE GREEN: I would always talk to anybody who was available. I remember that I was talking to a lawyer who, as it turned out, I found out afterwards, specialized in divorces. I told John about the conversation that I had with him, and John said, “Why don’t you go to law school?”

MS. GERE: Oh, my goodness. That was the start of—

JUDGE GREEN: I think so.

MS. GERE: Oh my gosh.

JUDGE GREEN: Well, John actually had not been doing much reading at night time, because he would get home so tired from the whole day and so on, that he was not studying very much. But when he was starting with exams, he was very upset, and told me he was trying— he had all these books of questions that he was studying. I was trying to ask him the questions to help him, in my feeble fashion. Somehow I started arguing about the cases.

MS. GERE: That’s the beginning of your legal career—before you’d even gone to law school.

JUDGE GREEN: John said, “You’re more interested in this stuff than I am. Why don’t you go to law school?” He had to go, of course.

MS. GERE: So, at what point was that? Had he already been in law school for a year, or had he been there longer?

JUDGE GREEN: He’d been there longer, because he was graduated in the class of 1940, and it was four years. I was going in the day class. It was three years at the Washington College of Law. I graduated in '41. John had, at the point he was graduating, he looked at all of the things that people were suggesting that he might try, to get some of these school prizes. So

he looked at them. He didn't want the prizes that were not cash, since we were still in—

MS. GERE: Still in need—

JUDGE GREEN: It was still in the bottom of the Depression. So he found ASCAP had a hundred-dollar prize, and that, at that time, was like a thousand-dollar prize. He decided that he was going to write this copyright paper. I was in law school at that point, you see, I was able to at least check out from the library the different things that he wanted. I contributed a little bit of assistance and I typed the paper for him. It turned out that they told him at Georgetown that it was down to two people who were neck and neck on that award. The other one happened to be an Army officer who had graduated from West Point.

MS. GERE: Oh no, I can see the rivalry. West Point versus the Naval Academy.

JUDGE GREEN: Well, he also was being sent by the Army to law school, I mean the fellow. John was, of course, paying his own—

MS. GERE: Going on his own—

JUDGE GREEN: His mother was paying his way in the situation. But he didn't have a secretary who he could call on to do his work, to type and so on. The other fellow, that was what he was doing full-time. We thought that this was going to be rough. I remember when they said they would know who was chosen during a weekend when we were coming over here. I remember we didn't want anybody to know that he'd tried for this. We walked to Arnold to call up there, instead of here, in the house. We went to a phone booth. That was the closest phone booth we had. We called, and John found that he had been the one who was successful.

MS. GERE: Oh, my.

JUDGE GREEN: He got it. We were so tickled that we came back here, and told

the family. Of course, this was great. John was going to be presented with it. John said, “Garfinkel’s [a Washington, D.C. clothing store] got it.”

MS. GERE: Well, that was a very good investment, I would think.

JUDGE GREEN: I remember, since I hadn’t had anything from that point except necessities. He insisted upon picking it out, and it was a very nice outfit.

MS. GERE: Well, small recompense for having to type the paper, I think, as well.

JUDGE GREEN: My father was so pleased about it that he decided to match it for John.

MS. GERE: Oh, how nice.

JUDGE GREEN: By this time he was thinking that he wasn’t such a ne’er-do-well.

MS. GERE: Judge, now, how did you decide— If Mr. Green went to Georgetown to law school, why didn’t you just go there with him?

JUDGE GREEN: Well, first of all, they wouldn’t have me, I’m sure. Because I had never been to college, and in addition they didn’t accept any women.

MS. GERE: You weren’t a good Catholic boy. Probably a slight drawback at Georgetown in those days.

JUDGE GREEN: They didn’t have any women there. They didn’t have any blacks there. They didn’t have a lot of things.

MS. GERE: But, they had a lot of good Catholic boys.

JUDGE GREEN: Well, yes, they did.

MS. GERE: Well, what other law schools were in Washington at that time?

JUDGE GREEN: There was the forerunner of GW, which was—

MS. GERE: I'm sure I should know, since that's where I went to law school, but I don't. I don't know what it is.

JUDGE GREEN: The Washington College of Law was the one that I went to, as you know. It was started by women for women, but they weren't discriminating against anybody.

MS. GERE: Oh, is that right? It was started by women? I didn't realize that.

JUDGE GREEN: Yes. It was started by two women. One of whom read law in her husband's office, and the other went to Howard University, which didn't discriminate. They thought there was a need to have a law school that wouldn't have to be so discriminatory. They didn't require you have a pre-legal degree. I might say, however, that the class of '41, where I was, that was the last one that they accepted without—

MS. GERE: Without a formal undergraduate degree.

JUDGE GREEN: Right. That was another reason, when John found that out, that he thought that I really would be missing the boat if I didn't try. I said, "It sounds like a life sentence to me." I didn't know it was.

MS. GERE: Right, as it turned out to be. Well, so now how large was your class when you started?

JUDGE GREEN: The class actually turned out to be about 165 when we were graduating. There were 8-12 people in my class in the daytime. There would be a few people who were just taking one course or other. But it was individual attention, just about.

MS. GERE: Were most of the people in your class, though, women?

JUDGE GREEN: No.

MS. GERE: No? Even though they admitted women, there still weren't many of them there.

JUDGE GREEN: That's right. We all were very friendly with each other.

MS. GERE: Where was the school located?

JUDGE GREEN: 20th Street. It was an old white building, and the library was on the top floor and it did not have nearly as many books as it should have had, but they accredited it, because the school had been working on getting the books. American University took it over just about that time, when I got out.

MS. GERE: Oh, just about when you graduated?

JUDGE GREEN: Yes. My degree actually shows American University.

MS. GERE: Oh, so it really was just right then. How did you and Mr. Green get around Washington, when you were both in school and he was working?

JUDGE GREEN: We didn't have a car until two or three years after we were married. We would step on the bus right at the front door. There was a bus stop.

MS. GERE: There still is one there, actually.

JUDGE GREEN: We would make out alright with that. When I eventually went with Lumbermens after law school, we at that time were required to save the gas and so on, and so we had to ride with a whole group of other people. That was a real pain, because we had one fellow who wanted to be brilliant every morning. I decided that if I ever didn't have to do that again—. Well, I finally got a company car on my own.

MS. GERE: Going back to law school.

JUDGE GREEN: I had a car about that time.

MS. GERE: Did you like law school? Once you actually got there and weren't—

JUDGE GREEN: I loved it. I was so pleased with it, that it never occurred to me to drop out after that first year.

MS. GERE: What did your family think about, with you changing gears very quickly, what did your family think about that?

JUDGE GREEN: My father was delighted. My sister Kitty thought I was nuts.

MS. GERE: Fairly predictable reactions, probably, on both parts.

JUDGE GREEN: My father was very much interested. He would have all kinds of questions, when I came home every weekend. What I was learning, and so on. I had some very, very good professors, who were not tenured professors. They were people who were practicing law.

MS. GERE: Oh, so a very practically-oriented—

JUDGE GREEN: Like Paul Sedgewick who was a very good, experienced lawyer. I was delighted with his stories about his cases.

MS. GERE: What did he teach? What course, or what subject matter?

JUDGE GREEN: Torts, I'm sure. There was only one real, well, there were two over the period of time, who were pains. One who was—all the women warned me about this one—was the professor who was teaching Constitutional Law. If you had a question, don't go to his chambers, because he was really very, very rough. Aggressive. Trying to appall the gals. It got to be a joke, really. If I had some question or other after class, I'd start right there, and he'd say, "Come on up." I'd say, "No, I'm sure my husband's picking me up. Sorry, I'll ask again, maybe tomorrow, hmm?" I never, ever got trapped into that one. The other one was worse, in a

different way. He was incensed that he had women in his class.

MS. GERE: Taking up space?

JUDGE GREEN: Yes. Although there was plenty of space in our class. He was a former Naval officer, in fact. He spent much of his time on naval battles that had nothing to do with the case.

MS. GERE: With the law.

JUDGE GREEN: Right. He had a wonderful knack of looking through me, over me, not ever seeing me. It really was quite an interesting experience, to think that you were non-existent. At least he hoped so. It made me think all the time, "I'm going to be here. I don't know whether you are or not." He wasn't one of the ones who was tenured, I can tell you. He went pretty early on. Not soon enough, I might say. But at least I had the experience of being in the situation. I understand from some of my black friends that that is the same sort of thing that they have had many, many times. Have had. I hope it's have had. I hope it is not present, but I think it probably is present.

MS. GERE: Aside from those two exceptions, you thought you had some very good professors, and you really enjoyed it.

JUDGE GREEN: I had a bankruptcy course that, the man, he was just inept. He didn't have anything to add to the bankruptcy code. He just read it every time he came before us.

MS. GERE: Well! That would be pretty boring.

JUDGE GREEN: But the others, and Dr. Mooers, who was a stand-by, taught many, many classes. His son is still in practice. Edwin Mooers, Jr.

MS. GERE: Does he have a son? There's somebody in practice here, a young

fellow, with that same last name. It could be a relative.

JUDGE GREEN: Edwin A. Mooers, Jr. is the one that I know.

MS. GERE: Judge, while you were in law school, were you able, did you have time, or an ability to, develop some friendships with other women who were in school with you?

JUDGE GREEN: Not really. One person who was a professor, was not my professor. I didn't happen to have her at the time, when I had Trusts and Estates. That was Helen Arthur. We had quite a bit in common. She became the Dean after I got out of school. We had a friendship that lasted quite a while. The only other people were in the sorority that I joined. The legal sorority. Kappa Beta Phi.

MS. GERE: This was a sorority that was just in law schools, is that right?

JUDGE GREEN: It was in law schools, and it was at that time it was, you were required to have a certain grade to be eligible for it. They abandoned that afterwards, some years later, but they required an A/B average.

MS. GERE: This was a national sorority, correct?

JUDGE GREEN: Actually, international. It had members in Canada as well, and I found that a very interesting group of people. The women there were quite interesting. I remember Queen's Counsel in Toronto had a nice party that many of us went to, when we had the annual meeting up there. Other times, I remember we went to White Sulphur Springs.

MS. GERE: So this is an organization that you were involved in even after you graduated from law school?

JUDGE GREEN: I was. For quite a while. The women did not join in sufficient numbers so they finally decided rather than take men in, they were just going to—

MS. GERE: To disband.

JUDGE GREEN: That was where I first met Burnita Shelton Matthews. She was a Kap Phi as well. I sat beside her many times at luncheons and dinners and so on.

MS. GERE: Was that before she was on the Bench?

JUDGE GREEN: Yes. I remember, indeed, when she was first on the Bench. President Truman appointed her. I think that she was actually nominated before she got it. The Senate did not have the hearings in time so that she had a choice of either taking an interim appointment or—this happened I think to three candidates who were up for the Bench at that time, vacancies. And I'm not sure, but I think that Judge Matthews was one that did not take the interim appointment. I think that she decided that she was going to wait. She had been in practice and she was doing quite a bit of real estate work, real estate law. She was one of the original women who got the vote for us. She was one of the founders of the Women's National Party, and she was very active in it, and had always been very much interested in it. She was very disappointed in me for not joining it. But I felt at that point that I was trying to get out of organizations, spending a little more time with my husband instead of having all of these meetings at night and so on, especially after we moved to the country.

MS. GERE: Well, now, Judge Matthews was—

JUDGE GREEN: She was the very first United States District Court judge who was female in the United States.

MS. GERE: Oh, in the whole United States. I thought it was just in the District of Columbia.

JUDGE GREEN: No, in the United States. I was her successor. But I was not the

second woman, because there were others who had been appointed in the interim.

MS. GERE: But not very many, right?

JUDGE GREEN: There were three others. I thought there were only two others, but as a matter of fact Judge Matthews ???

MS. GERE: Judge Green, we've talked about your days at the Washington College of Law, and talked about your professors and some of the friends that you made. Tell me, did you graduate?

JUDGE GREEN: Oh, yes! I graduated in 1941, as expected.

MS. GERE: Good. And then, by that time, Mr. Green had graduated from law school as well?

JUDGE GREEN: He graduated the year before, from Georgetown, as expected as well.

MS. GERE: As expected also. Did you decide together, then, to stay in Washington?

JUDGE GREEN: Yes, indeed. John, by this time, had decided that he was not interested in staying in the Patent Office.

MS. GERE: After going all the way through law school, then he decided he didn't really care for the Patent Office?

JUDGE GREEN: Right. He thought it was very dull stuff and he, at that precise moment when he was really feeling that way, he had the opportunity to join the National Inventors' Council, which was just being formed. They were working on inventions for the War effort. He was a Naval Academy graduate with his degree in Science and Engineering, and was

also a lawyer. He had some experience in these things and was very much interested in this new concept of having the people who were citizens of the United States help the United States.

These were people who were the very tops in their corporate organizations—willing to be “dollar-a-year” men, to donate their services—no charge to the government, in effect—and put their efforts into getting other citizens in the United States able to invent items needed for the War effort.

This was quite an intriguing idea. There were some notable people on the Inventors’ Council, including Orville Wright and Dr. Kettering.

MS. GERE: Charles Kettering.

JUDGE GREEN: Who had invented the self-starter, and cash register, and a few other things. He was the powerhouse at General Motors. There was Mr. Zeder, who was vice president of Chrysler. These people were all making things for the War effort—on their own. They had the contracts. I believe that Chrysler was making tanks, I think for our government at that point. They had loads of ideas that the staff at the National Inventors’ Council would put out publicity. The needs for this and that. For example, if there were lots of ships being torpedoed, and they were just being used for lend lease. We were lending our shipping power to the British. We were not in the War at that point. Many people were finding themselves in lifeboats or something of the sort and couldn’t be seen. So one of the things that came of that was a very simple mirror for picking up sunlight or whatever the light there was, that they could flash.

MS. GERE: Oh, so someone could spot them and rescue them.

JUDGE GREEN: So that somebody would be able to see them and know where they were. That was just one of the simplest ideas. There were many. This was intriguing to John. He went all over the country with the Council. They would go to somebody’s

headquarters, to show what was being done for the war effort at that point. They would have their meetings with knowledgeable people. I remember that John was interviewed by Mrs. Roosevelt, Eleanor, on the radio. She kept asking him, “Well, Mr. Green, tell us a little more about the Investors’ Council.” And John would have to explain it was Inventors, not investors. We still have that recording, I believe. It’s on a phonograph record.

MS. GERE: He had gone from the Patent Office to the Inventors’ Council.

JUDGE GREEN: He became the Executive head of the staff of the Council. He traveled. We are loaded with photographs of all of these people. I knew all of them, because when they came to town they would include me at their private dinners. We were very friendly with them. Lawrence Langer, for instance, of the Theater Guild—founder—was also an international patent attorney. That was how he was on the Council. When they would have the try-outs for the new shows, we would always see them with him. He would always ask me, “Now, do you think Tellulah’s showing too many wrinkles? Should we have a little more pink light?” I’ve often thought about this and decided, I surely need some pink light in the courtroom.

MS. GERE: So now, these shows, then, would be here in Washington? Or would you go to New York and give your opinions of what was going on?

JUDGE GREEN: No, as a matter of fact, John often went when he was up there, because he was up there very often. Periodically, they would ask him what he thought, especially if it was one that they had just brought over from England. John would have seen it in England.

MS. GERE: He could’ve been a budding theater critic.

JUDGE GREEN: Well, it was so funny that sometimes they really wanted to know what his opinion was of all these things.

MS. GERE: Well, so Mr. Green, then, sounds like he was really enjoying his practice.

JUDGE GREEN: He had a lovely time. Then, of course, when we got in the war. I mean, all of this went on all during the war. It became more and more serious. After the war, he had the job of going to Europe, to Germany, to get their ideas and inventions. We were taking over. I guess the military ones were. The civilian ones, such as paints and all kinds of things, many things that came from DuPont would have new kinds of—well, different kinds of fibers. They were just starting with the synthetics. They were made for all kinds of purposes, from clothing to parachutes, and other things that had to hold up. John's idea was, and of course many of the heads, they thought the Marshall Plan was helping all the other people but not Germany at that moment. Before that, before the Marshall Plan, they were entitled to have some reparations. That was all they were going to get for the United States. There was the Publication Board that was under him, as well as a number of other things in Commerce—

MS. GERE: So this all fell under the Commerce Department, then.

JUDGE GREEN: Right. He had an interesting time of it. After that, they asked for his expertise in determining what should be stockpiled in the event of a nuclear disaster, and study what, where the government was going to move. This would be the people that were left—to have accountability of the government. It was never-never land. It was ridiculous, because they thought—for instance, they used to say that he should always keep a full tank of gasoline in the car so that if something happened, he could get out of town immediately. He would not be allowed to take his wife.

MS. GERE: He probably wasn't going to be leaving town then, I wouldn't think.

JUDGE GREEN: Well, and his car was parked just off 14th Street, in the Commerce area right there. It was very simple for him to get the car in and out. But, if you had a nuclear blast in Washington—

MS. GERE: Are you going to drive anywhere?

JUDGE GREEN: Not only that. Why is the car sitting there, still? I mean, in addition to which, what about the bridges that you have to get around? And since one little skimming of snow—

MS. GERE: Will put Washington upside down—

JUDGE GREEN: John felt this was a ridiculous situation. That was when he decided that he was going to retire and come with me.

MS. GERE: Ah, but we still have you back just getting graduated from law school. So now we'll have to go back and fill in that sizeable blank. Once you graduated from law school, and Mr. Green then was obviously already committed to staying in Washington, what were your plans?

JUDGE GREEN: In addition to which, I liked it.

MS. GERE: Well, that's good. What did you think you wanted to do upon graduation from law school. And—probably more important—what was available to you upon graduation?

JUDGE GREEN: Well, those were different things.

MS. GERE: I suspect that they were.

JUDGE GREEN: I wanted to try cases. I had not known that I wanted to try cases, because I was somewhat bashful-feeling. I might say that when I was called upon first, in that

first year, I would stand and I would feel myself blushing.

MS. GERE: Oh, in class?

JUDGE GREEN: In class. I'm sure that Dr. Mooers and Paul Cedrick and a few good ones like that decided June Green is not going to make any lawyer if we don't get her—

MS. GERE: Get her over the blushing, anyway.

JUDGE GREEN: Dr. Mooers would always make me the person that did the purloin and the laundry—

MS. GERE: In the hypotheticals.

JUDGE GREEN: It was always Mrs. Green, every single time. Every single time. It was—I stopped blushing. I was so used to it. Furthermore, I didn't forget it. I didn't forget these examples that he gave, where I was, but it was a kindly treatment. We all know the difference. When I started my first moot court case, I was terrified I wouldn't know anything. To my surprise and amazement—it was for the trial court, not an appellate one. I was up, standing on my feet, and making proper objections, which I didn't really know I knew. It came naturally. It was one of those things that I loved. I thought it was intriguing and I loved it. I wanted to be a trial jurist from that moment.

MS. GERE: No one in your family had ever been a trial lawyer?

JUDGE GREEN: Nor even a lawyer.

MS. GERE: Had you ever, by that point, when you did your moot court argument, had you actually been in a courtroom, or seen anybody try a case?

JUDGE GREEN: Not much. Oh, I did go down, when I had a chance, I went down to court to see what was going on and that sort of thing.

MS. GERE: I teach at Georgetown, a trial practice seminar that is a year long. At the beginning of each year, we ask the students why they are taking the class. They all say they want to be trial lawyers. We tell them part of the course is that they have to go and watch a trial and then write a short paper on what they've observed. It's astonishing how many of them have never even been in a courtroom, but the first day of class, they're certain—

JUDGE GREEN: Well, that's because of television.

MS. GERE: At that point, was that the second year of law school?

JUDGE GREEN: I think it was probably the third. I'm not sure.

MS. GERE: Well, so you knew what you wanted to do, which was to be a trial lawyer. Now, what were the possibilities—

JUDGE GREEN: Incidentally, and this was the only thing that I did at night, because we didn't have enough people in our class in the day time to have a moot court. We had to join with the night group for the moot court. They mostly were strangers to me.

MS. GERE: Now, was this something you did with a partner?

JUDGE GREEN: No, I don't think so. I don't recall a partner situation. I remember being very startled at myself, and thinking, "Gee, I didn't know I knew that." I was indicating what the reason was that I was objecting. I didn't really mind examination when the time came, on evidence.

MS. GERE: Well, so, you obviously had gotten over the blushing and found yourself on your feet making well-founded objections. What did you hope to do with that new-found ability, then, once you got out of law school? Was there a likelihood that there were going to be any women trial lawyers out there?

JUDGE GREEN: Well, you know, anybody who was dumb enough to have a gift shop in the middle of the Depression is always an optimist.

MS. GERE: And you were that person.

JUDGE GREEN: Well, I would have taken anything—in the legal line, of course, that was—nobody wanted me at all.

MS. GERE: Did they have any kind of placement program or anything for when you graduated from law school? Or, how did one go about at that point locating a position?

JUDGE GREEN: John thought it was a poor idea for both of us to be in the government. Because, years back, at the beginning of the Depression, when there were husband and wife both in the government, they decided that the wife had to go.

MS. GERE: They did?

JUDGE GREEN: Yes, they did. He remembered that, because his mother was in the government so many years. In fact, she had lied about her age, and so she had to work a little longer than—

MS. GERE: Got caught for that one.

JUDGE GREEN: Somebody had told her when she applied for the job that she didn't want to make herself too old. That they didn't want to have somebody who was too old, so she made herself a little younger.

MS. GERE: At the other end, she had to work a little longer. Where did she work in the government?

JUDGE GREEN: Treasury. She was an expert on, not only counterfeits, but the counterfeit bonds. Government bonds. She was really—it tickles me, because John just puts his

money in his billfold. I had listened to her so much that I have my money just right, everything arranged in order—

MS. GERE: With all the faces going in the same direction?

JUDGE GREEN: All things going right. She was quite a gal.

MS. GERE: Well, so you were now—

JUDGE GREEN: I didn't know anybody who would hire me—

MS. GERE: Once you weren't going to be in the government.

JUDGE GREEN: So I went around to the Department of Justice, finally. I went to all these things that were like Office of Price Administration, OPA. These were ones that were formed for the poor times. I might say, they came through, after I finally got a job. But not Justice. When I went to Justice, I saw a very nice, friendly gentleman. I thought that I had much hope. He said well, there just wasn't any place at that point, but why didn't I try to come back next week? I remembered that John had a classmate of his who had been a judge in Germany and he had given it up when the Nazis came in, and started all over in the United States. He was in his class in Georgetown, and he didn't have any family here. He didn't have any anything. In fact he came home with John fairly often to dinner. I fed him because he was a sorrowful fellow. He told me when he got out of law school how he went all around, everyplace, to try and get a job. If he were turned down, then he decided that he had twenty more places that day, or forty more places. I decided that if Gunther could do it, so could I. I went much more often, and I thought, well, I'm getting someplace in Justice. I did this, finally, about every two weeks. I would see the same man, who would give me some more chat and then he would say, "No, just come back." Somebody was there [at Justice], may have been a sorority sister, I'm not sure, or

she may have been someone in the Women's Bar, who told me, "You are wasting your time. They're giving you—they're just enjoying themselves—"

MS. GERE: Stringing you along.

JUDGE GREEN: Stringing me along. Don't bother to do it. So I didn't bother to do that. Dean Riley called me—

MS. GERE: This is the Dean from—

JUDGE GREEN: The Washington College of Law. She was still Dean at that point. I had talked with her about what I could do. She was a very strong backer for me. She thought that I was alright. She called me up and she said, "June, I'd like to tell you that I have an interview for you. I don't know whether you're interested in it or not." And I said, "Is it honest and legal?"

MS. GERE: Does it pay money?

JUDGE GREEN: She said, "They called me, this office has called us very often, and I have sent them graduates," She said, "I had this person who called and said, 'Well, Dean, I want to see whether you have a good man for me.'" She said, "Well, I don't have a good man, but how about a good woman?" He said, "What?" He said, "I've never heard of it." She said, "Have it. Hear of it. This is a new century, you know—"

MS. GERE: Time to join it.

JUDGE GREEN: Yes. You certainly must be a broad-minded man that wants to do the best for his office. This woman I can highly recommend. So he said, "Alright, you can call her and say that she can come in and talk to me."

MS. GERE: Now, where—?

JUDGE GREEN: Lumbermens Mutual.

MS. GERE: An insurance company, correct?

JUDGE GREEN: It was in the Claims Department. This was supposed to be a claims adjuster position. They had never used a woman claims adjuster in the United States, as far as I know. I think that was correct. So I went to see him—

MS. GERE: Now, is this, the office is in Washington?

JUDGE GREEN: I don't know. The building's been torn down. It was at 13th and H. And New York. That was where it was. On the north side of the street. Right—

MS. GERE: Near where the Women's Museum is?

JUDGE GREEN: Close to where the Women's Museum is, yes. I was a founding member, too. But anyhow, I went in, and he still had some doubts about it. I had doubts about adjusting the claims because I'd heard—not necessarily that particular company, because I'd never heard of them before—Lumbermens—

MS. GERE: Where was the home office for Lumbermens?

JUDGE GREEN: Chicago. So this was a Kemper company. That's what the people are hearing nowadays. James Kemper was the president of the whole shebang. He came on as soon as I was hired, and decided to look me over there. He brought his secretary so she could look me over. She had lunch with me or something. She wanted to find out what I was like. Well, I didn't get fired, so—

MS. GERE: So it couldn't have been too bad. But initially you had your interview with somebody here—

JUDGE GREEN: I had an interview with Frank Glenn. The one that was, the

letter that you saw.

MS. GERE: What was the spelling?

JUDGE GREEN: G-l-e-double-n. He decided, how about a 90-day trial period? See how you do, and you'll see how you like it. I said, "Well I hope you don't have to gyp widows and orphans, because I'm not much interested in that." He said, "We pay whatever is required, and that's up to you. You decide what's required to be paid." (End Tape 3, Side 1)

September 21, 1997

MS. GERE: This is the continuation of the oral history of Judge June L. Green. Today is September 21, 1997, and we are meeting this afternoon in Judge Green's chambers in the United States District Court in Washington, D.C.

Good afternoon, Judge Green.

JUDGE GREEN: Good afternoon, Sally.

MS. GERE: We are continuing our interview. I believe when we last spoke, we were talking about your attempts to find employment after law school. And I think that you had just started to tell me about some of the efforts that you had made, so I'd like to start at that point, if we might.

JUDGE GREEN: Well, I went around to all government offices. I went to the Department of Justice, I went to Office of Price Administration, which was a new one that was just forming, and I went to all kind of places that were set up for the war effort.

MS. GERE: Did you think it would be easier, knowing how difficult it would be for a woman to obtain employment as a lawyer in any event, was there any thought that it might be somewhat easier, given that it was wartime? Given that men were away?

JUDGE GREEN: They hadn't really all gone at that point. Because it was at the end of 1941 that Pearl Harbor occurred, after all. In December. And we were really just starting in the war when people were starting to be drafted, so that it had not hit the job market at that point, so much. When I finally got my job, there were still male lawyers in the office, as well as a male boss. But I'd made lots of applications, and people had given me some hope that there would be—that they'd get around to—they were always waiting for something. They were waiting

for the fiscal year, they were waiting for the Congress to settle on the effect of their office—it was a brand new one.

MS. GERE: Always something.

JUDGE GREEN: Always something. So I went repeatedly to any place that gave me any hope. I found that I had been out looking for a job then for a whole year and more before I had any chance. Finally I had a chance from Dean Grace Hayes Riley. She was the Dean all the time I was in law school, and was always very nice and kind, and a very good Dean, I felt—and a nice human being. She called me up and she said, “Mrs. Green, are you still looking for a job?” I said, “Indeed I am.” She said, “I have an opening I can tell you. I’ll tell you exactly what the conversation was. This is an insurance company, and they periodically call us for replacements for people in their office for claims adjusters. They called, and Mr. Glenn, who is the head of that office, always calls and says, ‘Well, do you have a nice man for me?’ I have provided him with quite a few. He called and said the same thing this time, he needed one. I said, ‘I don’t have a nice man, but I have a nice woman. What about that?’” Quite confident. He said, “The idea never crossed my mind.” She said, “Well, let it. After all, this is the 1940s.” Like the millennium. He said, “Well, we’d be interested, we certainly will interview her.” She said, “I’m sure she will. I’ll give her the word. She will get in touch with you at your convenience.”

So indeed I did go to see him. I did not put my best foot forward, because I wanted to know just exactly what was being done with the people that I had to see to settle cases. I wanted to know, wanted to make sure they weren’t widows and orphans being gyped.

MS. GERE: That would have been a good question to ask in an interview.

JUDGE GREEN: And he said, “Well, you would certainly have to turn people down that don’t have any legal basis for making the claim. You certainly don’t gyp anybody and neither do we. How about a 90-day trial period? You find out whether you like the job, and we can find out how you’re doing it.”

MS. GERE: Now which company was this with?

JUDGE GREEN: This was Lumbermens Mutual. Lumbermens was owned by James S. Kemper, and the Kemper Companies were the overall heads of these. I worked for Lumbermens Mutual as well as American Motorists, which was also a Kemper Company. But they didn’t use the Kemper name, except for the fact that he was the president of the company at that time. I was so thrilled at having the job. I was really delighted. I couldn’t wait to tell John about it. He said that he hoped it worked out alright.

MS. GERE: So, now, when was this that you began?

JUDGE GREEN: I began in 1942. I think it was about February, but it’s a long time ago at this point. Anyway, I was going to see how it worked. They were going to see how I worked, because they gave me the worst assignments. Of course I didn’t know that until a little later, when I saw what happened to the rest of the office.

MS. GERE: Were there other young lawyers who came in at about the same time, or were there people who already were there and established?

JUDGE GREEN: These were people who had already been there, were established. Because I think it was only the one vacancy that they had that I was being considered for. They sent me, whenever there was an immediate blood-in-the-gutter case. Literally, where one of our insureds had hit somebody and they were literally in the gutter

bleeding. Before the ambulance came, I was sent—along with [the ambulance], probably, but at least close on the heels, to determine what could be done for them, investigate the facts of the thing, to make sure the people were going to be sent to a hospital properly, and find out about the driver, the insured. Who was—generally—had the decency to be very upset. Then they would send me to the hearing, when people died, as they did in one of the early ones that they gave me. They sent me to the hearing examiner's office, for cause of death and to determine whether or not they were supposed to be indicted, for instance.

MS. GERE: So the job was both investigative and then more traditional legal argument.

JUDGE GREEN: Right. I was sent every place that I could think of, that they could think of, that would be in a terrible neighborhood. I went places that I didn't really want to sit down on the bed, which was the only place that you would have that was not full of used tin cans that hadn't been washed.

MS. GERE: So this is all around the Washington Metropolitan area? Including Maryland? Did you ever go into Virginia?

JUDGE GREEN: No, I didn't cover Virginia. I did cover all of the District of Columbia. Our office, the Washington Office, covered Montgomery County in Maryland, Prince George's County in Maryland, and also Calvert County, Saint Mary's, and Prince Frederick. Those were ones that I had to cover pretty thoroughly. But not so much when I was a claims adjuster. I was told, when I was settling cases, I would, on the ones that were just, perhaps, had been in an accident and nobody was injured or they had ruined their nylon stockings. They couldn't be bought at this point in the war.

MS. GERE: Oh, goodness. Because nylon stockings were not available.

JUDGE GREEN: These were things that I understood, that the woman who was screaming about her nylon stockings, somehow I could understand better than some of my colleagues. I would sympathize with them, indeed. I indicated the best that we could do would be to give them the money for them, and if they ever found them, by all means—

MS. GERE: Purchase them.

JUDGE GREEN: I remember one—in those days, it was fashionable to wear a hat.

MS. GERE: For women? And men, I guess, too.

JUDGE GREEN: For both, yes. If you were outside. I don't mean in the house.

MS. GERE: Not the baseball caps of today, that people wear everywhere.

JUDGE GREEN: I remember one person was enamored of my hat, and she wanted to know if I would settle for it. I said, "Certainly."

MS. GERE: So, in defense of the company, you gave up your hat?

JUDGE GREEN: I did rather odd things. But I didn't see any sense in arguing with somebody. If it's something that's only—works out to be money, and it is still within the ballpark of the value of the case, then you could throw in your hat as well as a proper settlement. I had rather very good results, because I had some empathy, and I had sympathy, and I felt really a part of the people I was talking to. And so we didn't—I never made enemies with them. It was surprising to some of the people at Lumbermens that I made settlements rather well. I might say that first of all, it was heard from the home office, which was in Chicago, that we had that strange monster—a female claims adjuster—and I think I was the first one in the United States, I'm not positive of that, I can't prove it—at the time it seemed to be that way. Mr. Kemper himself

decided that he wanted to check me out. So he came and brought his secretary from Chicago—

MS. GERE: To Washington? To the Washington office?

JUDGE GREEN: Yes, the Washington office, and then he had kind of cold feet. Though maybe, I think, Mr. Glenn, dissuaded him from picking on me. But Mr. Glenn was my boss, and he was a very nice, kind individual. In spite of the fact that they gave me the worst—

MS. GERE: Gave you a hard time. To test your mettle.

JUDGE GREEN: And I wanted to make very sure that, I thought that they were giving me the business, I would never let them know that I thought it was bad. Anyway, Mr. Kemper's secretary took me to lunch. She wanted to report to him what I was like.

MS. GERE: But he wouldn't just have lunch with you himself, or that was not—?

JUDGE GREEN: Oh, no, no. Oh no, oh dear me, no.

MS. GERE: Not the president of the company with a mere mortal woman claims adjuster?

JUDGE GREEN: In addition to which, he became the Ambassador to Argentina, I believe, from the United States, and he did it so poorly, I might say, years afterwards, which has nothing to do with this story. But he was a strange man.

MS. GERE: So you went to lunch with his secretary.

JUDGE GREEN: I went to lunch with his secretary and realized, of course, that I was being put on the grill to find out just exactly what kind of person I was. Well, she must not have given me zeroes, because I was still there when they left town. I don't think she was enthusiastic. She thought that there wasn't much that I could do wrong in that short period of time.

MS. GERE: So did this lunch take place during your 90-day probationary period?

JUDGE GREEN: Oh, yes.

MS. GERE: So you really were being checked out.

JUDGE GREEN: No question about it. So, well, it finally came to a point where I was always trying to say, I want to do my first trial. Well, I wasn't admitted until 1943.

MS. GERE: Admitted to the bar.

JUDGE GREEN: To the bar. So in 1943 I started immediately, wanting to be trying these cases that I hadn't been able to settle. So, they said, "Oh, yes, we'll do that one of these days."

MS. GERE: In the meantime, were your colleagues in the office—first of all, how many were there?

JUDGE GREEN: There were four, besides my boss.

MS. GERE: And were they all lawyers?

JUDGE GREEN: Oh, yes.

MS. GERE: So, if they had cases that they were not able to settle, then they would be able to take them to trial, is that right?

JUDGE GREEN: Yes. Right. Unless there were personal injuries. None of us could take personal injuries because they were all farmed out to outside attorneys.

MS. GERE: Oh, to outside counsel.

JUDGE GREEN: But all the property damage ones we handled ourselves. In addition to which, we would settle with the insured, and, incidentally, they do call it insured. I thought before I started there that you'd call them assured, but they always called them the

insured.

MS. GERE: I guess Lloyd's of London probably uses "assured" instead of "insured."

JUDGE GREEN: They had said that they would like me to try a case, and I said, "Oh, I'll win, win, win." Finally, just as we were closing up one day, Mr. Glenn came in my office and dropped a file on my desk. He said, "You want to go to court? This one's all set for tomorrow morning."

MS. GERE: And so you had overnight to prepare for your first trial.

JUDGE GREEN: Oh, yes. Nine-thirty. I said, "I don't even really know where the courthouse is, to be sure." He said, "Oh, don't worry, George or I will take you down." George Coufelt was the other lawyer he was suggesting I could use. Meanwhile, oh, I had been, I had been sent out with each of the adjusters on their jobs.

MS. GERE: Oh, so on-the-job training.

JUDGE GREEN: Yes. But on the adjusting cases, rather than trial. In each case, they behaved differently. I mean, each person had their own way of doing. And with some of them, I thought, "I would never say that to a claimant." I learned what not to do in some ways. People would talk about not being greedy. Well, I wouldn't use such a term to a claimant. I just found that it was very interesting, some of the people I learned a lot from. Some I learned what not to do. Several of them went into the service, and we were losing them all the time. Well, anyway, George was there, still, and Mr. Glenn. They said, "Well, don't worry about it, you know, you can—" I said, "I've never seen these people. This isn't one I've worked on."

MS. GERE: So you hadn't adjusted this one.

JUDGE GREEN: Never even met the people. So they said, “That’s alright, don’t worry about it.” It was in the small claims court.

MS. GERE: Here in D.C.?

JUDGE GREEN: Yes, the Municipal Court. In the Municipal Court of the District before it was General Sessions or anything else, it was the Municipal Court. First of all, I went to the police station to get the file, to find out what was, what it was all about. It was a very skimpy file that they had given me. No personal injuries and property damage. I believe the reason it hadn’t been settled, quite honestly, is that the claimant was such an obnoxious young man. He happened to be a law student.

MS. GERE: Uh-oh. The worst kind.

JUDGE GREEN: So, that is what I thought afterwards. I didn’t know it before. I didn’t even know who he was. I called John, and he met me as soon as he got out—well, of course he was out of school at this point, but as soon as he’d gotten out of work—well, as a matter of fact, his hours coincided with mine fairly well, until later. So I told him that I had my first case the next morning, and I said I wondered if he’d meet me so we could pace off the intersections and so on. I’d gotten the police reports.

MS. GERE: Oh, so you actually were going to the scene.

JUDGE GREEN: And I was going to the scene, so I would really learn what to do, what this case was all about. Well, it turned out that our insured was coming through, I believe it occurred, we’ll say, Wisconsin Avenue and one of the streets off it. He was coming into Wisconsin and didn’t give right of way to people who—

MS. GERE: Who were already on Wisconsin Avenue.

JUDGE GREEN: So that it wasn't a light street, I mean there wasn't a traffic light there.

MS. GERE: He should have yielded the right of way.

JUDGE GREEN: We talked through this thing, John and I paced it, and I said, "It looks to me as though the case ought to be settled. But this isn't what I was given it for. I'm supposed to be defending it." John said, "You're set up. Nobody would give you a case to try if it's worthwhile. Your first case, at that time of day, and on facts that you know right now, you can't win it." He said, "So, you go down and you do the best you can, and you lose it gracefully." I decided that was what I had to do.

MS. GERE: That was your plan.

JUDGE GREEN: Of course I had a sleepless night, and I had all these plans, and I was trying to see what in the world I could do about it, and so on. As I went to court, obviously I went to the office to see who was going to go with me. Mr. Glenn said, "I'm awfully sorry, but as it turns out I didn't realize I was supposed to be at some meeting or other, and so you'll have to go with George." And George said, "I'm in trial someplace else. And so I can't go with you." They said, "Oh, you'll be alright. Just grab a cab and tell them where you want to go." I said, "How do I find my clients?" He said, "Oh, ask the marshal to call their names out, and they ought to be there. You can talk to them, introduce yourself."

I said to myself, you know, I was terrified, I didn't know what I should do. So I got up, walked into the place, and I thought to myself, "I'd better not tell these people that this is my first case, because they're going to be angry with the company. Because I can't win it. They'll be very unhappy about it." I figured, the one thing that I'm not going to do, is I'm not going to

pretend that I know what I'm doing to the clerks around here. Because they know damn well they've never seen me in their lives before. So I went in and I introduced myself and I said, "I'm supposed to be trying this case today—defending it. I've never seen the people, and they just gave it to me at the last minute. Will you tell me what to do? Because I haven't the least idea." This was a very nice, decent man. Youngish. Pleasant. Not cocky. Just kindly. He said, "Look, fill this out, it's entering your appearance."

MS. GERE: That's a good place to start. Entering your appearance.

JUDGE GREEN: What you do is, you take it into the court, because this was a central assignment, and so you would go in the courtroom, and you would find out what you were supposed to do. But they would call the things, and you would indicate ready. But you want to tell the marshal, you tell him to call these people out so that you can talk to them, introduce yourself and so on. I will put your name down a little lower in the list, so you'll have a chance to see other people. This is why I say, that an awful lot of men helped an awful lot of times. They were the only ones that were there.

MS. GERE: Well, there probably would have been women if they'd been able to get those jobs.

JUDGE GREEN: So anyway, I listened to people. The clerk said, "Don't indicate that you're—just indicate you're ready. Just stand up and say, 'May I enter my appearance, and I am—we are ready.' But then they'll do it all again, until such time as they have a judge who's available." This was, by this time, about nine-thirty. So my client answered to his name and stepped out into the hall with his wife. He was an elderly gentleman, didn't hear very well, and probably didn't see very well. I'm sure his age must have been much less than I am now. But I

thought he was Methuselah. I said, I just wanted to introduce myself and tell him that I was representing him on behalf of his insurance company. We might want to talk a little bit about it. He said, well, he just went out there. This guy was speeding, and he was just right in front of him, he'd seen him and he thought it was a far enough distance, so he just rushed into the intersection. He hit him on the side. On the right side, as I recall. I said, "Did he say anything?" "Oh, yes, he was furious. But he wasn't injured. That's all." I finally took them to lunch at the drugstore, because they hadn't gotten to us except for the first call, all the way to lunch. I think this was a little helpful on their part, so that I would see what other people did, and a chance to get my feet on the ground, so I wouldn't sound like my voice was cracking or something. I was so scared. So, anyway, I took them to lunch. I said, "Now, I would like to say something to you. You have bought insurance to protect you from these things. You don't have anything to worry about, because that's what you've paid your money for. We're going to do the best we can, but it's no matter of life or death if it goes against you, because that's what you have the company for, the insurance for." And they said, "Oh, you make us feel so much better because you're so experienced, and this is the first time we've ever been to court." I did not say, "Me too."

MS. GERE: No, that might have undercut their confidence level, I think.

JUDGE GREEN: So we went to court finally, and it was late in the afternoon that I finally got sent to a judge who was rather elderly.

MS. GERE: Do you remember who it was?

JUDGE GREEN: I can't remember his name, exactly, but I sure remember his face. And the plaintiff was a law student who was so pleased with himself that he could scarcely breathe.

MS. GERE: Was he representing himself?

JUDGE GREEN: He was. He did have one, for a client, too. He brow-beat the old gentleman, my client. I didn't make as many objections as I could have, but I made ones that I thought were important, and they were sustained. And he went on about "How outrageous!", and "He ought not to have a license!", and "He shouldn't be permitted to drive!" Which may have been true, but we weren't there for that purpose. He was very rude to the old gentleman and also rude to the court.

MS. GERE: Now that's a mistake.

JUDGE GREEN: So there was not very much that I could do. I couldn't make anything that was something different from what the facts were. I just let him tell it the way he told it. Finally this tirade of a closing argument that the plaintiff made was so irritating to everybody that all I said, that I could say, was, "Your Honor, please. After all, plaintiff has the burden of proof, and it is our position he hasn't met it." This lovely judge said, "I agree. For the defense!"

MS. GERE: Oh my gosh. Oh, my heavens.

JUDGE GREEN: Really, I didn't win the case. This man lost his case.

MS. GERE: Lost his case.

JUDGE GREEN: For himself. For being an absolute horse's—. And so the man, my client, was so delighted, and he gave me so much thanks, and his wife was so relieved, and they said how wonderful it was to have had somebody who really was so experienced, and to please tell them back at Lumbermens how much they appreciated it. And I said I would.

MS. GERE: Be sure and pass that along.

JUDGE GREEN: So by this time, it was later than the people were accustomed to staying in the office, but I could not take myself—I could not contain myself to sit down in a taxi cab. I practically floated, pranced—

MS. GERE: Danced—

JUDGE GREEN: All the way to 13th and H, which was where the office was. And I was so pleased. And of course, I did stop at the office of the clerk.

MS. GERE: To say thank you.

JUDGE GREEN: He said, “You won that thing?” I said, “No, he lost that thing.” And we were fast friends for the rest of the time that I ever went to that court, incidentally. And so I went back. There were both George and Mr. Glenn, waiting for my appearance. By this time it was about an hour past the usual closing time. They always went out the door pretty rapidly. They said, “Where the hell have you been?” I said, “In court. Didn’t you know?” They said, “Not all of—five-thirty,” or something or another, and I said, “Oh, yes. We were quite late getting on.” “Well what happened?!?” I said, “Oh, we won it.” They said, “You did what?” I said, “You wouldn’t have given me a case I couldn’t have won. Would you?” They said, “How in the hell did you win it?” I said, “Well, I did. I want to tell you that Mr. So-and-so, your insured, asked me to please convey his thanks for sending such competent counsel and he surely will stay with Lumbermens.” Of course, I’ve lost them and won them—more important cases indeed. But that was the best. Because it was needed, I’ll tell you. This is one that Darren [Sobin, a law clerk to Judge Green] had insisted upon having in the little reunion yearbook, “June Green Second,” I think it was.

MS. GERE: Right. The recollections of—

JUDGE GREEN: Yes. Recollections of law clerks. His recollections are not always exactly in tune with my recollections, but they are pretty close. At least I know what they were based on. John was pretty surprised about my winning that one, too.

MS. GERE: I'll bet he was. I'll bet he was. But I'll bet he was very pleased, as well.

JUDGE GREEN: Yes, he was. Of course, he thought that justice wasn't done, but—I think it was. That guy was so obnoxious.

MS. GERE: It sounds like a rough justice was done. Definitely so.

JUDGE GREEN: Anyway, I don't think anybody made anything of the ninety day trial period. I just was staying on regularly at Lumbermens. I got little stipends of increase. They were little.

MS. GERE: Do you know, or were you ever able to determine whether you made the same amount as your male colleagues in the office?

JUDGE GREEN: I think we did. I think we may have been the same.

MS. GERE: How about your assignments while you were there?

JUDGE GREEN: I think they were all straight, afterwards. But I think, as a matter of fact, when the people were all out of the office, George was the only one left. Mr. Glenn. George was anxious to move someplace. He went actually with Lumbermens to the Missouri office. He'd already named his child Kemper.

MS. GERE: I guess trying to ensure that he would move up in the company.

JUDGE GREEN: He said that he wanted to make sure his son would always have a job.

MS. GERE: I suspect he probably would've had to do more than just have a name, but I guess if you've got to start somewhere—

JUDGE GREEN: But anyway, Mr. Glenn and I turned out to be— he would settle the cases in the office, anything that he thought was not like that first one. He would pay all the ones that he felt were legitimate. They were paid. I would try, I would defend the cases that he thought, other than property damage, were to be tried.

I also handled all the worker's comp formal hearings. Those necessitated my driving down to St. Mary's County very often, because they were just covering the—just building the Naval Patuxent Airfield. It was a sizeable enterprise, and there were many people injured on the job. Instead of bringing them to Baltimore for the principal hearing, or to Washington, I thought we didn't have jurisdiction in Washington, anyway, but in any case, it would've been to Baltimore. We would have it down there because it didn't make sense to drag those other people who were injured other places. So I spent lots of time going back and forth to that situation and I would run in on the other cases as well.

MS. GERE: Well, as you were going around and trying cases and going to various worker's comp hearings and so forth, were there other women who were practicing law? Did you ever see any of them?

JUDGE GREEN: There was Vivian Simpson. A very able woman in Montgomery County who was a worker's comp attorney. She really knew her business, and did it very, very well. There was every now and then, well, in the District of Columbia, in Municipal Court, there would be one woman or other. Generally speaking, they weren't doing very well. I had many, many cases against many of the young lawyers in the city, because if they were in big firms, they

were the ones sent down to the Municipal Court to bring these actions, some that I was defending. I knew lots of them. We were very good friends. We represented our clients to the best of our ability and I'll—no stops. But certainly, we all behaved in a decent, civil fashion to each other. There was not—we were not fighting anybody, ourselves. We thought that to represent our clients properly, that you did it with gentility. And decency. So that there were many, many of my friends at the bar. We'd each see each other day after day. And so when I found that one of them was going to lose one of their trial people, I thought, "Good, I do know that there will be something that's available." I went to see Hogan & Hartson, and inquired whether or not they had need for a trial lawyer. I had had lots of experience. I'd had hundreds of trials by that time. And that was after I'd been with Lumbermens about five and a half years, having done no more adjusting, but

MS. GERE: The trial work.

JUDGE GREEN: And so, I stopped there to see whether they would consider me, and they said, "We would consider you to take depositions." I said, "You mean, without knowing what the case was about?" They said, "Yes."

(end side 1)

(side 2)

MS. GERE: So you went and talked to Hogan & Hartson about going—

JUDGE GREEN: Yes, I went—they wanted to know if I'd be interested in working in their library. I said, no, I was a trial attorney, and that's all I would be interested in being. They said, "Well, to tell you the truth, June, we think enough of you to give it to you straight. That is, we don't think any woman is going to be as good a trial attorney as almost any man."

MS. GERE: Oh my.

JUDGE GREEN: So I said, “Thanks a lot. I’d rather you say that to my face.”

MS. GERE: Who did you talk with?

JUDGE GREEN: One of their really good trial lawyers, who was doing the personal injury work. I don’t think he was too aware of what I was doing.

MS. GERE: He was simply aware that you were of a certain gender, and it wasn’t one that he thought, or that the firm thought, should be in a courtroom.

JUDGE GREEN: This did help me decide that I was going to open my own office.

MS. GERE: Did you ever, did you apply to, or interview, or talk with any other law firms in this city, before that?

JUDGE GREEN: What had happened was, the people were coming back from the war.

MS. GERE: Oh, I see. So this would have been—

JUDGE GREEN: Oh, I might say, some of the places I had applied in those years when I hadn’t yet started came to fruition while I was at Lumbermens. I just said I already had a job, thank you.

MS. GERE: And you stayed there really because of the trial experience?

JUDGE GREEN: Oh, yes.

MS. GERE: You really enjoyed being in the courtroom.

JUDGE GREEN: I did indeed. I knew that was what I really wanted to do. I really knew that from the minute I was in my moot court case. But because it was not in the appellate level that I was interested, it was trial. Trial. I had found that that was what really

interested me. I had been really quite happy with this situation, except that I was tired of doing always the same limited profession, I mean, in the profession, because of not having a case—

MS. GERE: The personal injury cases.

JUDGE GREEN: The principal, big cases. And anybody, in any place, wants to have the big deal—

MS. GERE: The biggest, the best, the most complex and challenging. Right.

JUDGE GREEN: So we had just made arrangements to buy the house where I was born from my mother.

MS. GERE: So this would have been about what year?

JUDGE GREEN: My father had died. This was 1947. That was the first summer that I had not been in the house. We didn't want to have another like that. In my whole life, I'd always been over there much of the time. At least weekends. When my father died, mother moved to Baltimore, got herself an apartment there, and she would open the house on weekends so that John and I would have someplace to go. She would bring her cook down there with her. This was, I finally got through my head, a tremendous imposition on her.

MS. GERE: For her. Right.

JUDGE GREEN: But she was not complaining. I finally decided that this was ridiculous. And that was how we had gotten—not there that summer. Because I said that I really thought she should rent the place. We got somebody to rent it.

MS. GERE: Oh, you did? Oh my goodness. Then, obviously, no one else had ever lived in the house except your family.

JUDGE GREEN: That's right. And so this was terribly—

MS. GERE: Traumatic.

JUDGE GREEN: Traumatic to me. And John, too, for that matter. 'Cause he'd been so used to being there, even before we got married. But anyway, we would go over sometimes. Kitty and John, my sister and brother-in-law who lived down the river from us, had two handsome yachts that they had usually at the yacht club or marina, or someplace down there. One was a powerboat and the other one was a very handsome sailboat. We would go on there and sleep, unbeknownst to them.

MS. GERE: Just so that you could get closer to home.

JUDGE GREEN: Yes. We would stop by and see them, perhaps. We had been looking for a house for the last three years that we were in the apartment.

MS. GERE: So you were still living then at Connecticut and Macomb.

JUDGE GREEN: Right. We finally lived there for eleven years. And the last three years were a little much because we really had acquired a good deal of furniture and it was—

MS. GERE: Getting a little cramped.

JUDGE GREEN: It was, and we really wanted to settle in something by this time. So we had been looking for houses. We'd also been drawing. In the early part of our time, we drew plans for the ideal house we were going to have. We wanted it to be within fifteen minutes of our respective offices, because we were so tired of commuting. We were going to have a very modern house. We were going to have a U-shaped one, and it was going to have a swimming pool in the middle. It was going to have the most modern things, it was just going to have a little privacy and a garden, is all, but that was what we were going to do. We thought, first of all, we

would look for the location. To get fifteen minutes from our offices was a little difficult. It was Massachusetts Avenue. You know, wooded drive and that sort of thing. One, if we had bought the lot, we wouldn't have had money to build a house, and if we had tried to put this kind of house on it, we would've been drummed out of the—

MS. GERE: Neighborhood. I'd say.

JUDGE GREEN: So we had to give that one up. So we started to look for a house that was sort of normal, and just pleasant. We kept returning to one out in Wesley Heights and that general area.

MS. GERE: That is a nice area.

JUDGE GREEN: One of them, I don't remember just exactly where it was located, but it was at the second circle instead of the first one. Not the one, not the one that's near AU, but the next circle. I said to John, "Why don't we go back and look at that house again?" He said, "Because I think that it's a very expensive thing for a lily of the valley bed." I said, "What do you mean?" He said, "I know perfectly well the only thing that's interesting to you about that house is the lily of the valleys that are under the window in the dining room."

MS. GERE: That would be an expensive reason to buy a house, for a lily of the valley bed, you're right.

JUDGE GREEN: He said, "And I think, if you're going to drive that far, I would like not to be able to see what the people are going to have for dinner in the next house." I said, "Well that's probably a good point." He said, "If we're going to go that far, we ought to go to the other side. You always wanted that house that you were born in. Why don't we offer to buy it from your mother. It would solve some of the problems. That's where you are going to be

happy.” I said, “I wouldn’t have had the nerve to suggest it.” He said, “Well, why don’t we see and work on it? Talk to your sister” (who was in the real estate business at the time). Dot. And so Dot said, “Well, look, I think it’s a great idea.” But she and her husband had family, had their own house, and Kitty and John had moved and had their own house. We were the only ones that would’ve been in the market for ours. We certainly didn’t want it to go out of the family. I said, “Well, I thought we ought to find out how much it was going to cost.” Of course mother hadn’t the slightest idea of putting any figure on it. John said, “You know, I can give you some people to give you some appraisals, but I can’t give you the price. Because it’s pretty worked up in my mind, too, it’s priceless as far as I’m concerned.” So we used hers, and I also had a cousin, Joseph Lazenby, in Annapolis, who was in the real estate business, and he gave me one. I didn’t take the highest and I didn’t take the lowest, but I did take the mean. I asked mother whether she would be interested in selling, and she said, “Oh, it would be wonderful.” She wished she could give it to us. Ridiculous. We didn’t want it that way, anyway. But I wanted to know what we should do in her best interest. I went to the only person I can think of who would be out of the family and who would be—father had left some things to a trust company that was handling things for mother. The trust officer, I said, I think that he ought to be interested in this, so I made an appointment to go talk to him. I said, “I wanted to discuss with you what would be the best situation. We are planning to buy the house from my mother.” He said, “Well, first of all, I’m going to recommend that she not take it. Not sell it to you.” And I said—

MS. GERE: What?

JUDGE GREEN: “Why’s this?” He said, “I think you’re not going to pay her. That’s the way it usually works out in the families.” I said, “You mean you think I’d gyp my

own mother?”

MS. GERE: This sounds like a swell guy. Not much of a business-person.

JUDGE GREEN: He said, yes, he thought so. I said, well, frankly, I thought maybe he should check my credit rating and—

MS. GERE: Credentials and otherwise—

JUDGE GREEN: —and credentials and other things, like Little Different Shop had been paid off by me and so on, and I owed nothing that I was not responsible for. And he said, well, that was his advice. So we decided not to take it.

MS. GERE: I'd be looking for another trust officer, I think.

JUDGE GREEN: Well, I would like to, as a matter of fact. But you see, it was set up with the trust company. Certainly father never had anything to do with this man. But anyway, the only things—I think maybe you had some of them in my—

MS. GERE: Right. In those papers.

JUDGE GREEN: Where I had written him. He had always suggested making changes in some of the stock holdings that were going to bring in less money than she had. And I indicated if there was any particular reason why he should get rid of them or something I would like to discuss that, but not just for the—I didn't tell him churning, because I didn't know about it at that time. I certainly know it now, and I have for many years. But that is really all he had in mind. So I got Carla Longstreth, and I don't know whether you ever—you never met her.

MS. GERE: I don't think so.

JUDGE GREEN: Joyce [Green, another U.S. District Judge in D.C.] would have met her. But she was a tax attorney. She came into my office when I finally got it, and decided

that she was going to light there without ever a penny's offer or anything else, and I finally had to ask her to leave when she wanted to get her name put on the door and things like that. She hadn't even mentioned to me that she'd like to—

MS. GERE: Practice law with you?

JUDGE GREEN: You know, tell you the truth, sometimes other people were strange. But anyway, I don't whether it was because I didn't have enough experience in just living, or what. But—and incidentally—we signed up for the house for mother. We made arrangements to find out what we were going to do about, what we were going to pay. We paid her a down-payment. It was not a very smart time to decide that you're leaving a steady income—of course, John still had one—but I was taking the income that I had from Lumbermens to go to open my own office. But I had, I came to the conclusion that that was what I was going to do. As a matter of fact, I opened that office in November, I think it was, of '47, and we bought the house in October.

MS. GERE: Oh my goodness. Did you—knowing that you were buying the house as you were going through that process—did you first inquire of Lumbermens whether there was another position in the office that would have allowed you to do something else?

JUDGE GREEN: Not at all. As a matter of fact, they felt very strongly that it was a mistake for insurance lawyers to be known as insurance lawyers. They thought that this was, people were not all required to have insurance in those days. Originally. And so nobody ever was to mention insurance. It would be the subject of non-suit, actually, if somebody did. You would end up having a mistrial. Of course, now that doesn't make any sense. It didn't make much sense then.

MS. GERE: But that's the way it was. Right.

JUDGE GREEN: So, no. I felt that I had gone as far as I could go with Lumbermens, and I thought that the place to go was to broaden my—

MS. GERE: Horizons.

JUDGE GREEN: Horizons. And have other kinds of cases.

MS. GERE: Well, looking back, though, on Lumbermens, you viewed that, though, as a very beneficial time in your life? In your professional life?

JUDGE GREEN: Oh, I think so, because I think that it really gave me much more trial experience than I would have had—

MS. GERE: And confidence—

JUDGE GREEN: —in years, because I had more experience than those youngsters at Hogan & Hartson , for instance. They didn't have it. And I'm not saying they weren't good, they were, surely. But—

MS. GERE: They hadn't had the same opportunities to get into court as frequently as you had.

JUDGE GREEN: Right. And as I say, I was there. Plenty of days I tried two cases.

MS. GERE: Now what were the judges like, or juries, and other people who came into a courtroom, and all of a sudden here was a woman who was the trial lawyer for the defense? I take it from what you've said, you saw women from time to time in the practice, but they were the exception and not the rule.

JUDGE GREEN: Right. And I would try to study them as to why there would be

a snicker, going through the nice guys at some of them, before they opened their mouths.

MS. GERE: These were snickers from judges—

JUDGE GREEN: No—

MS. GERE: Or opposing lawyers?

JUDGE GREEN: The male lawyers. And I might say, I really didn't have that particular—I had—I'm sure that I told you the time when I was over on the Eastern Shore, and they brought— This one lawyer was standing on the front porch of the old courthouse, and was saying to anybody who walked down the street, "Come on in, there's a woman lawyer!" I was it.

MS. GERE: This was such an unheard of event that—

JUDGE GREEN: They thought this was going to be—

MS. GERE: A matter of great amusement.

JUDGE GREEN: A two-headed calf, or something. But I still think that even if they started that way, if you didn't make a total ass of yourself, they noticed you. And they remembered you, furthermore. I remember several times. I was representing a man who was native to Prince Frederick, and the other side was representing his brother, I believe. I mean the brother of the lawyer. And that lawyer was saying, "I just can't imagine how you think you're going to do anything with this case, when we are all local people and have known every member of the jury," and so on. And they were standing out on the porch in Prince Frederick shaking hands, the lawyer and the client—

MS. GERE: With everybody who came into the courthouse?

JUDGE GREEN: Well, the jurors that were coming to the panel. But you know, I said, I represented a guy who was also there. He was shaking hands with them, too. He was

saying, and this is Mrs. Green, my attorney. I thought, when in Rome—

MS. GERE: Exactly.

JUDGE GREEN: We won that case.

MS. GERE: Good.

JUDGE GREEN: I don't think it had anything to do with the local yokels.

Frankly, I think that we had the right side. Naturally.

MS. GERE: Naturally. And a well-presented right side, I'm sure. Well, was the company, though, sorry to see you leave? Or did they make any efforts to retain you? Did Mr. Glenn? I'm sure if you were doing all of his trial work, he probably was sorry to think about you leaving.

JUDGE GREEN: He was. He tried to talk to me. I would say, "But I must put in this notice because I'm going to go."

MS. GERE: Oh, this is your resignation.

JUDGE GREEN: He said, "Oh, I hope you'll think it over."

MS. GERE: So he just wasn't forwarding your resignation to the home office.

JUDGE GREEN: No, he didn't send it. So I spent quite a little time trying to induce him to do so, because I was afraid that they wouldn't allow me to leave at the time I was trying to go. At this time, as I say, the people were coming back from the service, and of course they all had—their places were supposed to be held for them. The first place.

MS. GERE: Oh, at the various law firms where they had worked.

JUDGE GREEN: Every place.

MS. GERE: I guess the government, everywhere.

JUDGE GREEN: There had been a number of people I'd talked with of my colleagues and they had said they were dissatisfied with where they were, and why didn't we all go in to open the same place together? I really thought we would all do this. And all of them chickened out.

MS. GERE: Oh, they did?

JUDGE GREEN: Yes. So, I wasn't really that brave to think originally that I was going to do it all by myself.

MS. GERE: Oh gosh. That's just the way it ended up.

JUDGE GREEN: This is the way it turned out. So when I went, and it was difficult to get a law office—

MS. GERE: Oh, just physically, you mean. The space.

JUDGE GREEN: Yes, the space was all being grabbed up. So I went to where, of course, by this time I knew every nook and cranny of the District of Columbia. So I thought the Washington Building was as nice a one as any. And furthermore, John and I had been at the Matterhorn that very first date.

MS. GERE: Oh, right, right, right.

JUDGE GREEN: So I thought that might be a nice office. I went in there and asked them if they had space. They said they did. I introduced myself, and I said that I would like to open a law office. It was the vice president of Weaver Brothers. Weaver Brothers was the handler of the Washington Building. They also had their offices in there, on the second floor. This very nice old gentleman, from my point of view back then, I'm sure he wasn't so old. But anyway he was a very nice gentleman. He said, "I'll tell you what, I'll give you an option on the

best space that we have. I think that you would like it, and so I'll give you two weeks' option. Would that help?" I said, "Why, that's fine. What is it?" It turned out to be a suite of nine rooms. And I said—

MS. GERE: Whoa!

JUDGE GREEN: I went back, I think it was Friday that he told me—and I was driving myself crazy, and John, the whole weekend. I concluded there was no way. Because, you see, I thought originally that some of these people—

MS. GERE: Would be with you, right.

JUDGE GREEN: Were going to be with me, and that I would need it. And so when I found out, oh no, they were scared to do it and couldn't try and all this stuff, and the job that they'd had, while they didn't like it, it was—

MS. GERE: A sure thing, at least it'd be an income.

JUDGE GREEN: I decided two weeks nothing. I'm going to tell this man Monday first thing that I cannot possibly do it and he might as well lease it. So I said, "You know, there just isn't any way." He said, "Well, what do you really need?" I said, "Well, I need to have an office for myself. I need to have a storage room where I'd have files and things of that sort, and copy machine, and I would need to have a reception area. And that's all. Really, that's all I need." And he said, "Well, if I could find somebody who wants just about that, I just have a fellow who is just leaving the CAB," that was Civil Aeronautics Board in those days, and he said, "He's just looking for something, somebody to share a space with him." His name is John Marshall. I said that, well, he has a good name. So I met him. He and his charming wife, she really was a lovely person. I haven't seen her—I hope she still is, but I haven't seen her in some

years. He said she was going to be his secretary. And we talked about what kind of practice I had and he had, and so on, and he said, well, he didn't have a general practice at all. That his was going to be representing two or three people in the aviation industry. And that's all. So he had retainers. I said, well, I was going to have anything that had merit.

MS. GERE: That could pay. One hoped.

JUDGE GREEN: I needed a secretary, and I thought that we could, if we shared, that would be even better. I thought maybe she would prefer her husband over me. She never did, I might say. Tremendously fair. He didn't really have that much work to do, I might say, but I did. Well, anyway, I got out my notices—

MS. GERE: So you ended up taking that—did you take that suite of nine offices, then, with him, or a little less than that?

JUDGE GREEN: No, they cut it down for us so that we had five offices, as I recall. It was just what I wanted. He had two and half, I mean two and a reception, and we shared the reception area, with his wife as receptionist.

MS. GERE: I've never heard this part of the story.

JUDGE GREEN: Well, we got along very well. He really didn't have clients coming in at all, and I had everybody coming in. All kinds of people. But anyway, I didn't know whether I was going to have—I had just about enough money where, after buying nice furniture and the things that I thought I had to have in the way of books and so on. I wanted to look like an old established firm instead of Johnny-come-lately, and so nothing was modern. It looked very nice. I used to bring in flowers from the country. I haven't done that in a little while here. But anyway, he had his principal clients came only about two or three times a year down to see him,

and then he would beg me to please bring in wild flowers. Frankly, he would ask me to look over any legal document that he had, because he didn't really know much about the practice of law. So I tried to do that for him. And he died at a very young age, incidentally, with a brain tumor.

MS. GERE: While you were sharing space?

JUDGE GREEN: No, after he was gone. He was, I think he went back in the government for a while, as I recall. I guess he really hadn't been doing very much. As they had children, she stopped being secretary. I think he went back in the government. Meanwhile I had—

MS. GERE: Well, so, now where did you get your clients, since you'd been with Lumbermens for that period of time? How did you develop a client base?

JUDGE GREEN: Well, my former boss came over one day and he said—

MS. GERE: This is Mr. Glenn?

JUDGE GREEN: Mr. Glenn. He said, "How are you doing?" I said, "Well, I'm—" He thought I was looking very nice, everything's set up. He said, "You used to scream about wanting to defend the personal injury cases. You still feel like that? You think you could do it?" I said, "I know I could do it." He said, "Well, you want to try? You'd have to give me service all the way down the state. All the same areas we had always covered." He said, "I've brought you some files, if you want them."

MS. GERE: Oh, he'd actually brought them along with him?

JUDGE GREEN: He'd brought them along with him. And I said, "Wonderful." When I realized that this, of course, you don't get paid until a thing's completely over and

finished, because I never partially billed them. I don't know what other people did. I didn't bill them on anything until it was finished.

MS. GERE: Until the entire case was closed. You mean, would that be, like—what if there were an appeal? You didn't bill until—

JUDGE GREEN: But you know, they mostly weren't appealed.

MS. GERE: I guess people—

JUDGE GREEN: I mean, really. But anyway—

MS. GERE: Interesting.

JUDGE GREEN: People were not nearly as litigious in the first place. But I had, with the whole territory, Lumbermens was representing the city of Rockville. They had all of the hot-shots, they had Warner Brothers' Theaters, and of course I had handled most of those things—

MS. GERE: In the property damage.

JUDGE GREEN: Yes, in the property litigation. So that I knew the people that I was dealing with and all that sort of thing. I remember one president of some corporation, I can't remember at the moment which corporation it was, but his wife had fallen in the theater. A Warner Brothers' Theater. She had injured herself. I think she broke her hip. There wasn't anything that was wrong about the place. She had just plain fallen. I said to him, "I am not going to—there isn't any liability. I just would not think of insulting you with offering you a nuisance claim value because I don't think you're the type, and I'm sure that what you want is what you're entitled to. I have to tell you, you're not entitled to anything." He was mad, but he never sued. That was when I was at Lumbermens. But, as I say, I had, when I was at Lumbermens, also

handled the settlements of burglaries. Burglary claims.

MS. GERE: You really had a wide variety of work, then.

JUDGE GREEN: Well, they did sue on those things. But that was, as they say, that was when I was getting in my teeth—

MS. GERE: In training.

JUDGE GREEN: Right. But all of that, I think, was very valuable to me. I also think that it was a very great thing that I had that business of Lumbermens out of the Washington office. I had an office in Annapolis, as well. In Maryland, you had to have an office.

MS. GERE: Oh, you had to maintain an office.

JUDGE GREEN: I had to maintain an office. I had maintained that since 1950, an office in Annapolis.

MS. GERE: But did you actually—were there times when you physically didn't come into Washington, but you went and spent the day or days in Annapolis?

JUDGE GREEN: Yes, and it was a very frustrating time. I thought it was going to be delightful because I was going to practice law the way that people did down there. The difficulty was, I would wait until I had a lot of things to do. I'd have depositions scheduled, I'd have all these things to do in that one day. They were all agreed to, all these things, and by the time I would get there, it would turn out that the lawyers were either going hunting, they were going—

MS. GERE: Fishing, or whatever.

JUDGE GREEN: Whatever. They didn't think that this was a very big deal. And so it was mañana, was alright. Well, mañana was not good enough for me, because I was going

to be in trial someplace the next day. Somewhere else. So it was very frustrating, rather than satisfying. I thought it would be a nice change in pace. It was—

MS. GERE: The wrong pace.

JUDGE GREEN: That's it. But I had that office all the way until I was here on the bench.

MS. GERE: Well, now did you ever—did you have a secretary, or any staff in Annapolis?

JUDGE GREEN: Yes, as a matter of fact, the fellow that was associated with me down there, I sent a case to in the last six months.

MS. GERE: Oh gosh. Who was that?

JUDGE GREEN: Frank Walsh. Frank was doing lots of real estate work.

(end of tape)

October 26, 1997

MS. GERE: This is October 26, and this is a continuation of the oral history of Judge June L. Green.

Good afternoon, Judge Green.

JUDGE GREEN: Good afternoon, Sally.

MS. GERE: We were talking the last time we met about your days as a private practitioner in Washington. Today I would like to ask you about whether there were any lawyers that you think back on as ones who served as mentors to you during your career as a lawyer. Obviously, there were not a lot of women in practice at that time and therefore I would think it would have been difficult for a young woman to find a mentor. Were you able to do that?

JUDGE GREEN: The person who comes to mind was Joseph Bulman. Joe helped me in many, many ways, and we were fast friends. We are to this day, although he now lives most of the time in Florida.

MS. GERE: How did you come to know Mr. Bulman? How did you meet him?

JUDGE GREEN: I met him, actually, when I was still at Lumbermens. On different cases that he had, we worked together—on opposite sides.

MS. GERE: So he mostly represented plaintiffs, is that right?

JUDGE GREEN: He did. He was one of the most successful and nicest plaintiffs' attorneys in Washington, I thought. Always friendly with everybody at the bar. I think that I learned how to behave from him, because I sat with him many times in court, and realized that just because the rules provide for your objections, unless they're very necessary, you don't need to use them all the time. I learned things that Joe would say, for instance, about the jury. You

always watch the jury to see what goes over and what doesn't. If the person is making too many objections, they may be sustained, and they're very pleased with themselves—but the jury thinks they're trying to keep something from them. Joe made this very clear to me. He said that you just don't want a jury to think that they are—

MS. GERE: Not getting all the evidence.

JUDGE GREEN: And that you just take it easy. I thought this was fine advice. I have tried very hard to pass it on to at least my law clerks and to the lawyers who appear before me. Privately. However, sometimes they think they know better. Never with my law clerks.

MS. GERE: Well, that's good. I was going to say, I remember this lesson, and hope that I have used it myself and not forgotten it or thought that I knew better.

JUDGE GREEN: I'm sure that my law clerks have all been splendid lawyers.

MS. GERE: Well-raised. I think that's what we were. Well-educated.

JUDGE GREEN: Well, Joe took a particular interest in me, for unknown reasons. I knew him well. He would recommend me for the D.C. Judicial Conference. Which, of course, was the federal one.

MS. GERE: How did one become a member of the Judicial Conference in those days?

JUDGE GREEN: The judges were the only ones who invited them. And I had appeared many times before—oh, I take that back. There's another thing. The bar associations were given particular subjects to address when there were changes, I remember, in the law in some respect. Or when they thought there should be changes and were recommending to the bar itself that they would like to change these things. The Women's Bar would send me as their

delegate to the Judicial Conference and I would be invited if I made some presentation before the court. And when I started, we did not leave Washington at all.

MS. GERE: Oh, the Judicial Conference was held—

JUDGE GREEN: The Judicial Conference was held in the courthouse, in the beginning. It was one day. Then they would go to, after that, they would go to the Mayflower. They called the roll, and saw that people sometimes were not there when the roll was called. I was there.

MS. GERE: I would think that would be a good thing—to be there when they called the roll.

JUDGE GREEN: I thought so. Then they would have a break before they started, and a number of people would leave and go back to their offices. Not me. I sat through many a boring presentation and I did manage to look interested. Sometimes I would be rather alone there, almost. Especially after lunch, when the people would come back, but then they would get out of there—

MS. GERE: And go back to their offices?

JUDGE GREEN: Well, they'd do whatever they were going to do. Maybe they were going to play golf, I don't know. But in any case, I think that the fact that I stayed—always—to do the job, that if you were the speaker—I always felt, how terrible to talk and not have anybody to listen at all. So I think that they thought that I ought to be invited the next time. And I was. Joe would always recommend me as well, when the time came that any attorneys could recommend anybody. So when I started in, the Women's Bar did help, very much. And I remember one time we had a subject that involved changing the probate rules. The

people who really were in probate law wanted more time than they were given. I thought that the least that I could do was to give them my time. That was appreciated by the people who needed it. I think that just plain common courtesy made a lot of difference. This is why I feel so strongly about the lawyers today who are just uncouth to each other.

MS. GERE: Both in the courtroom and out of the courtroom.

JUDGE GREEN: Right. Just not considerate of anything, except themselves. I've seen a lot of them go by the board as a result. They just have not made it.

MS. GERE: That is one of the things that, in teaching law students, we regularly say. You have only one reputation as a lawyer. You should take good care throughout your career to protect it. Because once you lose it, it's not likely that you will be able to get it back.

JUDGE GREEN: Right.

MS. GERE: I hope that the younger lawyers remember that. I certainly think that's something I learned very early in my clerkship with you. Both listening to you say how important it was, but also in watching the lawyers who appeared before you who were not able to maintain it.

Well, as to Mr. Bulman—did there come a time after you were in private practice that you ever worked with him on the same side of a case?

JUDGE GREEN: Yes, absolutely. After I no longer represented Lumbermens. I don't know whether I've told you about that?

MS. GERE: No.

JUDGE GREEN: Well, Mr. Glenn had moved to Chicago, to a more important position—

MS. GERE: With the company?

JUDGE GREEN: With the company, yes. He had been wonderful about submitting all the defense cases in Maryland that were handled in the Washington office. That was all of Montgomery County all the way through St. Mary's. So I handled the defense of all of those personal injury cases, including the city of Rockville, as they were insured by Lumbermens. The person who succeeded Mr. Glenn was not a lawyer. He was—I don't really know what his background was. But he was not a lawyer—and the head of the office had always been a lawyer both before Mr. Glenn and all the years that he was there. And this man came and complained about one of my cases. They had never complained about my fees or anything of the sort in Chicago, and it always was put through the Washington office. Then they would send it on to Chicago to get paid at the home office. I had had a very successful record. Obviously, you never win them all. But at least there was a basis for it when we didn't win one. In any case, this was one that I thought was a very serious case, in which a driver from the city of Rockville, a truck driver—

MS. GERE: An employee of the city?

JUDGE GREEN: —had injured somebody else to such degree that they were emasculated. He was entirely at fault. I did not feel that this was a case that should be tried by a jury. I felt that it should be settled, if possible. I had worked very hard on the case to get it in position to settle, with depositions and witnesses and so on. All of the things that one does. It had been settled quite comfortably, decently. I had, as usual, sent my bill for my time and efforts. The then-Chief of the Washington office came over to see me. He said, "I think that you have a very tough bill for this case. What is the reason?" So I explained to him exactly what was

necessary to do in the case and what had been done, and we'd had a very fine—

MS. GERE: Result.

JUDGE GREEN: And I felt that that was a fair bill. They had always felt that I was fair, I felt. He continued to pace up and down my office. I said, "What do you think?" He said, "Well, I don't want to set your fee. I just ask you what you think." I said, "Well, I gave it a good deal of thought, and that is what I think." He said, "Well, I just think—" He kept on, never explaining what was wrong with it. So I realized that he was quite dissatisfied with me, personally. I wondered why. But I also felt that if I cut the fee, I was going to lose my self-respect. I figured if I didn't, I was going to lose his business. As against the two, I didn't want to lose my self-respect. So I said, "I'm sorry, but that is what I think it's worth." He said, "Well, after all, you are a woman." I said, "Yes—"

MS. GERE: That was not an issue, but—

JUDGE GREEN: I said, "I have always been a woman, and I always expect to be in my lifetime. If you'll excuse me, I think that's a non sequitur." And he said, "Well!" And he stalked out of the office. I had many cases that were still pending in different stages. I thought they would all be called for. But they were not. He allowed me—I guess the company allowed me—to finish them all, because it would have been a rather awkward position for them, I think, if they'd had to get somebody else to do it at the last minute, when we were all scheduled for trial.

MS. GERE: Did it cross your mind at all to send them back their cases that were in mid-process?

JUDGE GREEN: Not at all. My feeling was that I was not at fault in doing anything. I thought that this man is never going to send me another case, and that's the way it is.

I would not be able to get along with him anyway. But I never heard anything about the other cases. They just paid me. Nobody was complaining.

MS. GERE: Did you ever—

JUDGE GREEN: I never knew what he was saying or anything, but I got paid what I was charging.

MS. GERE: Did you ever talk to Mr. Glenn out in Chicago?

JUDGE GREEN: No, as a matter of fact, he died very early, out there. I had never known he had a bad heart or anything, but he had had a heart attack and died. In fact, I didn't know that he had died. It was afterwards that I finally got some word about it. I felt very sad about it, because he had been a very good friend, and a good boss. In fact, I was godmother for one of his children.

MS. GERE: Oh, my. When that happened, what percentage of your work at that point in practice was for Lumbermens, or Lumbermens-related?

JUDGE GREEN: Quite a lot. Although by this time, so many people had been represented by me in the city, in the area, that people I'd represented when I was at Lumbermens itself would seek me out to come back if they had bought a house and there was a settlement, and I would do that. Or a divorce, or something of the sort. Anything.

MS. GERE: Whatever they needed a lawyer for.

JUDGE GREEN: Right. People were very, very loyal. Many of my former clients have been friends for years and years with me, still. Naturally, they had to get other counsel. But for a while, John was taking care of the ones who were the freebies. I told him that I had always represented these people, and they changed their wills every year and that sort of thing, and that

he should do that without charging them. He did for a long time. Then he decided that was not—

MS. GERE: That was not his line, either. Well, with your practice then—

JUDGE GREEN: I had a very general practice. But Joe Bulman came forward and said to me, they are still very stuffy about the cases in Maryland, for that you have to have an office. I did have an office in Annapolis as well as in the Washington Building. So he said, “Would you care to represent plaintiffs? I’m sure that you can do a good job.” I had of course been representing some plaintiffs on my own. So we had worked it out that I would represent any person that he wanted me to represent and sent to me. He paid me very well for it. It was always a percentage.

MS. GERE: And these were typically cases that were going to go to trial in Maryland, and that’s why he had associated you? Because you had an office in Maryland?

JUDGE GREEN: Right. Also, when he sent them to me, they were beautifully fixed. I shouldn’t say fixed. [Laughter.] Sounds like a strange term. But I mean prepared. All of the things that you start doing in a case to get to know it had been done. Of course, I had to meet the clients, finally. He would send them over pretty fast, when I was doing all of his plaintiffs’ work in Maryland. They would have police reports, they would have all of the witness statements; they would be quite ready for me to take the depositions and so on, and get ready to really try them. It was a wonderful experience for me to have both sides of the cases. At one point, actually, when I had started with some of the plaintiffs’ cases, I had a problem—because sometimes they would be one of the Lumbermens cases or something of the sort that I hadn’t known that the defense was covered by insurance. I would have to get out. At least I felt that I

did, because sometimes I was still representing Lumbermens at that point.

MS. GERE: So most of these plaintiffs cases, then, were personal injury?

JUDGE GREEN: Personal injuries, but plaintiffs. We had a wonderful arrangement. I wanted to stay in my own office, and that was perfectly satisfactory to Joe, and we were very close to each other. We were in the Washington Building, and he was in the Woodward Building, just up 15th Street.

MS. GERE: So he had a firm, then, and others that he was in practice with?

JUDGE GREEN: Yes, it was Joseph D. Bulman's. I thought that was good enough for me. And mine was June L. Green. And Joe's firm, the name still goes on now that Joe has been retired for a long, long time. He had Montedonico and he had Sydney Goldstein.

MS. GERE: Oh, Joe Montedonico was with him?

JUDGE GREEN: Oh, yes. Started with him.

MS. GERE: Oh, he did? Oh my gosh.

JUDGE GREEN: He had a number of people. But as to say, I did my thing in my own office, and I had always an assistant or an associate, always on my own payroll. Sometimes I worked it out so that if they brought cases in, they would get their own fee that way.

MS. GERE: Among the associates that you had working for you while you were in private practice—were any of them women?

JUDGE GREEN: No, I didn't have any connections with the women. The only time was after I had had William Stevens, who turned out not to be able to try cases. It made him sick. Every time we'd start court, I would end up having to try the case that I thought he was going to take. He turned out to be—to stay out of court and do tax work. He is very happy and

very successful now, which is fine. I heard from Bill Ehrmentraut, at that point, who knew that Stevens had left, and he had been in practice out in Brentwood. And he hadn't been able to make it, with a fellow named Cumulata. He wanted to know if I would take him on. And I did. He was with me for about six years, I think.

MS. GERE: He then went on eventually and started his own firm, didn't he?

JUDGE GREEN: He did, with Donahue, Ed Donahue. Who had been with McInnerney . I remember those things. After Bill left, and I thought it was a good idea for him to set out on his own and he was ready for it, and was very successful. And I had Yasha Drabek. He was still in law school at the time he started with me. He became a lawyer and stayed, and was quite able to take over some of the cases and work on them. He stayed until such time as he got married. He got a job in the government for a short period, and thereafter they moved to New York. He was general counsel for a corporation, a manufacturing corporation. Unfortunately, he has been dead a long time now. He died of cancer. But we were fast friends, as we were with his wife and widow. He had three children. I still hear from Jill, his wife, and I knew his parents very well. They're both dead at this point, too.

MS. GERE: Did he stay with you until you were appointed to the bench? Or he left before that time?

JUDGE GREEN: No, he was there when Joyce came in.

MS. GERE: That's Joyce Green.

JUDGE GREEN: Joyce Hens. I saw her at the bar meetings. I didn't know her particularly well. She was associated in an office with—I don't remember the woman's name—but Joyce was practicing mostly in Virginia. She had an office there. She had shared an office with

someone in Washington, a woman. When Bill left, I think, that was when she came. Pretty sure. Because Yasha was still there. Yes, I think Yasha was there when Bill was there, too. But Joyce wanted to know whether I would be willing to rent her some space. She thought that she'd like to be associated with me that way. We didn't have any business connections, only a friendly situation, where she'd pay rent to me and she also contributed to the secretary. She had her own office in the suite.

MS. GERE: What kind of work was she doing at the time?

JUDGE GREEN: She was doing family law. Well, I was doing a lot of it, too. Divorces and all kinds of settlements, because that was what I used to try to do. Until I found out that that was not a kindness, sometimes. That it was better to try to see that they not do mean things to each other, and explain that you didn't want to have sometime in the future when you would be ashamed of what you'd done. That was very important. And so my clients stood a chance of being happy, I think. Because they didn't do things like that. I found that in doing domestic cases, that is one thing that all the laymen are willing to give the client free advice. They will tell them, "Do this to 'em. Move the furniture out. Take the bank account." All of these things. They're so upset that they think this is the thing to do. You must, I felt, get them in the proper state to know, to think, that it was their idea that they were not going to do these bad things. And so my clients, this is why there are some still very friendly with me after all these years.

MS. GERE: It's because they can look back and feel good about themselves, even though it was a bad situation.

JUDGE GREEN: They were not ashamed of themselves and they had something

to build on. Joyce was the same kind of practitioner. We were close. I had been for nine years going to the Congress to get them to change the laws in the District of Columbia for divorces. I wanted them more like Maryland laws, in which voluntary separation was the same as desertion, the length of time. Otherwise, they were much more inclined to be phony. I didn't go with phony rules and regulations. I just thought the rules and regulations should be changed, and have them both the same. And also I thought that I found that the cases that I tried in the United States District Court, in the divorces which I did—

MS. GERE: In the federal court, you tried divorces? Oh my goodness. I guess that's right.

JUDGE GREEN: Oh, yes. You see, when I was in practice, the District Court, the federal court, had general jurisdiction as well as the federal jurisdiction. They had the D.C. General Session, what would have been a state court, and we had all of the D.C. felonies, and we had probate in our court, in the United States District Court. Which was why it was a subject matter of the—

MS. GERE: —of the Judicial Conference. Oh, I see.

JUDGE GREEN: But on the basis I had recommended that they change the laws and that they set up a special court in the Court of General Sessions, which was the District of Columbia court, to have special judges do family work. Because so often the judges felt that divorce cases were beneath them. I think that was the way most of the people treated them. Not all of them, of course, but many judges were not in favor of divorce anyway, because of religious commitments. It was a difficult thing to get a case tried by the court properly. One judge in particular who was not very well known there, when he would have a divorce before him, would

be in and out of there in seven minutes.

MS. GERE: Oh, good heavens.

JUDGE GREEN: Because the witnesses you'd brought were never allowed to say anything. They would not even require you to make a case, I felt. And this was not the way it ought to be. I represented many defendants as well as plaintiffs.

MS. GERE: So it was unfair to all parties.

JUDGE GREEN: To everybody.

MS. GERE: How did the judges get assigned to those cases? Were they random assignments, or—

JUDGE GREEN: Well, you see, they didn't have any—it was the so-called master system. There was a clerk who would find out what judge was available or most of the time they would set motions in the entire court for a Friday, and it would be in the master calendar, generally. But they didn't give the consideration to the custody cases that should have been paid attention to. I'd always felt that I certainly could give myself the opportunity of not taking a case if I felt it was the wrong side when I got into it. I would have to tell them that I was not going to represent them. When I had a custody case I could put all of my efforts into it, because I believed in it. I believed that was the best thing for the children. I took the trouble to find out what the other side was like and what it was going to do to the children, because so many times it did a lot more to the children than it did—

MS. GERE: To the adults. Right. Did you find that to be true in all of the cases in which you were involved—that is, that you had to feel comfortable with the side that you were representing, or the position that you were advocating, or was that more—

JUDGE GREEN: Especially with custody. If custody were involved, if that were the situation. I felt otherwise that people were entitled to representation. You see, the District of Columbia at that time had no CJA rules at all. There was no one appointed for indigents. I mean there was no system for it. So if you were appointed by the court, you might be appointed to represent a defendant who was charged on a serious felony, and when you did, you were expected—out of your own pocket—to get the copies, make the copies, go to the jail, or do all of the things, trial or whatever.

MS. GERE: Truly pro bono.

JUDGE GREEN: It really was, indeed. You didn't get anything back, at all. Or any money for your time. The judges always felt that it was made up to you by having you appointed a guardian ad litem in something. Well, I might say that those were not very satisfactory.

MS. GERE: The equation didn't quite work the way they thought.

JUDGE GREEN: They appointed me to many rape cases. So many so that I had a feeling that maybe there was something about—

MS. GERE: To represent the defendants? In rape cases?

JUDGE GREEN: Yes. There were civil attorneys who would go to the court when they were appointed and say they were unable to do criminal work. They didn't think they could do it well enough. I didn't personally feel I wanted to admit to anybody that I didn't think I knew how to practice law. So I would find out how to do it.

MS. GERE: So these were criminal cases, then, that you represented the defendants in?

JUDGE GREEN: Sometimes they would not be. To start off, they would pick a couple of them each year that you had to do at your own expense and your own time. I sincerely told one of my clients, I remember, that I did hope that he would be more convincing to the jury than he was to me, because I frankly thought he ought to plead guilty. But he didn't, so I represented him.

MS. GERE: And what did the jury think of him? Convicted him?

JUDGE GREEN: Yes.

MS. GERE: Back to the domestic relations work—were you successful in ever convincing Congress to change the law?

JUDGE GREEN: After nine years. And it was very interesting, because it was always in the District—it was the Committee for the District of Columbia, you see—that I was always required to testify before on behalf of the bar.

MS. GERE: Was this the bar or the Women's Bar?

JUDGE GREEN: D.C. Bar. Both, really. They got on the wagon, too.

MS. GERE: Probably something that everyone would have been in agreement on.

JUDGE GREEN: They finally set up the Family Branch and it provided for three judges. I had really assumed that one of them would have to be, since they had a male and female involved in every case, I thought that one of them would certainly be a female judge. I was in error. They were all three males they picked.

MS. GERE: Who picked them? Congress? Or was it by Presidential appointment?

JUDGE GREEN: They were—I think those were recommended by the bar. These

were people who wanted it and got it and were political appointment.

MS. GERE: Political appointments, I see.

JUDGE GREEN: One of them was Godfrey Mutter.

MS. GERE: I remember that name.

JUDGE GREEN: One of them was Frank Meyers, who was a very able negligence man.

MS. GERE: But didn't know a lot about domestic relations?

JUDGE GREEN: Nothing. And the other one was Judge Burnett who was quite an able civil practitioner. Unfortunately he had diabetes. Every now and then he would be completely out of it on the bench. He died on the bench, actually. I mean, while he was—he was one who was so insulting to women. Even if it was a voluntary separation, he would go into what their marital experiences had been—things that were absolutely totally irrelevant and insulting. One of the witnesses before him was a senator. He was so horrified at the way his friend was treated and the outrageous behavior—he had sat there and listened to these things—that he started a proceeding against him to remove him from the bench, which was joined by a lot of people. It was only a limited period of time that judges were appointed for in the General Sessions Court. When they came up for re-appointment, they were checked on to see whether they were doing alright. This poor fellow was certainly not doing alright, and indeed there was no doubt about it. So he was being considered to be taken off the bench.

MS. GERE: So Judge Burnett died. And then who took his seat?

JUDGE GREEN: I'm not sure whether this was when Judge Joyce Green was appointed or not. I know what date it was, because she was appointed in March, 1968, and I was

appointed to the federal bench in 1968 in June.

MS. GERE: Goodness. So within months of each other.

JUDGE GREEN: Now at that point, Joyce was married to Sam Green.

MS. GERE: Who was also a lawyer in Washington.

JUDGE GREEN: A very able one, who practiced a great deal of domestic relations law. And always the way she and I did. Great feeling for the people, custody, all that sort of thing. I had many a case against him, and it always was a happy situation. He was a very decent nice person.

MS. GERE: The civilized practice of law—the way, as you were saying before, it should be practiced and too often is not.

JUDGE GREEN: Exactly. Indeed. So that when I was doing a lot of these things, I was then the chairman of the Domestic Relations Committee. This was one of the reasons why they appointed me to go up there to Congress.

MS. GERE: This is the Domestic Relations Committee of the D.C. Bar?

JUDGE GREEN: The D.C. Bar. Now that was the Bar Association of the District of Columbia, because there wasn't any other one at this point. The Women's Bar and the Washington Bar, which was black lawyers. And that's about it.

MS. GERE: Then your practice was—

JUDGE GREEN: A very general practice with a large amount of negligence cases, and with large amounts of personal family matters.

MS. GERE: What kinds of work did you—what did you like best about private practice?

JUDGE GREEN: I loved representing both sides of negligence cases. I felt that I could do more for the people in the family cases, but I would worry and stew about them a lot. I didn't worry and stew about—except of course to feel that I had to be successful—the people who were really needing the money to take care of themselves when they were injured. That was always a worry, but generally speaking I was pretty successful. There came a time when Joe Bulman said, “You're making more money than I am from this. I really think I have to open my own office in Maryland.” I said, “I think that's your right, and more power to you.” There was nothing he owed me. He was so kind and wonderful over the years that I was delighted for him when he did this. I guess that I had an awful lot more of family and domestic matters at that point because there were people recommending me. I remember some judges would recommend me to clients that were surprising to me. They would call me and say, “I have a friend and I just know that if you'd represent them I would be happy.” I could take cases either in the District or Maryland, you see.

MS. GERE: So your work—it's sort of interesting that you began more as a defense lawyer, then became a bit of a plaintiffs' lawyer—

JUDGE GREEN: That was over a number of years.

MS. GERE: Domestic relations work, and a little bit of criminal work sprinkled in there.

JUDGE GREEN: Oh, yes. Of course every now and then you would have a client you had represented in all other ways and they would be charged with drunk driving. I couldn't just say, “I don't handle things like that,” when I was the only person that they'd been having for all those years. So I'd represent them. They hadn't killed anybody, thank God. Because I would

have been hard pressed then.

MS. GERE: To say yes to them? Well, in the various courts where you practiced and over this spectrum of work that you did, did you find that a woman practitioner was more accepted in some realms than others? In other words, was there women's work in the law? Or were there courts that were more hospitable to women? Or lawyers who were more hospitable to women?

JUDGE GREEN: I think that there were—but I never felt that way, I mean I didn't really feel that way. I certainly think that some of the characters that I met on the other side of marital cases were the worst. The absolute worst. I recall one man from Baltimore who had written me about how sad he was to think that I already had had my swearing in when he'd read about it. I must say, I had not invited him.

MS. GERE: One reason he didn't go. That would be good.

JUDGE GREEN: He was engaged in every kind of chicanery. I thought it was chicanery. I made sure that anybody I ever knew did not—really, I didn't reciprocate his building up of me. I didn't think that he was a person who should be representing anybody. Certainly not in anything as personal as a divorce.

MS. GERE: But were the judges—

JUDGE GREEN: One never knows what anybody else feels. I really didn't look for prejudice, bias, to tell you the truth. That was why I was so struck with men who came over from Lumbermens. I had never had that experience. I believe that the people who were insured by Lumbermens undoubtedly wondered whether or not I was going to be able to do the job. I would see questioning in their eyes sometimes. But I was what was presented. But if they ever

complained, it wasn't to me, except one person. And he was just a—

MS. GERE: A difficult human being.

JUDGE GREEN: A difficult human being. It was one that the judge had to say, Mr. So-and-so, you're not doing very well on your own, popping off. So I would suggest that you listen to Mrs. Green's questions and answer those, because she is very experienced, and you're not doing very well for yourself.

MS. GERE: I guess at times like that you don't need to say anything, just let the judge do the talking.

JUDGE GREEN: I remember another one. I attended a luncheon at the, not the Women's Bar, it was a luncheon with the Maryland bar people, and the host was someone who owned a hotel in Washington. He really was not much of a lawyer, but he made his money in things like the hotel business and other such. He had Judge John Gray from Southern Maryland who was a wonderful gentleman at that luncheon. He had about fifteen others of us at the table. I think there were about sixteen. He made a big speech of introduction about each one of us. I was the only woman. He said, when he got to me, "Well, of course, Mrs. Green." Everybody else had had their description as to what they were doing and what their practice of law was, and what their office was, and a few other such things. "And of course Mrs. Green is the decorative one."

MS. GERE: That's what he said?

JUDGE GREEN: And that I was lending the charm to the group. And Judge John Gray got up and said something like this: (I wish to goodness I had a copy of it.) Mrs. Green is one of the best lawyers at this table. She has been in trial work for a number of years and all

quite satisfactory. I would like to say that she indeed adds more to this group than decoration.

MS. GERE: Very good.

JUDGE GREEN: I've remembered the gist of it for my whole life. My whole legal life.

MS. GERE: I can see why.

JUDGE GREEN: I remember also when I was having a lot of trouble with a judge who was a curmudgeon in Annapolis. I had decided—he had kept us there until 11 o'clock at night on a jury trial. The jury came in. It was a hung jury. They couldn't decide anything after all that time. This was an automobile accident case, a woman had been seriously injured and had had a number of—it was an ad seriatim case and all rear-ends. She was a passenger. There wasn't any way she could have been contributorily negligent. I mean, she wasn't—

MS. GERE: Hardly, when you're the passenger.

JUDGE GREEN: So anybody would have assumed that we were going to get it settled, but we didn't. You had one chance to have a case transferred. I took it. The judge decided he was going to fix me, by sending me to Prince Frederick, which consisted of mostly farmers and not as big jury verdicts. And so we went there, and guess what—well, my old friend Judge Gray had just been transferred—

MS. GERE: Oh, goodness. Transferred to Prince Frederick.

JUDGE GREEN: He always helped out other courts, when he was there. He was in Marlboro, he was there, and he was in several other places. It seemed to me when I'd gotten to—oh, bless me.

MS. GERE: There is some justice in the world. It may take a while.

JUDGE GREEN: It settled. And he was not a biased, bigoted man. He just wanted to see justice done. He figured that they were not giving it to me.

MS. GERE: Well, your practice, then, and we talked about the different subject matters that you covered, and it sounds as though throughout your private practice career you practiced a good amount in Maryland and a good amount in the District of Columbia. How did you decide which bar or which legal community you were going to be most active in? I mean, aside from where you actually tried your cases? What drew you ultimately into the Washington community?

JUDGE GREEN: Well, of course, the Washington community was where I started. I had started my practice there, at Lumbermens. My office was there first. I got the one in Annapolis in 1950. In '47 I was in the Washington Building. I realized that I had to have a Maryland office, because they were not having reciprocity at that point, of any place around the area. So I had an office in Annapolis. I had just said to John, when I had been considered for a judgeship on the then Superior Court—

MS. GERE: General Sessions Court?

JUDGE GREEN: The Superior Court was set up about 19... after I was on the bench. But it was all the result of a committee that we had, the Administration of Justice Committee, that I felt made a lot of difference. I know that the Court of Appeals had set up that committee.

MS. GERE: The D.C. Circuit?

JUDGE GREEN: Yes, the D.C. Circuit. They had set up everything. That was when I was the chairman of the Relations with the District Court Committee. I had been, that

was one of the places where I went down to recommend that they not have the civil cases waiting five years to get tried. I took two gentlemen with me and we were down there to bell the cat. I went down to see Judge Pine who was at that time Chief Judge.

January 11, 1998

MS. GERE: Good afternoon, Judge Green. How are you?

JUDGE GREEN: Fine, thanks, Sally. How are you?

MS. GERE: I'm fine. We are here today on January 11 of the new year, 1998, to continue your oral history. In looking over when we last spoke, you had begun to talk about a meeting that you had had with the Chief Judge of the—

JUDGE GREEN: —of the United States District Court.

MS. GERE: Of the United States District Court. You were at that time chair of a committee of the Bar Association of the District of Columbia that was devoted to relations with the court.

JUDGE GREEN: Right.

MS. GERE: If you could finish up about your meeting with the Chief Judge and one of the very apparently practical outcomes of that meeting.

JUDGE GREEN: The two male lawyers of our committee joined me. They tried to stay as far back as possible when we entered the judge's chambers. They left me to bell the cat. When the Chief Judge found out the purpose of the meeting, he was so irate that my colleagues were nearly ready to withdraw. He demanded to know how we had the temerity to question the delays in the court. We explained that it was taking five years to get to civil trials, after they were ready. Sometimes longer. The criminal cases—we had no speedy trial act at that time—

MS. GERE: How long were those cases taking, without speedy trial? Too long, I guess.

JUDGE GREEN: Too long. Anything was too long when you had people who were in jail without being tried. We were asking that the court might consider not taking all summer off.

MS. GERE: So the judges did not sit during the summer months?

JUDGE GREEN: No, at that time they were taking off the summer—both the District and the United States Court of Appeals. They would all be off all summer and not have any hearings at all during that period.

MS. GERE: But by then the court was sitting in a building that was at least air conditioned, wasn't it?

JUDGE GREEN: It was indeed.

MS. GERE: I've always heard the story that, given Washington's weather, and before air conditioning, the judges were not too anxious to sit in their robes in a building in the heat.

JUDGE GREEN: I believe that at the time that I was talking about, our courthouse was built—in fact I still have the invitation for when the cornerstone was laid—

MS. GERE: That was in the 1950s?

JUDGE GREEN: Yes, it was. President Truman laid it. It was a boiling hot day, I remember. We all sat on metal seats outside. It was a brand new building, and it certainly had air conditioning. There are times, even now, when it may not work very well, but it's there.

I really thought that I was going to be bodily thrown out of the chambers. I had to apologize profusely for bearing that message, but we didn't know what else to suggest.

MS. GERE: What time period was this, Judge, approximately? What year?

JUDGE GREEN: It was—I really don't remember when I was chairman of this committee, but I could find out, I'm sure. If it's important, which I think it isn't, terribly.

MS. GERE: In the '60s, are we talking?

JUDGE GREEN: I think so. I think it may have been '59 or '60 or so. In any case, finally—and I don't remember how soon it was that they did change—but the court did change and sit all during the summer. But with less of their people. Many of them were taking their vacations. Everyone was limited to the time that they were on vacation. The court still, to this day, is open for trials, and we are in reasonably good condition for people who are short of judges again. Two vacancies remain.

MS. GERE: Just to finish the story, the District Court concluded that it should begin sitting during the summer. Did the D.C. Circuit reach the same conclusion at the same time?

JUDGE GREEN: I can't remember. I was not on the committee regarding relations with—

MS. GERE: You didn't have to go ask them if they would sit all summer.

JUDGE GREEN: They do sit whenever there's an important case, and they are keeping it contained in the Court of Appeals by having, they try not to have, I believe, new cases heard if they're in good shape—

MS. GERE: With their calendar.

JUDGE GREEN: I think that it's within reason. But in any case, I felt that once I was appointed to the bench, I got my just desserts, perhaps. Because I would have to—

MS. GERE: You would have been the beneficiary of the no work during the

summer rule!

JUDGE GREEN: I certainly would.

MS. GERE: Did you ever have to appear before that judge again, after having met with him?

JUDGE GREEN: Oh, yes.

MS. GERE: What kind of a reception did you receive thereafter?

JUDGE GREEN: Actually, polite.

MS. GERE: Good. As it should be. Since you were just the messenger.

JUDGE GREEN: Right.

MS. GERE: Well, Judge, I would like to turn if we could at this point, to the time period and the events that led up to your appointment to the United States District Court for the District of Columbia. I know that we have spoken in the past about your service on one committee in particular that you saw both as a critical contribution that you made to the City and the court, but also perhaps was important ultimately in your consideration for appointment to the bench. That's what has been referred to, at least as I have heard it, as the Gesell Committee. Could you tell us a little bit about the committee and your service on it?

JUDGE GREEN: Well, I was working in the office late, as was my custom, and I had a phone call from the then-Chief Judge, a different one, indeed, from the United States District Court, who said that there had been a meeting of the Judicial Council and that they had voted unanimously to appoint me to a new committee that they were selecting. It was a study of all of the courts in the District of Columbia with recommendations for how they could be improved.

MS. GERE: So I take it at this time there had been a recognition that the D.C. courts were in need of some improvement, is that right?

JUDGE GREEN: Oh, yes. I think that in many ways they needed lots of help. They needed more judges. They needed more everything. Space. But particularly for the D.C. Court of General Sessions and the Juvenile Court. So I said to the Chief Judge that I was—

MS. GERE: And who was the Chief Judge at this point? Who had made the call to you?

JUDGE GREEN: This was Chief Judge Bazelon, and I said that I was so busy with case trials, day after day all over Maryland as well as the District, that I just didn't think I could take on any more work of that sort. And he said, "I'm not accepting no for an answer. You've been unanimously chosen, and you're the one we want." So I said, "Yes, sir. I guess I'll have to do it." He said, "Thank you very much. I'm sure you'll enjoy the rest of the people." Gerhard Gesell will be the chair of the committee.

MS. GERE: At that time, was Judge Gesell—Gerhard Gesell—at Covington & Burling?

JUDGE GREEN: Covington & Burling. He was a long-time partner. Long-time senior partner. He specialized in anti-trust cases and represented DuPont and a number of corporations. We didn't run in the same league, so I did not know him, and he didn't know me. I did know everybody who was appointed to the committee.

MS. GERE: The other people on the committee were—?

JUDGE GREEN: George E.C. Hayes was the vice-chairman. And John Pickering was there, John Pratt, James F. Riley, Dan Rezneck, Samuel Spencer, Edward Bennett Williams,

and all of these people, besides Gerhard Gesell, but all the rest of them, I had known for years. I had had cases with them and against them.

MS. GERE: They were all lawyers that you viewed as, I take it, very competent, and people who would, at least in your view and expectation, contribute to the work of this committee?

JUDGE GREEN: Right. Many people. I think Judge Gesell found that it was necessary, since we had so much work cut out for us ourselves, that many sub-committees were formed, and there were lots of well-known attorneys on the sub-committees. One notable one was Patricia Wald. She had been working on criminal law at the Department of Justice, with the Congress, working on trying to set up a law that was changing the legal basis for many of the criminal cases. So she was very well experienced with what our role was.

MS. GERE: She now, of course, is on the U.S. Court of Appeals for the D.C. Circuit.

JUDGE GREEN: Having served as Chief Judge of the U.S. Court of Appeals.

MS. GERE: Who else were among the notable lawyers on the various subcommittees, that you can recall?

JUDGE GREEN: Barrington Parker. I believe that Tom Flannery was also on one of the sub-committees.

MS. GERE: They both went on to become U.S. District Court judges.

JUDGE GREEN: Yes. Tom Flannery has served as a United States Attorney for the District of Columbia for some time.

MS. GERE: And what was Judge Parker's background at the time?

JUDGE GREEN: He was a trial lawyer. I didn't know him very well. I had not run across him too often. And—I cannot think of the fellow's name, who was in Judge Gesell's office—he went to the Superior Court, afterwards. I think he probably was on a sub-committee.

MS. GERE: So this committee was appointed, then, in early 1966? Is that about right?

JUDGE GREEN: I think so. I think that the report that we made was made at the District Judicial Council. They had proposed these changes as a result of our decisions that had been made available to them. We had made forty-six recommendations. These were made public on May 8, 1967.

MS. GERE: So you served on the committee for—the work would have been at least a year's worth. Is that right? Or seemed like a lot more?

JUDGE GREEN: Indeed it did. I'm sure that somewhere I have available the information regarding when we were appointed. But at this point, I really don't remember very well. I didn't really feel that I could take it on.

MS. GERE: You didn't feel you could say no, either, I guess.

JUDGE GREEN: That's right.

MS. GERE: So what were the meetings like, and how did this committee set about meeting the goals that the court had identified?

JUDGE GREEN: I'm not going into that particular. We worked very hard.

MS. GERE: Did you meet on a weekly basis?

JUDGE GREEN: Sometimes it was several times a week. But mostly it was at least once a week. We had much work to be done to get the things done that we'd laid out for

ourselves. I don't know how many people eventually were tied in with all of the sub-committees. I do know that the Congress was being worked with, with Senator Tydings. Joseph Tydings.

MS. GERE: Because he was—

JUDGE GREEN: He was the chairman of the Judiciary Committee at that time. He made available his staff to work with all of the proposals that had been worked on and worded and so on, to set up the new court.

MS. GERE: So this was the legislation to establish the Superior Court? Is that right?

JUDGE GREEN: Right.

MS. GERE: And to transfer some of the jurisdiction from the U.S. District Court to the Superior Court.

JUDGE GREEN: Right. Because until this was actually adopted, we still had probate in our court. The D.C. probate. We had D.C. felonies. We had all the D.C. felonies. And we had many things that you just—marriage licenses, all sorts of things that were purely of local jurisdiction.

MS. GERE: Or should have been.

JUDGE GREEN: Should have been.

MS. GERE: And that's what the proposals were designed to effectuate.

JUDGE GREEN: Some of the things that we had recommended did not get accepted. But one thing that we did—we did not transfer to the Superior Court any cases that we had on backlog in our own. We kept all of the criminal cases and disposed of them ourselves. We kept all of the civil cases, I believe, as well, and allowed them only to start from scratch in

the Superior Court.

MS. GERE: So on a going-forward basis.

JUDGE GREEN: Of course, they already were behind very much. They were having great difficulty in finding space enough while our building was being built, but they did utilize everything that was available under their Chief Judge, Harold Greene.

MS. GERE: Now I'm probably not going to recall precisely the correct date—but that transfer of jurisdiction did not ultimately occur until 1971 or so, I want to say. Because I think it was in the middle of the time while I was clerking for you. That's my recollection. That when I first started, the District Court still was one of general local jurisdiction. The second year I was with you was when there had been a transfer of jurisdiction. '71? '72?

JUDGE GREEN: What happened when we were appointed, enough of us to make a difference, was that we voted to have an individual calendar system, instead of the situation that had been in the courts before. To get the vote, to have it go to the individual calendar system, we had fifteen judges at that time voting, and active members of the court. Seven of them voted to keep the same old calendar method. Eight of us voted to change. We volunteered. This was pretty much how we got the vote—we volunteered, the eight of us, to take all of the criminal cases in the court and divide them up equally. They were assigned to us, and we were assigned three Assistant U.S. Attorneys who worked for another judge and ourselves. In other words, three Assistant U.S. Attorneys doing criminal work were working full-time for another judge and me, or two judges, because they had to be preparing the cases that were coming up one after the other. So they needed to have at least the three. My recollection is that these were Bob Higgins, John Aldock and—who was the third one?

MS. GERE: Was it Chuck Roistacher? Or he came later?

JUDGE GREEN: He came later.

MS. GERE: And Roger Adelman came later?

JUDGE GREEN: Adelman came later.

MS. GERE: These must have been people from before I was there. Except for Bob, I remember. I don't know who the third one was.

JUDGE GREEN: John Aldock has been on the Rules Committee for a long time.

MS. GERE: Forever, yes. Right.

JUDGE GREEN: All of the fraud cases were—I think he tried all the fraud cases. He's still around. I see him every now and then.

MS. GERE: It will come to you. But were these criminal cases new cases, or were these ones that you had agreed to take to clean up a backlog? Or both?

JUDGE GREEN: Both. We took them as soon as they were assigned, as well. We divided all the backlog, so we often sat on two cases a day. I remember being on a case, criminal cases, until 8:30 at night.

MS. GERE: And you could get sufficient jurors?

JUDGE GREEN: Yes. In those days, it was a different situation. Nobody had ever told them of one day, one case. And of course, we don't subscribe to that anyway in our court, because it's impossible, really, to work out.

MS. GERE: We jumped ahead a little bit. We've already gotten you on the bench. I want to get back to the Gesell Committee. I take it that one of the recommendations that your committee made was to create more judgeships. Is that right?

JUDGE GREEN: Not to our court. To the Superior Court that was going to envelop the Court of General Sessions. They did not recommend additional judges for the Juvenile Court. They felt that they would be able to be part of the Superior Court.

MS. GERE: So before that, there was the Court of General Sessions, and then there was a separate court that was the Juvenile Court?

JUDGE GREEN: Yes.

MS. GERE: So as part of the recommendation, it was a merging of all of those responsibilities in one court. I see. Were there other recommendations that your committee made that you recall as being particularly either important or controversial?

JUDGE GREEN: Actually, I think that it was amazingly—well, I think that the practitioners were so thankful to get something done, so that they would not live in this limbo. Because what I found so onerous, one of the things, as a practitioner in different jurisdictions, was when I had cases coming to trial, ready for trial, in the United States District Court for the District of Columbia—of course, this is not necessarily true of the one in Maryland, where I also tried cases—but in the District of Columbia, their so-called “assignment office” would alert you to the fact your case was going to be tried within the next two weeks.

MS. GERE: Not particularly helpful.

JUDGE GREEN: With the kind of cases, personal injuries, and that sort of thing—

MS. GERE: Where you had to get witnesses and physicians—

JUDGE GREEN: It was a madhouse to figure out. I would be in trial in another court, not in this courthouse. Maybe Rockville, Upper Marlboro, even as far as Leonardtown.

They would only excuse me for that morning. But I was in trial. On-going trial in Maryland, that had already arranged it and was going to keep its schedule. I would telephone the Assignment Office and say, "What is the situation about my case at this time?" "Well, we don't have a judge, so I think you're going to be free until tomorrow." Well, this is how to get an ulcer.

MS. GERE: I'll say.

JUDGE GREEN: I made up my mind, if I ever were on a bench—I never really expected to be on federal bench, but if I were ever on any of them—I wouldn't do this sort of thing to people. One of the first things we did was to abolish the Assignment Commission, and have each judge responsible for their calendar. So if too many cases are scheduled, because we don't want to load the way we had to clear up all of the backlog, the health wouldn't stand it, among other things. Hard on the lawyers, too. But at least they saw an end to it. Now, cases are scheduled by most of us with the assistance of the lawyers and their clients as to when this would be convenient, that would mesh with—

MS. GERE: Everybody's schedules.

JUDGE GREEN: Insofar as we are able to do that, we do it. We don't have any such imposition on counsel and litigants, we hope. Because we do try very hard not to interrupt cases, although we need to have status call for ongoing things, and so we simply interrupt our lunch and have the status calls, insofar as we can, during lunch time. When we have ongoing trials, whether they be jury or to the court.

MS. GERE: So it does sound as though the recommendations of this committee that ultimately were adopted really changed the state of the court system in the District of Columbia.

JUDGE GREEN: I really believe so. Of course, we worked so hard with it. After Judge Gesell was the first one appointed to the bench—he was appointed, I believe, in December of '67—the committee went on, because it was—

MS. GERE: Still work to be done.

JUDGE GREEN: Yes. And Newell Ellison succeeded Judge Gesell. I served with him from the time Judge Gesell was on there, until I was on the bench myself. Which, as I say, I never expected to be.

MS. GERE: How did you come to be on the bench? At least as far as you know from your side of the equation?

JUDGE GREEN: I really didn't know at all, because I had been recommended by the bar, both Women's and Bar Association of the District of Columbia, several times for vacancies on the Municipal Court, even, which was the forerunner of the General Sessions. I had been active in those courts, and finally they had sent in their recommendations for me, and I thought maybe I was going to be appointed, and the bar group called me in the country, at my home.

MS. GERE: Here in Annapolis?

JUDGE GREEN: Yes. And they said, "How about the new requirement that all the people go to"—this was General Sessions by this time—that the General Sessions Court had a requirement that you had to be a resident of the District of Columbia to be appointed. But there was one exception. It said, with exception of one place. And I had always checked, when they had asked me if I wanted to be considered, and I had checked to find out whether that one place had been used.

MS. GERE: So you mean one seat was allowed to be from outside the District?

JUDGE GREEN: No doubt, this was with somebody in mind. In any case, I had checked and they called me this night and said, “We are about to really send your name up to the President asking if he would appoint you. But what about the fact that you’re required to be—?” And I said, “There still is the one exception.” And they said, “No, that one has been changed just recently, by legislation. But you were always visiting your mother-in-law, and you can use her address.” I said, “Withdraw my name, thank you. I have never tried to sail false colors, and not now. It just wouldn’t be thought of. I just am not eligible. This is where I vote, this is where I pay taxes, this is where I live. So thank you very much.”

MS. GERE: Were you disappointed at that point? Or probably more surprised?

JUDGE GREEN: I was surprised. But no, I was too busy, and I liked what I was doing very much. I enjoyed the life. In fact, this was about the time that John retired again from the practice, and I finagled him into coming in with me. He’d been there about a year.

MS. GERE: So he was then, you mean, practicing in your law office with you.

JUDGE GREEN: Yes. He wasn’t doing my kind of practice, but I didn’t think that it was something that he wanted. He had been very successful in his own right. He didn’t really need to start at the bottom of the barrel with me. So I suggested that since we couldn’t be Green & Green, since Joyce and Sam Green had opened their partnership—

MS. GERE: Oh, they’d already taken the Green & Green?

JUDGE GREEN: They had taken the Green & Green. So John was of counsel. He had a number of retainers. Something I never had. I had plenty of work, and paid work, but I didn’t have them as retainers.

MS. GERE: On retainer. I see. So, was Mr. Green's work at that time related to patent issues?

JUDGE GREEN: Sometimes. One of his first ones was with the George Washington Patent Foundation. They wanted him to work with them on some things that they were preparing. I know that he had an office over there as well as with me. Then he had been working with people on standards, and a number of standards people sought his efforts.

MS. GERE: This is the National Bureau of Standards.

JUDGE GREEN: Well, what had happened was, while John was with the Department of Commerce, he was selected to serve on a National Academy of Sciences Committee to study the Bureau of Standards and see what changes it needed to have, if any. He spent quite a little while doing that. He had known these different people—the American Society for Testing and Materials and the Underwriters Laboratories, all these different outfits. He had made this report years back. He was a very good friend of Allen Astin's. They had been around together a long time, and the investigation that they had made cleared Allen, because it was one of those things that never should have been necessary. The Secretary of Commerce got into the act and wanted to order him to ok things, an outfit that was not right. Then John was appointed to look into it and see. But he can tell you much better than I.

MS. GERE: If we could get his oral history, we'd be really making head way.

JUDGE GREEN: I'd love it. Anyway, right after I had been called, the next day, we had lunch together. One of very few times that I could do that. We were walking up the street together and I said to him, "You know, this is a really good thing, to not want anything. I'm very happy trying cases. I love it. I think it's just the rat race of too much that I'm doing,

and I think what we should do what all the lawyers in Annapolis do.” That kind of practice—which drove me crazy when I would be down there. Because I would always go and try to force the people to be on my schedule of depositions and things like that, especially if they’d agree to them, instead of having them going hunting or fishing or sailing or whatever.

MS. GERE: Whatever appealed to them at the moment other than work.

JUDGE GREEN: Yes. So I said, “I think what we should do is give up the Washington office, and I would have a bigger office in Annapolis,” because the other one was just an outpost, I might say, that I still hear from the secretary I had down there in that office. Every Christmas, because she lives in Florida now. I had represented her when she was having problems of divorce and custody. I got her custody of all of her children, which was a little hard to do, considering that she was living with somebody else. In those days, it was—

MS. GERE: Not acceptable.

JUDGE GREEN: She was a very interesting woman. John thought she was fascinating, because here’s a young woman who had left home to join the circus.

MS. GERE: Oh my gosh!

JUDGE GREEN: As an aerial trapezist.

MS. GERE: Wow!

[END OF SIDE A]

JUDGE GREEN: —heard from her every Christmas.

MS. GERE: So, since we just passed a Christmas, did you hear from her?

JUDGE GREEN: I did indeed. Oh, yes. I received the usual tangerines, grapefruit, and oranges, and all of these things, and a little sweet note from her. We have actually caught up

with her at her house in St. Cloud. I believe they usually call it St. Cloud. She was doing real estate work there, very successfully. John and I took her to lunch, and we had a nice visit. This was probably about ten years ago. She had been from Annapolis, and she came up, at least until her mother died. Now I hear from her, and she always wants to know when we're coming back, because she wants to entertain us.

MS. GERE: So she was your secretary here in your Annapolis office.

JUDGE GREEN: In the Annapolis office, yes.

MS. GERE: So what was Mr. Green's reaction to your proposal?

JUDGE GREEN: I said, "I think this would be a great idea." He said, "Yeah, I'd have to take the Maryland bar. And I don't want to take any more anythings." I said, "Well, I think you could probably waive it." I found out he couldn't have. He had to take at least their general practice—

MS. GERE: Attorney's exam, or something.

JUDGE GREEN: I had just said this, that I think this is really great, and I got a phone call the next day, I guess it was. I was preparing a case. That day, I was in my office. I had this call from the Assistant Attorney General. He didn't tell me that that was who he was. He just gave his name, and assumed everybody would know that.

MS. GERE: And his name was?

JUDGE GREEN: Warren Christopher. To tell you the truth, I didn't really figure out who he was at that moment. He said, "Mrs. Green, I wonder if you would be willing to come and visit with me? I know it's sort of short notice, but would you be able to come today or tomorrow?" I said, "Well, I'm in trial tomorrow, and I couldn't do it then. But I am obviously in

the office today.” He said, “Could you make it by 1:30?” I said, “Oh, yes, certainly.” Then that was when I found out where his office was, you see. That he was the principal honcho. I stopped in John’s office, which was in the same suite, and I said, “Hey, the Deputy Attorney General has just asked me to come, and wants to see me, on short notice.” John said, “Tell him no!”

MS. GERE: Well, at this point, you didn’t know what it was he wanted to see you about.

JUDGE GREEN: He said, “He wants to give you another one of these damned appointments—”

MS. GERE: To another committee.

JUDGE GREEN: To another committee. [John said], “You can’t spread yourself any thinner. You just can’t do it. Tell him no, that you just can’t do it, no matter—”

MS. GERE: How persuasive he is.

JUDGE GREEN: He said, “Just bite the bullet. Stand on your own two feet.” So I went there, and he met me with his hat and coat on. It was February.

MS. GERE: So you went over to the Justice Department. And he met you in his office?

JUDGE GREEN: In his office. He was standing there, and he said, “Oh, I’m so apologetic. Really. I’m so sorry.” I didn’t have a problem, you know? He said, “I have just had a call to appear before the Congress, from the Senate. They really want me right away. I must apologize for bringing you here. But I’m awfully anxious to talk. Will you be willing to ride with me in the car, so that we can talk [on the way] up to the Congress?” I thought, boy, that’s

not a very long distance.

MS. GERE: Yes, from Justice up to the Hill, in a car, would not take a very long time, unless there was an awful lot of traffic,.

JUDGE GREEN: So I said, “Of course, that’s fine.” We got in the car, and he said, “Do you ever try criminal cases?” I said, “Frankly, I’m a civil practitioner, but there are always times when you’ve been in practice as long as I have that you have to represent a client, maybe it’s drunk driving or some other things that you don’t want to do, but I do that. And I’ve always felt that when the court appoints me, I just don’t have any feeling that I can say no, and I’m appearing before the court regularly. I take whatever they are. They generally assign me rape cases and murders. Things like that.”

MS. GERE: So by this time, were you thinking he needed help? He needed a criminal lawyer?

JUDGE GREEN: He said, “Oh, same with me. That’s just the way I feel about it. That’s just what I’ve got to do. I don’t take them by choice.” Then we were driving very slowly, and he said, “Have you ever been charged with malpractice?” I said, “No, I’m glad to say. I’ve maintained my insurance policy just in case, but, thank God, I’ve never had to use it.” He said, “Have you been held in contempt by anybody?” I said, “Oh yes, I have.” And I told him about the fact that I had been two minutes late for court in Rockville one day, because I had a client, an elderly widow, in a case that I was trying for her as a plaintiff. Her husband had principal problems that had to do with his wanting to commit suicide. The possibility of committing suicide. They had allowed him to sun himself up on the roof, unattended. And he jumped off.

MS. GERE: Where was he, in the hospital?

JUDGE GREEN: He was dead.

MS. GERE: No, no, but I mean, who let him up on the roof?

JUDGE GREEN: The hospital. My client had just come down from Pittsburgh the day before, which was where she was living. I was picking her up, and when I got there—early—she was standing with her daughter. The daughter said, “She can’t come out. She is really sick. Sick to her stomach. She’s trying to get herself together, because she realizes this is it.” I just had to wait, and dash out as fast as I could go. I was six minutes late, according to the clock in the courtroom, but it was two minutes late, actually. But I didn’t think that would be an adequate explanation.

MS. GERE: That was probably not going to be a persuasive argument. Who was the judge? Do you remember?

JUDGE GREEN: Oh, do I remember!

MS. GERE: Vividly.

JUDGE GREEN: One I’d tried a case against before. He was reasonably new to the bench. He’d been a member of the bar out there forever, but he decided that he was going to fix me, because I had been successful. There were two defendants, at the time of his case. I was defending one of them, and he was defending the other one. He hadn’t filed a cross-claim against my client. So as it turned out, I settled mine, and he was stuck.

MS. GERE: And there he was.

JUDGE GREEN: And when he argued that they couldn’t let me out, I told him a few things about the fact that he hadn’t filed a cross claim and therefore there was no basis for his being in my settlement. So I don’t know whether he settled it, or whether he got stuck with it.

I think he was going to probably get stuck.

Their court was trying an experiment. If you can imagine, this particular time, they decided they were going to choose the jury on the telephone.

MS. GERE: Goodness.

JUDGE GREEN: They didn't allow you to conduct your voir dire anyway. So I thought, what else? They had said they could tell me who they were, and where they lived, and what their jobs were. Since when I picked jurors I always had been satisfied anyway, it didn't really make that much difference. I figured if I picked and chose, all of them would be mad. I would take my chances. So I'd never laid eyes on this jury. But you see, they were in the box, waiting for the opening of the case. So when we got there, I got my client helped up, because Yasha was with me at that point, and I said, "Take the car and get rid of it, somehow, but let us out at the door." So he did. When we went in, the judge started. He was on bench. I did learn one thing about it, and that is, since I am most always really on the dot—

MS. GERE: Extremely punctual, I think, would be the way I would describe it, based on my personal observation.

JUDGE GREEN: At least nowadays, when the time has rolled round, and I go on the bench, I don't scream at anybody. I don't hold them in contempt. But I think it has a salutary effect when they see that you really are there.

MS. GERE: I agree with that. So what did this good judge do in Montgomery County, then, when you came in?

JUDGE GREEN: He started screaming.

MS. GERE: With the jury all right there?

JUDGE GREEN: Yes, with the jury all right there. He wanted to make much of the fact that I was a Washington lawyer. Which he knew damned good and well I was—

MS. GERE: A Maryland lawyer, as well.

JUDGE GREEN: He knew I commuted, as a matter of fact, most of the time. Anyhow, he said, “You have insulted the court. You’re in contempt, and this jury has been—”

MS. GERE: Waiting for you.

JUDGE GREEN: Yes. And I said to myself, “This bastard, I think, is going to get reversed.” Because he never should have done this in front of a jury. I also figured that he was waiting for me to break down. I apologized profusely, not only to the court but also to the jury and anyone else. I wished to God my client would say something, but I didn’t think it would be very becoming for me to say that somebody else had caused it. I just wouldn’t do it. And she was so scared.

MS. GERE: She never spoke up and said, “I was sick to my stomach,” or anything?

JUDGE GREEN: She never did. She couldn’t get off the toilet, as a matter of fact. I, of course, didn’t go into all this stuff. I said—

MS. GERE: We’re here, we’re ready to start.

JUDGE GREEN: When I said that, he said, “Well, I will tell you, you are in contempt of this court. And I want you to pay twenty-five dollars.” I said, “Your Honor, I certainly will, at the very first break.” “Now!” he said.

MS. GERE: So you were supposed to go in your purse right then and there, and go hand him twenty-five dollars?

JUDGE GREEN: I had, at this point, a sheriff on each side. A sheriff and deputy sheriff alongside me. He said, “Are you ready to proceed with this case?” I said, “Yes, Your Honor. Immediately. If I may.” So he said, “Get on with it.” So I started to make my opening statement to the jury. I said to myself, this bastard isn’t going to get me to cry. The place was packed and jammed with members of the bar. They called and spoke to Eleanore and said, “This is the rottenest thing I’ve ever seen done to—”

MS. GERE: Oh, Eleanore was your secretary, then? Eleanore Soltanoff?

JUDGE GREEN: It was quite a to-do. Yasha finally got in, and I wrote a note which just read “All Hell Broke Loose.” He didn’t flinch. I mean, we were simpatico, and he understood that something—

MS. GERE: Something had happened in his absence.

JUDGE GREEN: At the first break we had, I went to the clerk, and the fellows came back to escort me.

MS. GERE: The sheriff and the deputy? Oh, Lord.

JUDGE GREEN: The Clerk’s Office was well known to me. All of them were my friends. As I try to tell all my law clerks—in fact I told them again the other day, because we had some interns there and I wanted to make sure they all got it—that the most important people you can know in the court are the clerks. And don’t ever think they can’t really make your life hell, or help. And you’d better make it the help, because if they don’t like you, they can really fix you. I’ve seen it done to other people. I went there, and I wanted to give them a check. I didn’t carry wads of money around there in those days. I do now. At least, I think they’re wads. Just in case of any eventuality. The sheriff said they wouldn’t take a check, and these clerks said, “Let me

tell you something. Mrs. Green has been giving her check for ten, twenty years, and we've taken them. And I've never seen anything so outrageous." And they said to me, "He's going to relent. He's charged John McInnerney twenty-five dollars, and he finally took it back. Decided that he wasn't going to have it on his record. Oh, he'll take it back." I said, "Want to bet?" He didn't. So I paid the money, and as it turned out, that was a day to be remembered. Yasha had not been able to find any place to park the car. He parked in a restricted parking place that was only for people that had authority therefor. He was glad that I had saved a little money. Anyway, as I say, it was a bad day.

The law I knew was a clinker anyway, because at that point hospitals were not suable in Maryland. I thought that I would be able to change the law. But this got to be such a mess, I didn't try. And my client didn't want me to. She didn't know what had hit her. Nobody had ever offered a dime anyway, and they didn't want to accept any responsibility. That was one, that when I was talking to my friend, Fulton Lewis, Jr., Mrs. Lewis's son—he's now John Fulton, because Fulton Lewis, Jr. was a very well known commentator who was also on radio when Mrs. Lewis's son was. I had not wished to have this go to my family, all the trouble I'd had that day. So I had had lunch with Fulton, and I said, "That was a day to remember." All these things had happened. He thought it was going to make a lovely speech, and he broadcast it that night.

MS. GERE: On the radio?

JUDGE GREEN: Yes.

MS. GERE: Oh, gosh! So not only your family, but everybody else heard it then.

JUDGE GREEN: And I said, they knew perfectly well I was the only woman who was doing this trial! And that I was his friend. What a friend this guy was. I didn't need, of

course, to go into all of this with Warren Christopher. I simply said, “I was late for court. Maximum six minutes. I thought it was two minutes according to all of the clerks, who said it was only two minutes, because that clock is always fast.”

MS. GERE: So before we get back to Mr. Christopher, then, what did the contempt citation— did you appeal it?

JUDGE GREEN: No.

MS. GERE: And he didn’t withdraw it.

JUDGE GREEN: I came to the conclusion that I would be trying cases before this judge again on occasion. I had to straighten out things as well as possible. So I went out to visit him in his chambers, and I said I would like to apologize again for the problem, and I just wondered whether he would object to indicating that I had been late, and that that had resulted in this, that I had paid the money, and that I had therefore cured the contempt. And would he care to add that I had not in any other respect been found to be contemptuous at any time. And he said, “Well, you word it to my secretary.” I mean, he wouldn’t even have the graciousness to do this. So I did. I said just about that. He looked into it, he knew perfectly well, and of course anybody at the bar that he would have asked—

MS. GERE: Would have been well aware of the whole story and the circumstances.

JUDGE GREEN: So I said, “Oh, yes.” And by then Mr. Christopher and I had arrived at the Capitol. He said, “I still have a few minutes before I’m required to be in there. So can you just park here?” he asked his chauffeur. “I’ll pull over here a little while. Won’t be too long.” So he pulled over, and we sat there, outside the Senate side. He’d already asked me all

kinds of things, but I was positive he knew the answers before he asked the questions. He always did. He said, "I know about that one."

So he said, finally, "Are you curious?" I said, "Oh, yes, I certainly am." He said, "Well, would you like to be a judge?" I said, "I'm not eligible." He said, "I know that, too. I'm not talking about a local court. Would you like to be a federal judge?" I said, "I've never given it any contemplation, because I never thought that I would be asked." He said, "Well, think about it." Of course, Judge Matthews had announced that she was taking senior status.

MS. GERE: This is Judge Burnita Shelton Matthews.

JUDGE GREEN: Burnita Shelton Matthews. The first woman District Court judge in the United States. So this was for her position, that he was asking about. I said, "I don't have any political connections." He said, "You don't need them." I told you that he said, "I don't know what's going to be done at the other end of Pennsylvania Avenue, but I certainly know what the recommendation is."

MS. GERE: And sitting at the other end of Pennsylvania Avenue was?

JUDGE GREEN: President Johnson.

MS. GERE: Had you ever had any contact with President Johnson?

JUDGE GREEN: I had not. I had never met him. I never had met him until I was appointed. I didn't know that I was ever going to be appointed, because—oh, to get back—after having said this, Warren Christopher said, "You will receive these forms from the Department of Justice which are really terrible to fill out. They're forty pages, and ask you everything that you've done in your life. Please fill them out and get them back to us as fast as possible. And you'll have a lot of your friends tell you that the FBI's checking on you. And the ABA will be

checking on you. And you're certainly not going to have any problem with those." I said, "I don't know that I would." So he said, "Well, fine, great, and thank you very much. And wouldn't you like to have my chauffeur drive you back to your office? I know that I've taken you this length of time." I was busy, he knew I was. So he went in, and I accepted the ride. And I laughed myself all the way back. I said to myself, as he drove up to the Washington Building, and I got out of his car, with the chauffeur, "I hope John's looking out the window," but he wasn't. So when I went up there he said, "What did he want?" I said, "He wanted to know if I would like to be a federal judge." And he said, "My God, that's the worse thing, that's absolutely the most disgusting thing I've ever heard in my life." And I said, "Well, I think it's very nice." He said, "Look, how long have you been around this place? You are perfectly well acquainted with how these judges get appointed. Most of them are retired or have lost out in the Congress or something of the sort and need the job. And, in the District of Columbia, they mostly come from any place, all over the United States." I said, "Not necessarily." He said, "Well, it's just rotten. It's someone else they want to put in and they are going to simply flag you and they'll have it in the paper. And the next thing you know, somebody else will slide into the place. I'll tell you right now, don't give it a thought. It won't happen."

MS. GERE: So Mr. Green thought you were basically a ringer. You were just kind of a name so that they would have a name to put up with the person that they really wanted to appoint.

JUDGE GREEN: That's right. That's what he thought. So, when the papers that he said would be delivered within the next day didn't come—or the next day or the next day—John said, "See? That was all just bull." I said, "Guess so." Meanwhile, Joyce [Hens Green] was on

the Superior Court, in the Family Division. And so she knew Christopher very well. I had called her. In fact, when she was sworn in, I was there, and Catherine Kelly swore her. But Joyce was steering clear of me because she said, "I don't want anybody to think there's any connection at all." Because I told her how much he had indicated. And she said that she knew the same thing, that it wasn't supposed to be announced and all that stuff, and kept quiet. So I didn't hear anything. It was some months after this, because this was February—I think it was April that they finally sent me some papers.

MS. GERE: These were papers that were supposed to have come to you the next day?

JUDGE GREEN: Yes. And with a note that they had screwed up. The Department of Justice had screwed up, and this was the man who had the job of shepherding everybody through. Please get the clearance to him. They felt that I would have to have them by the next morning, by 9:30.

MS. GERE: By the next morning?

JUDGE GREEN: Yes. This thing that was supposed to take weeks to do.

MS. GERE: I think I do remember hearing this story, because Eleanore was your secretary then. I remember her talking about having to type this up.

JUDGE GREEN: And she delivered it, too.

MS. GERE: Did you basically have to, then, stay up all night to complete the form?

JUDGE GREEN: All three of us did. John and Eleanore. When they started to ask me about my notable cases, I wondered what I'd done all my life. I couldn't think of

anything. They were all notable to my clients. There were a lot of them that were notable to me.

MS. GERE: But in one night to go back through twenty years worth of cases to come up with the cites. To come up with names and cites, and—oh, Lord.

JUDGE GREEN: I said to John, I must have lived a misbegotten life. He said, “Well, what can I do to help you?” The previous secretary had been with me for seven years, but she wasn’t available at that point, so I couldn’t get her, and Eleanore would have been hurt anyway, because she had taken me on when she found out the other one was leaving. She worked for Shinberg’s, on the same floor.

MS. GERE: I do remember.

JUDGE GREEN: John asked what he could do, and I said, “Well, I have a lot of closed cases that are stored in boxes on the third floor in the country.”

MS. GERE: In the country, meaning back out here in Annapolis? Oh, no.

JUDGE GREEN: He said, “Well, I’ll go get them and bring them to you, and meanwhile you see what else you can fill out.” So he would pick up a case and say so-and-so versus so-and-so, and I remembered. I’d think, “Oh, yes, I remember that one.” One word or two, and I’d know what it was. Then I thought, the only thing that I had had of note were zoning cases. And indeed, that was still the law in the Court of Appeals.

MS. GERE: That you had established.

JUDGE GREEN: Those were cases that I had represented—the Severn River Association, and a number of others. I had also been before the Congress, trying to have them not take property from the Naval Academy. This one was one that was a very strange one for me, because there were a lot of Naval officers there. I was testifying against them.

MS. GERE: I guess Mr. Green probably didn't go with you for that.

JUDGE GREEN: No, he didn't.

MS. GERE: Stayed in the background for that one.

JUDGE GREEN: Anyway, I was representing LeBroux, whose property they wanted to take for a runway to have midshipmen train and get acquainted with airplanes. It's where Sandy Point is now. The Sandy Point Park. I found out—I think as a matter of fact that Fulton, my friend, had checked into it and had found out that there were all of these plans in this particular spot for an enlargement of their golf course. The Naval Academy's. It's not in the Naval Academy grounds. So I knew more about it than most of the other people did, and I could raise the questions. Of course, I had handled all of the workman's comp for the Navy when I was at Lumbermens and afterwards—when they were building Navy Patuxent Air Station, which was the biggest one, and they had the runways, they had the biggest planes, in the military. I said I felt that it was very important for the Naval Academy to have the very best, and what they were offering him was certainly not the very best.

June 21, 1998

MS. GERE: Good afternoon, Judge Green. How are you?

JUDGE GREEN: Fine thanks, Sally.

MS. GERE: Good. Today is June 21, 1998, and we are resuming your oral history for the project for the Historical Society for the court. We last left you as you were filling out papers for your nomination for the federal bench. I think we had gotten you through the process, at least of filling out the papers and staying up all night to do that. I guess the next question I would have for you is, what happened after you submitted the papers? Did you have a confirmation hearing? I guess you had to have a confirmation hearing.

JUDGE GREEN: The papers, I think, had to be submitted. What is the date? If it is dated.

MS. GERE: I'm not sure that it has a date on it. It doesn't appear to have a date.

JUDGE GREEN: They required us to get this done. They had gotten the papers to me, as you probably recall, late in the day, with an admonition to get them filed absolutely no later than 9:30 a.m. on the following day. I'm sure that I told you about the difficulties I had in trying to remember anything that I had ever done.

MS. GERE: And Mr. Green retrieving files and Eleanore Soltanoff typing and doing more typing.

JUDGE GREEN: We all did this all night. Eleanore herself delivered the typed thing before 9:30. She was quite able-bodied at that point, I'm happy to say. We didn't hear anything. I didn't hear anything. I didn't know what had happened about it. I heard, first of all, from people who said, "Congratulations, the FBI has been talking to me," or "the ABA

representative has been talking to me, and I understand. I wish you all the luck.” I said, “That’s nice.”

MS. GERE: You never heard anything officially from the White House or Warren Christopher?

JUDGE GREEN: Not anything.

JUDGE GREEN: John Pratt and I were not terribly good friends at this point. I mean, certainly I’d worked with him a long period of time, because I had been on the Board of Directors of the bar of which he was president.

MS. GERE: He also was under consideration at the same time?

JUDGE GREEN: Yes. We both were. We were the only ones who had been recommended at that point, that we knew. There were two vacancies. His was for Holtzoff’s, and mine was for Burnita Matthews’. So we thought for the longest time, of course, John had always thought, that this was not how you got appointed anything; that you didn’t have somebody call you on the telephone and say, “Would you like to be a federal judge?” He thought this was absurd, and that I should have been less naïve.

MS. GERE: To be more realistic about the likelihood of this ever coming to pass.

JUDGE GREEN: We finally had a phone call, from someone who was in the Department of Justice, who was supposed to shepherd through candidates for the bench. The same one who had failed to get the papers to us. He said, “I just wanted to say, what’s going on?” I said, “I would like to know what’s going on myself, because I haven’t heard anything from the White House, or anything at all.” And he said, “Well, have you paid your duty calls on your senator?” I said, “No, as a matter of fact they told me not to do anything, except keep my

mouth shut.”

MS. GERE: And you were following that instruction.

JUDGE GREEN: Yes. I said, “I will certainly make an appointment right away if so.” So that was the appointment that John Pratt and I both made. John Pratt was very well acquainted with Joseph Tydings, and Tydings was an official backer of his. Nobody was an official backer of me but the Assistant Attorney General, as far as I could see.

MS. GERE: Did Judge Pratt also live in Maryland? Is that how he was tied-in to Senator Tydings?

JUDGE GREEN: Yes. As a matter fact, also because of the Gesell Committee. Tydings was the chairman of the Senate Judiciary Committee. I had assumed that he knew us, because we were the ones who were working on the recommendations that they were trying to put the new procedures and law into effect. Those changes did in fact come to fruition—for the Superior Court to be set up, to provide for it being a city court and to get local matters out of the federal court. But of course it didn’t come to pass until we were on the bench, in full. We visited Senator Brewster and Senator Tydings.

MS. GERE: You visited the Senators?

JUDGE GREEN: The Maryland Senators. Senator Brewster was one. I also made an appointment the same day with Senator Tydings. With Senator Brewster, they called me in first—I’m sure you’ve heard all this before—John Pratt was there early, but I had an earlier appointment than he did. It was 10:30 or 11:00, and we were about a half-hour apart. So they called me to come in to see the Senator. I didn’t think there was any sense in letting John Pratt sit there and wait, so I said, “Mr. Pratt is here for the same reason that I am. We are both

candidates for the bench, and I think you might as well talk to both of us at the same time. It would save the Senator some time.” They said, “Oh, that’s fine.” So John Pratt went in with me, and it turned out I had been smart—not a very good idea at the time, but I thought it was a decent thing to do.

MS. GERE: It seemed like a good idea.

JUDGE GREEN: Yes, but it turned out that the Senator was drunk, and I didn’t expect that at that early hour of the morning. I really didn’t recognize that he was drunk. He had gotten up from his seat behind the desk and was sitting on the outboard side, resting there. I do that sort of thing too, periodically, and I’m not drunk. I really didn’t realize that he had been programmed, no doubt, by his staff. “This is Mrs. June Green, and she is one of your constituents. I’m sure you will want to tell her that you are backing her for the bench.” I’m confident that’s what was done. I said, “Senator, I’m sure you are acquainted with Mr. Pratt from the Marine Corps experience,” because I had checked him out, and both of them had been in the Marines. He said, “Oh yes, and Mrs. Green I’m delighted to know you.” It seemed a little odd. I have no doubt that he would have known Mr. Pratt thoroughly if Mr. Pratt had been there at his appointed time, when the Senator would have been programmed to meet him. But that was an afterthought that I had, as I didn’t really know what was going on at this point. The Senator was saying, “Where do you live?” and all of these things, and “Oh yes,” as though he knew it all. I said, “I brought my biographical data. Would you be good enough to introduce me to the Judiciary Committee when they are ready. If you haven’t any objection, I believe there’s a pink slip or a yellow slip or something that you’re supposed to sign.” I said, “If you don’t mind signing that, then maybe we’ll be able to have a hearing.” He said, “Oh yes indeed.” I said,

“And for Mr. Pratt too.” “Oh yes,” he said, “I have it.” Well, he didn’t have it. Anyway, I made sure he signed it for both of us. I think John Pratt gave him biographical data, too, but I’m not sure. The Senator then promised to introduce us to the committee. I might say he never showed up.

MS. GERE: He didn’t?

JUDGE GREEN: But anyway, then I went to see Senator Tydings. He was walking down from a meeting with a whole group of federal judges from all over the country. He was very important. He didn’t wish to be bothered with this female. John Pratt, as I say, was already fixed up with him. I had thought that maybe in view of the fact that I’d been working on the Gesell Committee three years, and working with other members of his staff, that they might have heard of me once. In addition, Tydings had been U.S. Attorney in Maryland at one point, at which time I had been in his office, because I was trying to settle a case that I had, and in fact did settle it. He was very courteous at the time, with my opponents of course. I had seen him at various times. He said, by the time I finally got him to simmer down and speak to me, waiting until the—

MS. GERE: Until the other people were out of the way—

JUDGE GREEN: Finally, he said, “You’re not really from Maryland, are you? You’re from the District of Columbia.” I said, “Senator, if so, I’ve certainly voted illegally, because I voted for you.”

MS. GERE: Touché.

JUDGE GREEN: By this time I didn’t give a damn. I thought it was ridiculous. I said, “I voted for you every time you ran. Furthermore, we’ve paid taxes to Maryland for all the

time that we have been married, although we're not always there because we also have had an apartment for many years in Washington." He said, "Where do you live?" I said, "The house in which I was born."

MS. GERE: And it's in Maryland.

JUDGE GREEN: He said, "Do you know the Williams? Because I proposed to my wife on the sofa in their house when I was in the legislature." I knew he was divorcing her, too, at that point, so I didn't really want to discuss it. I said did he know that Mr. Williams had died, and that Mrs. Williams was still living there and so on.

MS. GERE: The Williams lived out here?

JUDGE GREEN: They lived in Winchester, Maryland. They were similarly located to Kitty, and John Davis, my sister and brother-in-law. I had known her all my life. She was a pain. She was always calling me up, with some legal things that were not going to pay anything but were difficult.

MS. GERE: So that's not a very auspicious start. At one interview, the Senator is not really comprehending what's going on and at the other, a Senator who doesn't even know that you live in Maryland.

JUDGE GREEN: Right. I think there had been a time, finally, when I had a phone call to appear at the White House. Did I tell you about that one? I'm sure.

MS. GERE: I don't think so.

JUDGE GREEN: I figured, well I'll finally get to meet the President, because I never had. John [Green] said, "How are you going to get there?" I said, "I'm going to walk. Good Lord, it's only a block." He said, "It's raining." "So?" He decided that this was where I

was going to get let down, and they finally would tell me who else was supposed to be picked.

MS. GERE: He thought they were inviting you to give you a—

JUDGE GREEN: A brush-off. It seemed that John went down the street behind me, quite a little distance but still keeping me in eyesight.

MS. GERE: Mr. Green did? He followed you down the street?

JUDGE GREEN: Yes, he told me afterward. He was out there when I came out, standing in the rain. He had been behind a tree or something, so he wasn't too noticeable. He said, "What happened?" He said, "Here she came all jaunty," and I said "I don't know, I haven't the slightest idea." And I didn't, because I never got to meet the President.

MS. GERE: You didn't?

JUDGE GREEN: No. I went in there and I talked to Barefoot Sanders.

MS. GERE: Oh yes. What was his position? He's now a federal judge, right?

Down in Texas?

JUDGE GREEN: Right. But he was pretty close to the President.

MS. GERE: I guess that's right, because Johnson was from Texas.

JUDGE GREEN: The other fellow, it was a name that was similar to one of the ones that we knew in Washington, but I've forgotten his name at the moment. He didn't get to be a judge, so I didn't remember. Barefoot I did, of course. Nobody would forget a name like that.

MS. GERE: True.

JUDGE GREEN: They just batted the breeze with me. They were young and attractive, and we were just talking and I finally said, "What goes on?" and they said, "Search us."

MS. GERE: We're just supposed to see if you have two heads or something.

JUDGE GREEN: Right. I think they wanted to see if I had any sense of humor, or something of the sort. I didn't even get to meet the President, he didn't even want to see me. I had never seen him. I came home, finally. After this I didn't hear anything either.

MS. GERE: How long are we talking about here? A period of months?

JUDGE GREEN: Yes, a period of months. Finally, first of all, I heard the way that we were nominated. I was in court, the Superior Court. Of course it wasn't called the Superior Court. I've never been in the Superior Court. It was the General Sessions Court. I was waiting for a case to come up. The clerk, whom I had known for as long as he'd been there, and beyond. He came by and walked over, and said, "Your Honor." I looked at him, and I thought, "smart aleck." When I finally realized that they weren't going to get to me very soon, I said, "What is that?" He said, "Look in the paper." This is how I heard.

MS. GERE: That you'd been nominated, it was in the paper?

JUDGE GREEN: It was in the *Evening Star*.

MS. GERE: You were the last one to find out.

JUDGE GREEN: Exactly. Most people were taking credit, you know. John Pratt was notified. Nobody told me. Nothing at all. Eleanore was going crazy in the office because the phone calls were coming in.

MS. GERE: And she couldn't reach you, you were in court.

JUDGE GREEN: This was the situation. I'd been nominated. We weren't going to get confirmed though unless we had the clearance from our senators. I finally learned, way later, like maybe five years ago, that what was really holding it up was that the President did not

want to name a particular person in Mississippi to the bench. The chairman of the Judiciary Committee was from Mississippi. It was his boy. Johnson finally decided that he would name him. I met him when we both went to judge's school, and he was a nice old duck. He's been dead a long time. When I finally was notified, and John Pratt also by this time, he and I were calling each other to find out what was going on, whatever we knew. They were having a judicial reception for the local judges, for the federal judges, at the White House. This was before we were appointed, I mean, confirmed. We got a telegram here, from the White House: "Please, we want you to come to the reception for the judiciary." This was the first time I knew I was really going to make it.

JUDGE GREEN: Did Mr. Green believe it then?

JUDGE GREEN: No.

MS. GERE: He still didn't believe it?

JUDGE GREEN: He believed it when I was going down the street to take the oath.

MS. GERE: Oh ye of little faith. Oh, well. I'm sorry to interrupt. You got this invitation to the reception?

JUDGE GREEN: They said, "We'll give you a formal invitation but we were afraid that you would make some other arrangements, so please be there if you can, and your husband." I said, "My god, I'm finally going to meet the President." And I did.

MS. GERE: Did you talk with him?

JUDGE GREEN: No.

MS. GERE: Just going through a reception line?

JUDGE GREEN: Yes.

MS. GERE: Did he evidence any recognition? I guess obviously he knew that there were all judges there, and you were described as his nominee.

JUDGE GREEN: I thanked him for considering me. The first person I saw, who greeted me, was a judge from the General Sessions Court who was there. In fact, I took his chambers when he moved to the front of the building.

MS. GERE: Judge Waddy?

JUDGE GREEN: Judge Waddy, thank you. Judge Waddy came up, threw his arms around me and welcomed me, so nicely. He was so delighted. I had been before him so many times and we had been very good friends. I was also very fond of his wife and son. We shook the President's hand, and said, "Thank you."

MS. GERE: After that what happened?

JUDGE GREEN: I never saw the President again in my life, his life. That was the first time I'd ever seen him.

MS. GERE: As your confirmation process went on, what was the next step?

JUDGE GREEN: Since they said that it had been held up because we had not made our duty calls, I thought the morning that it was scheduled that I should stop and introduce myself to Senator Eastland, who was the chairman of the Senate Committee. He had an admiral in his place, that he was fascinated with currently.

MS. GERE: An admiral as in military?

JUDGE GREEN: Yes. He didn't want to have anything to do with me. I said, "I just wanted to introduce myself," and told him that I was there and just thought I'd like to—

MS. GERE: Tell him that you were the potential nominee.

JUDGE GREEN: He said, "Would you get on in there." I said, "Yes sir," and I got the hell out of there as fast as I could and went on into the hearing room. There wasn't anybody in there. I looked for Senator Brewster, and he had not arrived. He never did come. Senator Tydings was there, and he made a glorious speech for both of us. There was no other senator there. We had the presidents of the different bar associations that showed up, and they wanted to be heard, and he said, "Silence, silence." I remember that the president of the District Bar said, "I would like to tell you that we have always been in favor of them and we still are." Period.

MS. GERE: And here's my statement.

JUDGE GREEN: That's what they did, and he could not say that to Tydings, so Tydings did put it in the record. The reporter for this thing was one I had used in my practice all the time. I was so pleased to see the smiling face. He sent me a copy afterwards. I do not know where, I have not found that one yet. But anyway he did, and said he always thought I'd end up there.

MS. GERE: Did all of your family go with you to the hearing.

JUDGE GREEN: No, only John.

MS. GERE: Just Mr. Green?

JUDGE GREEN: That's all. When I looked around the room I thought, there is somebody that maybe is going to be opposed, I do not know who it is. It turned out it was just a staff member, and he did not say anything. I saw Aldens Low, who had offices in the Washington Building, and Joe, his associate, was there. Joe Parker, I think his name was. He used to have mostly Virginia cases and he always sent me all the Maryland cases that he got. He

was there in case anybody wanted to raise any problems. Nobody did. They just said get on with the thing, and it lasted about five minutes. Nobody asked us anything. We did not have to say anything.

MS. GERE: Neither you nor Judge Pratt, no one really got to speak. You did not get to speak.

JUDGE GREEN: I tried to say thank you to those who had come, but, as I've said very often to lawyers, stop when you're ahead. So I shut up and we got out. They passed us unanimously, the whole Senate, that afternoon.

MS. GERE: You and Judge Pratt both were confirmed at the same time.

JUDGE GREEN: He was a little older than I, and that's how he outranked me.

MS. GERE: That's how he got to be senior to you. Interesting.

JUDGE GREEN: Because he was a little older, about three years I think, something like that.

MS. GERE: How much time did you have between your actual confirmation hearing and when you took the bench?

JUDGE GREEN: I think this was the sixth of June, something like that. As you know, I started on the bench on the 18th. I would have started right away, except Judge Pratt took that week, the week before me. Because both of us were ready to go to work, and I had a lot of things that I had to parcel out to people. I managed to get there, and I started right away on the 18th. You do know, I'm sure I told you, my father was not with us at that point because he had died a number of years before. He died at the time I was at Lumbermens. But mother wrote me. And I asked Judge Matthews if she would perform the induction, and she said she would be

pleased to do that.

MS. GERE: Where did they have it?

JUDGE GREEN: In the ceremonial courtroom.

MS. GERE: In the federal courthouse.

JUDGE GREEN: But nobody had speeches in those days. And they never allowed you to have a reception afterwards. Colleagues would shake your hand, and the one thing that they did was that the Marshal, once you were robed, the Marshal would escort you to the vacant spot on the bench. Then, I believe that it was Judge Curran, who was Chief at that point. He was quite a character. He'd asked me whom I was having swear me in, and I said with his permission it might be nice to ask Judge Matthews, because we were old friends. I was taking her job. He said, "I think that would be very nice." I don't think he really liked it. He gave me no assistance in finding office space, or parking place, or anything at all. I asked his executive assistant, because the one place somebody said I could have would not take our car.

MS. GERE: Because the parking space wasn't big enough?

JUDGE GREEN: It was not big enough for the car. I asked him and he said, "Don't you dare ask my assistant for anything. You're going to have to find it yourself. I said, "What?" I didn't know whose places they were and what was I supposed to say? He wasn't going to be of any assistance. And he wasn't. He said, "You find out where your car will fit, and then you find out whose space that is." I found about three, and one was a judge in the Court of Appeals, I think. I did not know that at the time. It finally turned out that one space belonged to a secretary to Judge McLaughlin, who was one of my colleagues. I wrote to her and said that I knew that it would seem foolish that we had such a car that was so long that it was taking space,

but it was because we were traveling so much and commuting such a distance that we felt that this was necessary. I very much didn't want to put her out. She didn't have a big car. She was very nice, very gracious about it. I guess she didn't have a chance of not being, if you come right down to it. But Curran was no help at all.

MS. GERE: Where was your first chambers in the courthouse?

JUDGE GREEN: I didn't have any. My first ones they built, this was where the Circuit Executive for the Court of Appeals took over that space. They built a few of the courtrooms, not new courtrooms, but a few chambers down on the fourth floor, and it took quite a long time. I had no courtroom still, so that every day I didn't know where I was going. I could not tell people or the lawyers where to come meet me. The first trial that I had I had set up for the Hearing Examiner's Office, because we still had an auditor and probate and all of those things in the court, since they didn't go until the 1970s—1972 or '73. I used anybody's chambers who was either out sick or on vacation. Nobody had offered me anything for my family to wait when we were getting ready to be sworn in. I do know that one of my friends who had been on that trip to Germany, Arthur Ballin, had sent me flowers, and they were in Judge Matthews' chambers.

MS. GERE: Why was that? People just didn't give any thought to it, or it was unusual to have a woman?

JUDGE GREEN: It was unusual to have a woman. Judge Matthews made herself scarce. She never went to lunch with the other judges. Never. I didn't do it that way, never had, and mainly because of John's having said to me, way back on my first day at Lumbermens when I called him and said that all the lawyers were going out to lunch together, and he said, "So?" I

said, "I think I oughtn't do that," and he said, "Why?" I said, "I did not know that you would care to have me be seen with all these men." He said, "If you make the difference they'll make the difference. Just make up your mind and go."

MS. GERE: That you were just going to be one of their colleagues.

JUDGE GREEN: That's right. That was a very big help, because I think if he had not been that type it would have been an insufferable situation.

MS. GERE: Because at that time the only colleagues that you could have were men.

JUDGE GREEN: That's right. People were always wondering why. They'd ask me why I did not have some woman join me when I came in, but there was not anybody. When Joyce [Green] asked to come in, because she'd found that Bill Ehrmentraut was leaving, she was the first one that I would have considered.

MS. GERE: So once you went on the bench, the custom was that the judges ate together, correct, in the judges' dining room—?

JUDGE GREEN: Surprisingly enough, Judge Hart, who was known to be the very most difficult person, disappointed at having a woman, was the one who took the trouble to come to me and say, "I want to take you to lunch with everybody. I think it is invaluable. There are times that you will hear about cases that you'll find useful, and to find what your colleagues have done with them. So I want you to come." I accompanied him that day, and I do not think he ever said a word to me, at the whole table, for years. I think he was a little deaf in the first place, and if I did ever say anything to him he never heard it. I do not really think that it was intentional, but we were very good friends before he left us, and in fact he gave me one of the ships out there.

He wanted me to have that, according to his wife.

MS. GERE: Who were your first two law clerks, and how did you choose them?

JUDGE GREEN: My first two law clerks were Tony LaSpada, who is in practice in Tampa, Florida, and Ann DuRoss, who was many years with the Department of Justice as an Assistant U.S. Attorney, on both the civil and criminal sides. She is now with the FDIC, and she has been now for about 10 years.

MS. GERE: Doing their appellate work.

JUDGE GREEN: Correct. I think so. In the first place, as soon as they announced that I'd made it, Len Walsh, who was on our bench at that time, had been Chief Judge in the Court of General Sessions, before he came. I used to see him many, many times, because he was very informal in his chambers, and he always had a pot of coffee going and invite lawyers to come in, and so on. He was a very nice person and I liked his wife. We would not see each other too often except in official conferences and things like that, because I was a lawyer. But anyway, he telephoned me and said, "I have your law clerk." I said, "What's that?" He said, "I want you to hire Tony LaSpada. I think that you need to have somebody who's experienced when you start off, who knows what the ropes are. So I want you to hire him. He's been with me for a year." I said, "All right, send him up to see me in my office." He came in, I told him that I was planning to have two law clerks, because Oliver Gasch had very kindly been in touch with me and he was one of the first people who offered me any assistance.

MS. GERE: Judge Gasch was on the bench at that point.

JUDGE GREEN: He was on the bench. He said, "I'd just like to tell you that they say you're not entitled to anybody but a law clerk, one law clerk, and a messenger. And I'm

telling you, you don't want a messenger. You want a junior law clerk. They have said, the AO, that you can't do that," and he said, "I am doing it. And I would like to tell you that you can do it, too. Just tell them they won't be getting the pay of a law clerk, but they will be a bailiff."

MS. GERE: I remember that, now that you mention it, that there was a disparity in the salary between the first year and the second year.

JUDGE GREEN: I said I wanted him to have some continuity of service, because I felt, I had been, after all, working with people in my office and practice, and I knew how much difference it made to you to have continuity in service. I said that I would have one who they would have to start for one year, to put this into effect, and I would have one that I chose myself, that would be for two years. As it turned out—

MS. GERE: In that way you would always have one person who had been there at least a year.

JUDGE GREEN: Who was experienced, a little bit experienced. Tony left and we understood where everybody stood, and then I got a phone call from Len Walsh, and he said, "Look here. My secretary," and I believe it was Mrs. Cave, "thinks that I have done a dirty trick to you. I called to tell you, don't take Tony. He really was just a bailiff in the court, he wasn't a law clerk. And she doesn't think that I was straight with you," which he certainly wasn't, but in any case. He said, "Just tell him that you're not going to take him." I said, "Len, I have given my word. He's a law clerk." He said, "I don't think you ought to do it." I said, "It's a little late."

MS. GERE: But Tony had gone to law school, right? He was a lawyer.

JUDGE GREEN: Oh yes. A brash young fellow, as it turned out. Ann DuRoss

was not known to me but she was one of the people who had applied.

MS. GERE: Just a regular applicant, she had just submitted an application.

JUDGE GREEN: Yes. I had set up a time for her to come to my office, because I was still in practice, at this point, trying to get everything fixed up. When she came she brought another woman with her, and she was her classmate. This, as it turned out, was Colleen Kollar. She said that she'd told Colleen, because they were very close. They had gone to law school together, and they had done everything together. She was the blonde one and Ann the dark-haired one. Both very attractive young women, and smart. I had a great difficulty, because I only had the one space then, of which one to take, because they were so similar. I came to the conclusion that Ann had made the appointment, and Colleen sort of tagged along because she said, "Why don't you try too, and see which one she takes." Because they knew I only had one space. I thought so much in fact, I took Ann, and asked Colleen whether she would be interested in going with Catherine Kelly if I could talk to her. Catherine was then on the Court of Appeals, the D.C. Court of Appeals. I called her, and she said yes, as a matter of fact, she was looking for somebody. Colleen got the job with Judge Kelly. I was particularly welcoming to Judge Kollar-Kotelly when she came all these years later to this court. She's a very nice person. Of course, I had known her husband, because he had been before me on a number of criminal cases.

MS. GERE: He was with the U.S. Attorney's Office.

JUDGE GREEN: Yes he was. He was doing a very nice job. I have last seen him with the Hinckley case.

MS. GERE: Oh, he's involved in that?

JUDGE GREEN: Well, he didn't involve himself much, but he's a partner of

Barry Levine at Dickstein. He was arguing some slight point, a legal point, and that was about all. But we didn't get the histrionics that we had with the other ones.

MS. GERE: You brought your secretary, Eleanore Soltanoff, with you?

JUDGE GREEN: Yes. She had only started with me, in private practice. She had started in January, I think it was, or February. She knew that my secretary was leaving, because she worked for Shinberg & Shinberg on the same floor with us. Jenny had told her that her husband had kicked up so much rumpus that she was going to have to leave. All of a sudden Eleanore came in, and she said, "I understand that Jenny is leaving and I'm applying for her job."

MS. GERE: I can just imagine Eleanore doing that.

JUDGE GREEN: She said, "I know you have not gotten anybody else yet." She always did our notary work, I'd go see her a lot of times, in Shinberg's office, for notary stuff, for clients. Eleanore started with me, I believe it was in early January of '68, it may even have been February. But in any case, John had just come in with me as well, at the beginning of the year, so she was working for both of us. All of a sudden, she was working at the courthouse.

MS. GERE: At that time the disparity in pay for secretaries was probably not so significant, as I believe it is now.

JUDGE GREEN: She felt that it was a big step up to have gone to the courthouse. At that point I think it was, because people were just getting settled after the war, and people were coming back, lawyers who had been away, and veterans and so on were coming back to their offices. I don't think that anybody was paying very much. I know, for instance, that I think it was a step-up to Eleanore when she left Shinberg and came to me.

MS. GERE: I guess with the federal government, the retirement benefits were

better.

JUDGE GREEN: Yes, all of those things.

August 6, 1998

MS. GERE: Good morning, Judge Green.

JUDGE GREEN: Good morning, Sally.

MS. GERE: Today is, as we've just checked the calendar, August 6, 1998, and this is a continuation of your oral history for the court. I see that you have come prepared and have done your homework for our session today. We are going to talk a little bit about some of the cases that came before you after you were appointed to the bench. I believe you have with you some materials that were kept by your former secretary, is that right?

JUDGE GREEN: Eleanore Soltanoff, yes. I do, and she was with me from the beginning, and she scrawled these notes and kept them, which I finally found. All of the ones that she kept were the criminal cases. I had tried many, many criminal cases, because the court was so far behind at that time.

MS. GERE: When you were first appointed, then, most of the cases were criminal cases.

JUDGE GREEN: They were. The newer judges volunteered to take all of the criminal cases that were already in the court. Then all of the others were on an individual basis to be drawn by chance for each of us, whenever an indictment came down.

MS. GERE: When you say the new judges, that was you and Judge Pratt.

JUDGE GREEN: Right. The newer ones, anyway, because we were the junior judges, we'll say, because the senior ones—the ones who were more senior but had not taken senior status—were very opposed to any change. Many of us had been working on the Gesell Committee on the Administration of Justice, which as I believe we've talked of before, was

chosen by the Judicial Council to study all of the courts in the District of Columbia to find out why they were all so backed up. So after three or more years of work we had finally come up with our suggestions, that the United States District Court should not be handling the local crimes, which it always had, along with the federal crimes. We felt that the local court—which at that time was the General Sessions Court—was not up to taking the full load, and so part of our committee worked on the establishment of what turned out to be the Superior Court, where we increased the number of judges who would be available, raised the quality, in that they were given longer terms and more money.

MS. GERE: Were they Presidential appointments then?

JUDGE GREEN: They were anyway. They had always had to be okayed, but I don't really think there was any great "hurrah" by the Senate of confirmation on any judges at that time. They didn't do it that way. When I say, the newer judges for the federal court were appointed from working on the committee, Judge Gesell was the first one that they took and he was the chairman. He was appointed, then Newell Ellison succeeded him. He was a well-established gentleman who didn't want to be on the court. He was pretty old at that point but he was a fine chairman. I served under him as well, because I was still practicing law. Then after that was John Pickering, he succeeded Ellison. When we started, President Johnson had apparently been induced to go along with the situation of the courts. He felt that something should be done, and he looked to the people who had been working on the committee and appointed many of them. A number of the people were appointed who were on the sub-committees, because obviously the nine of us couldn't do everything. We had sub-committees for each of the courts. Judge Gesell had appointed me to the Juvenile Court Committee. That

was not exactly my long suit, because that was the only kind of case I had never tried. But anyway. When we were appointed—first of all, Aubrey Robinson was appointed before this, he was one of the early appointees, who came from the Juvenile Court in the District. The Juvenile Court was indeed a mess at that point, because they had supposedly three judges. But the Chief and another member didn't speak to each other. They worked at counterpurposes all of the time, and they were, in effect, ineffective judges. This was what we came up with, that they would all have to be doing something different, and that the juveniles, who had never been given counsel when they were indigent—and most of them were—they should have counsel appointed for them. Otherwise they were in never-never land for years. One of the very active members of that sub-committee was Pat Wald.

MS. GERE: Right, I think you mentioned that.

JUDGE GREEN: She had been very active in the criminal law projects that she had done for Congress, when she, I think, was in the Department of Justice, and working with them. She was tremendously helpful in this, in the litigation preparation. Barrington Parker was on one of the sub-committees. I'm trying to think who else came along right afterwards. Judge Richey came about five years afterwards.

MS. GERE: How about Judge Waddy?

JUDGE GREEN: Judge Waddy was already on the court.

MS. GERE: And Judge Jones was already on the court?

JUDGE GREEN: Judge Jones was already on the court. Judge Waddy was perfectly willing to help anybody that he could, but he was not very well at this point. I'm trying to remember, I think Judge Gasch took over with this situation; he had been appointed about

three years before, before I was.

MS. GERE: Who else was there? Judge Smith?

JUDGE GREEN: Judge Smith had been Chief Judge of the Municipal Court, the General Sessions Court. We also had a Chief Judge who was on our court, and he was the one who had told me to hire my first law clerk.

MS. GERE: Judge Walsh?

JUDGE GREEN: Len Walsh. He was on there. I don't remember but I expect Aubrey could fill me in with exactly who the seven were, because we talk about it a lot at the judges' lunch table.

MS. GERE: The seven of you then, pretty much, were the core to get the new way of—

JUDGE GREEN: And the only way we were able to do it was to volunteer to take the cases that the other judges hated. We said on this basis we'll want it to be an individual calendar, and they said, "We won't go for that on the civil cases. But if you're willing to do it on the criminal, we'll just find out how you're doing after a year."

MS. GERE: Individual calendar meaning that, as soon as the case was indicted—

JUDGE GREEN: As soon as it was filed in this court.

MS. GERE: It was assigned to a judge.

JUDGE GREEN: It was drawn.

MS. GERE: It was for all purposes.

JUDGE GREEN: Right. But it wouldn't go to these other six, or the seniors.

MS. GERE: When you then first were appointed to the bench in '68, your court

still had general criminal jurisdiction, correct? That was phased out and over to Superior Court.

JUDGE GREEN: The principal felonies in the District. And that is why I tried so many criminal cases. Not only criminal, but ones that were life imprisonment cases. Before there were the big drug cases. These were a lot of mandatory sentences. But when people said that I was a tough sentence, I was, indeed. I felt that the streets were so bad in the way of—people were being raped and robbed and murdered then, that I felt when they had been fairly found guilty, that it might be a good thing to see that they were taken off the streets for quite a while, as long as the law would allow. I thought that helped, personally, yes.

MS. GERE: Do you think in your years on the bench that you remained a tough sentence or did you see either yourself change or the types of individuals who came before you change, or the crimes change?

JUDGE GREEN: Well the crimes certainly changed. Although occasionally you have some very serious situation, it is not like it was when we had the local crimes. And I might say, we never sent to the new Superior Court or to the old General Sessions, we never sent any of those cases to get rid of them. We kept them all and dealt with them ourselves, and we were getting the new ones all the time. It was federal that we were getting, and it was amazing how many federal crimes there were in those days, especially bank robberies.

MS. GERE: Yes, I remember when I clerked there were a number of bank robberies.

JUDGE GREEN: Lots of bank robberies.

MS. GERE: The crimes that you tended to see after you'd been on the bench for a number of years turned more to drugs?

JUDGE GREEN: More to drugs and more to these interceptions of the so-called mules, where they are just bringing it by bus, train, and airplane, through the District. The fact that they are being treated and required to be sentenced under the guidelines, which are not guidelines, they are mandatory, as we have all found out. You are required to sentence them if they are carrying a particular amount of drugs. The idea is that they will be able to turn in the person that they have picked them up from. In many cases they don't even know him. They know that somebody said, "Here's a round trip ticket to go down to some place and stop in the District en route." You may find they make delivery, as they do most of the time now, to South Carolina, because that brings much more than it does on the street in the District.

MS. GERE: That's interesting. So, I made you kind of jump forward a little bit, but to go back then. The criminal cases were assigned on an individual docket per judge. How were the civil cases assigned or handled?

JUDGE GREEN: They had an assignment commissioner, and they always had an assignment commissioner, but the civil cases were five years behind, and more. I think I mentioned to you that I was chosen by our committee, I was chairman of the Committee on Relations with the District Court. They had asked me to do something about getting the—and I might say it was one dear to my heart, because I was not getting my cases tried either, there. When I had been the one to bell the cat, with two gentlemen from the committee, the two gentlemen from the committee sort of vanished into the wall.

MS. GERE: Faded into the woodwork, yes.

JUDGE GREEN: That was when I told them that we did think if they didn't have any other way that perhaps they should not be taking off all summer. That was the dumbest thing

I ever said. In any case, I don't think they paid attention to it at the time, until our report came out on what to do about setting up the cases and setting up the courts, and so on. They were saying that they would see how this worked. And of course the older judges were delighted, because they did not have to have the problem of any of the criminal cases, and they were still handling the civil cases. I might say, you want to know how they got them. I can tell you how, as a lawyer, how those were done. The assignment man, and it was a gentleman, would look at some of these cases—I don't think there was any rhyme or reason or rote or anything of the sort—but they'd pick one, I suppose when counsel's screaming, they would pick one and they would send the notices to the lawyers in the case and the notice that I would receive, as with everybody else, the case would be reached for trial within two weeks. They would give you a two-week spread.

MS. GERE: There are still courts that do that, but I just think that's ridiculous.

JUDGE GREEN: They would give you a spread of the two weeks. Now, as I did so many personal injury cases, eventually, I would have a very difficult time with doctors, either for defense or for the plaintiff, because you can't have these arrangements with the doctor. If you could get them within a few hours they would cooperate with the court, but they couldn't practice their medicine in any such manner; they just said they wouldn't come. You'd either have to have testimony by deposition, which you knew was not as effective, so it was really a very bad situation. Especially since I was all over Maryland, besides, all over southern Maryland, not the rest of Maryland, which was enough. When they set a case, you went to court on that day and they expected you and you were there, and you tried the case. And it often was not a one-day case. It would be something that maybe the judge was going to be going to the tobacco fair, sale,

and if so, he would just take off in the middle of it, and you would have to stay all night the night before, trying the case with a jury who was out on their feet, out of their seats, too. Of course lawyers who were absolutely—and clients who were still ill were almost unconscious. Then I would be having this hanging over my head. They would say “call the assignment office in the District Court and we’ll let you know whether you’re excused in the morning or not.” I was constantly wondering whether I was going to be able to make this whole situation work. I would go in and they’d say, “Oh you’re excused until afternoon.” Of course I was in the middle of this trial, so I’d call after lunch, fear and trembling. “It doesn’t look like they’re going to reach us this week. Try on Monday, we’ll find out where we’re going.” So they were still doing that, I’ve no doubt, while we were trying the criminal cases.

MS. GERE: So just whatever judge happened to be available is the judge that got the case. The judge wouldn’t have done any pre-trial, wouldn’t know anything about the case.

JUDGE GREEN: Not only that, there would be motions, multiple motions, as I found when I was getting civil cases, because I had started with a few civil cases. I think my first two were civil. There were multiple motions filed in the ones that I had, and there were multiple orders from different judges that would conflict with each other. Nobody had ever read what went on before evidently. It made it very difficult. What Eleanore had noted on those criminal cases that I had was 1968 when we managed to get this going. I was sworn in as you know in June. I tried Albert Washington in March 1969, he was tried and found guilty, and it was reversed by the Court of Appeals.

MS. GERE: Do you remember that case?

JUDGE GREEN: No. I should because he’s been around, now, in more recent

times. Well, all of these things, let's see what they were tried for. Here's a first-degree murder, judgment of manslaughter entered. That was in '68 and '70. '68 I had a judgment of manslaughter, this other one, first degree murder. The Darrell Bradford case was affirmed, we had all of these, I won't give you all of these names, but there are a number of them.

MS. GERE: You've got pages and pages there.

JUDGE GREEN: Yes. These were all affirmed, and these were reversed, remanded.

MS. GERE: It looks like most of them were affirmed.

JUDGE GREEN: Yes, I think so. One, two, three, four, five, six, seven, eight, on that page. One of them was remanded for re-sentencing. Another one that was jointly tried was remanded. As I say, one, two, three, four, five, six, seven, were affirmed. The next page, one, two, three, four, five, six, seven, eight, nine, were affirmed. One was remanded for re-sentencing. Two others were remanded. Two for re-sentencing, and two remanded for retrial. We had one, two, three, four, five, six, seven, were affirmed. One was reversed and two were remanded.

MS. GERE: You've just got pages there, how many would you say, you've probably got seven or eight per page there, and you've got a lot of pages. You've probably—

JUDGE GREEN: There are homicides and murders, robberies and assaults and burglaries. We did note what they were. Homicide, murder, murder I and II, assault, burglary, kidnaping, sex offenses, escape—thirty-three escapes, firearms, 65, narcotics, 165. Those were heroin and LSD, I think, at that point. Obscenity, perjury, 3, UV, 37.

MS. GERE: UV. Unauthorized use of a motor vehicle.

JUDGE GREEN: Use of a motor vehicle. See, we had every kind of thing out of there from the District.

MS. GERE: I remember when I was clerking—

JUDGE GREEN: Gambling, 10.

MS. GERE: —that we had a pickpocket from the bus station over on New York Avenue. I thought that was quite interesting. I think the guy showed how he did it, it was quite something. The defendant. So you probably had, even in your early years on the bench, several hundred criminal cases that you tried.

JUDGE GREEN: Oh yes.

MS. GERE: I know, you've got pages there, pages and pages. Do you have, from your early days on the bench, switching to civil, a few cases in the civil docket that you were assigned that really stick in your mind or made an impression.

JUDGE GREEN: Yes indeed.

MS. GERE: What ones were they, or what one?

JUDGE GREEN: One of the first that I received was a TO that was brought by the Governor of Florida to stop the Army from disposing of nerve gas off the coast of Florida. I asked if they had any alternative to the proposed site at the preliminary hearing, and they said absolutely. We think we have a number of alternatives. This one would be so dangerous to swimming and sea-life, and so on. Apparently the Army was just trying to destroy the nerve gas that they had at that day and time. This case was about 1970. It was on pretty early. It may even have been '69. In any case, I was getting some things like that would be heard, along with my criminal cases. I worried about this, I checked it out to try to see what could be done. The Army

didn't bring any witnesses for their preliminary injunction hearing who were knowledgeable, who were really trained in, I thought, what was going to happen. This nerve gas had been brought from the West Coast—not California, I've forgotten whether it was Nevada or some area similar, it might have been New Mexico. It had been put on a train and had come through different states, and every time the state found out about it, that these were all put in concrete casket-type things—

MS. GERE: Were they moving them by train?

JUDGE GREEN: They were moving them by train across the country. Each and every state was screaming, but they would soon get out of there and then they would be in another state. They ended up in Wilmington, North Carolina. They were there and they had them stacked up. What they planned to do was to have the Navy Old Liberty boat, that scuttled, they were going to put them on it, and they were going to scuttle the whole thing in very deep water, as it turned out. I had tried to find out whether it was possible to get rid of this nerve gas in some other fashion. I inquired, not on the record, but I had, in camera, found out why it couldn't be done as they were disposing of nuclear waste. That is, bury it in the ground. I learned then, and it certainly did not show up in my order, which was fortunate I think, since I know what happened to Judge Sporkin. They said don't ever recommend that because the nuclear disposal never stays in the ground either. It always comes up and pollutes the atmosphere.

MS. GERE: That's not very reassuring.

JUDGE GREEN: No, and as I say, it was not supposed to be told to the general public. I knew enough to know that I could not do that, and I didn't know what the hell else to

do, and nobody was telling me. This was one that hit all of the headlines in the United States and Mexico, because I received from all over, all kinds of advice as to what to do and what not to do. They had all the concrete holders stacked on the dock. I had explanations of what was done. These were all designed to be used as warheads. We had this nerve gas, and they had decided they had to get rid of these warheads because they were too old. So they made these concrete vaults, and they would put one in one direction with a warhead this way, and then they would put another one in the other side, the opposite, and then they did that until it filled up. Then they marked some of them, because some of them would last, nerve gas was supposed to last, say, two years, and some of it was supposed to last 200 years. The 200-year ones were pretty vicious and scary, so they painted those with notices, so that they'd know what they were dealing with. Somebody decided when they were in storage that paint was peeling and so on, so they ordered them all painted, and nobody knew then whether they were the 200s or the others, and furthermore nobody knew which direction was the warhead was pointed. This is, I would say, one of the really worrisome things, as it would be today. I still would have all the same problems. It was leaking on the dock down there.

MS. GERE: Already?

JUDGE GREEN: Yes. And I didn't think that it was a right thing for me to sit in Washington, a nice, safe spot, and have the people gassed down where they were. I was cogitating on it, so the hearing lasted about two or three days. But I might say quite sleepless days.

MS. GERE: By this time did both sides have witnesses who testified about the effects and all that sort of thing?

JUDGE GREEN: Yes. They said, for instance, that the salt water was what would take care of it, that it would do just the job. But they were putting it down in such a deep place, they'd never tried that before. I said I really had questions about that, because why take the chance of having these things all burst, because they said that with the pressure they would, because it was so deep. Why shouldn't they give some consideration to that. I certainly was in no position to order it, I simply asked that they consider it. They were preparatory words and I made sure that they understood it that way. Then I said there was no way apparently that it could be handled at this time without allowing them to load their ship and scuttle it. All I thought was please to consider the area, whether there wasn't some place that was a little safer. They went out to scuttle it where they said they were going to do it anyway. There was not anything that anybody was doing in the Court of Appeals, they didn't want anything done about it anyway. I don't think they wanted to fiddle with it, so it was done. The Navy people—because they had a lot of them that testified—decided that I was so concerned about it, that they undertook to take pictures undersea to give to me. I think it was probably the next year, to show that this was all alright, the fish still were down there. I thanked them, but there was no sign of any ship remains. There was no sign of any of these concrete containers that might have lasted a bit, and I just couldn't leave the thought that here was a nice clean thing, and they thought this would be nice and fine for me, but I didn't buy it, because I figured the pictures were taken someplace else.

MS. GERE: Was this off the east coast of Florida?

JUDGE GREEN: Yes. Apparently they had all kinds of testing afterwards and there was no sign of anything at all, of course otherwise they would have all—we'd have all heard about it. I learned during the course of this case how many other countries, including England,

had the stuff that they were just dumping in the North Sea. I didn't think that what I learned was very comforting to me.

MS. GERE: No, not very.

JUDGE GREEN: We are now worrying about Iran and Iraq, and the other countries, not cooperating in disposing of nerve gas. I am less than thrilled. But that was one of the most difficult cases. The *New York Times* had an article on me, woman of the week, person of the week or something or other.

MS. GERE: A profile of you, about the case.

JUDGE GREEN: A little profile, yes. The headline was "Judge Orders Drop," as though I thought it up. I had letters from mothers who said, "I think you are outrageous and ought to be removed," and "how can I walk with my children on the beach; I don't want them to pick up anything that is polluting," and so on, and "you are not taking care of anything approving this." You know, "What a dog."

MS. GERE: Did you get any positive reactions?

JUDGE GREEN: No.

MS. GERE: No? People were just upset.

JUDGE GREEN: Most people were upset about the whole thing. There were people who sent me clippings from all over, that's how I know the containers were all over the country, including, there was one restaurant apparently in Mexico, which had a paper place mat everyday with whatever the news was, and somebody sent me their place mat.

MS. GERE: The news café.

JUDGE GREEN: Well anyway, enough of that one.

MS. GERE: Looking at the other side of the ledger, then, are there any of the criminal cases that particularly stand out from your early years on the bench?

JUDGE GREEN: Yes, absolutely. The case of Heidi Fletcher. It really was not her case alone, because she was the driver of a getaway car. She happened to be the Deputy Mayor's daughter, the Deputy Mayor of Washington, D.C. She was at that time a not very attractive young woman, she was rather large and somewhat ungainly. Unfortunately her mother had wanted to have a nice little delicate ballet-type daughter. She had not had a very good childhood. She was not very popular and it wasn't helped by, I'm confident, her family, although her father was in court every day during the trial. But in any event, this case involved the robbery of a bank on MacArthur Boulevard. Her young, one boyfriend was intrigued with her and she with him. He was from a nice family and a quite nice-looking young man. He had this criminal-type acquaintance he had become friendly with.

MS. GERE: So there's Heidi Fletcher, and then her boyfriend was?

JUDGE GREEN: Her boyfriend was Timm. Eros Timm. The other person was Lawrence Daniel Caldwell.

MS. GERE: He was the one you described as having a criminal background.

JUDGE GREEN: Here is what they said in this article from a newspaper in Rapid City, South Dakota. It said, "Bethesda, Maryland. Eros Anthony Lewis Timm, named by his Italian mother after the god of love, leaves the family's \$100,000 home on tree-lined Portsmouth Road for National Airport. His father kisses and hugs him and slips him a last-minute \$10 in spending money. Then Eros Timm flies off to college. The father, 30 years a Pentagon budget analyst, will later recall that his only son almost never got to college. There had been serious

academic and disciplinary problems in the last two years of St. John's College High School, and when C.W. Post College at Long Island accepted Eros Timm, he was the last of that year's dummies to get into college. Five months later Eros Timm was home. He had flunked out. Bloomington, Indiana. Lawrence Daniel Caldwell is a gawky, six-foot five scholarship student at the University of Indiana Music School. He plays the clarinet. When he doesn't, friends later said, he sits in his room and memorizes concertos or reads books about the occult. But when a greeting arrives from the Selective Service ordering Caldwell to report for a physical examination, he turns anti-establishment. He leaves Indiana, and like a basketball hardship case, turns professional as clarinetist for the Akron Symphony. But Caldwell gets no \$100,000 bonus, only \$40 a week, and when he is passed over for the post he covets, lead clarinetist, he becomes enraged, moves to Washington, and begins dealing drugs. Heidi Fletcher, Eros Timm, Dan Caldwell, once typical kids with brains, youth, promise, likeable kids with friends, skills, interests, and now in their early twenties, after a wild gun battle last May, in which a D.C. policeman was killed following a bank hold-up, federal prisoners. The last act came Thursday night. Timm and Caldwell were found guilty after a 19-day trial on all eighteen counts of an indictment charging two bank hold-ups and the slaying."

MS. GERE: What year was that, Judge?

JUDGE GREEN: September 1967. It says, "In a way, it all started in September 1967." Let's see, this was— [Break in tape.] "Where she had no background of any trouble at all—"

MS. GERE: It was her father who was the Deputy Mayor of Washington.

JUDGE GREEN: This also has said about him, to get the whole picture. "Rapid

City, South Dakota. Thomas W. Fletcher, City Manager of San Diego, California, is on vacation with his family. Lyndon Johnson wants him to become Washington's Deputy Mayor immediately, but Fletcher cannot be found. Dramatically the President orders a ten-state search. The FBI finds Fletcher in a Rapid City motel with his wife and only daughter, Heidi Ann. He is flown to Washington by Air Force jet, where he accepts the job. He is then flown back that same afternoon to South Dakota and his family. His daughter cries when she hears of their impending move." She drove the getaway vehicle.

MS. GERE: How did she meet up with these two fellows?

JUDGE GREEN: I don't really know, and I don't know that this article ever went that far or not.

MS. GERE: She drove the two of them to this bank then on MacArthur Boulevard. How did the police officer come to be on the scene, or was he just—

JUDGE GREEN: He was undercover. So many banks had been robbed at this time, that they had thought that they might be a sitting duck. So he was in there, unbeknownst to anybody; of course the bank knew it. When Timm and Caldwell went in, with guns, the officer jumped up and ordered them to drop the guns and he pursued them out the door. They had gotten money from the teller, and they were on their way out, and he started to shoot. Timm always felt, and said that if the officer hadn't been shooting at him, he wouldn't have shot at all. But he was being shot at, so he shot back, and killed him. Of course this is a very serious thing. As it happened, they were wearing wigs, the two men.

MS. GERE: Disguises.

JUDGE GREEN: Yes, they were wearing wigs. They threw those things in the

back of their—it was like a panel truck, nowadays they call them something different, fancy jobs, but this was a panel truck in those days. They threw that in the back and the money and the guns, and they took off, rather rapidly, on Van Ness Street, toward Connecticut. Before they got to Connecticut they were apprehended. The television crew was there, the news, all the people. They had pictures of the money, they had pictures of the people. They were taken, all of them, in, of course. A very serious situation. They set no bond for any of them. I did not think that this young woman should be treated in this fashion. There was never a time before this when the prosecutors would charge a driver of a getaway who didn't participate in anything else. They wouldn't charge them with first-degree murder. They charged her with first-degree murder and they charged her with nine other counts. I didn't think she was safe to go home. I didn't think that was a good place for her, because I didn't think they paid enough attention to her, which is how she got into this trouble. One of her neighbors, a very respectable, decent person, I found out, with all kinds of recommendations from the public, offered to have Heidi, to take her in for custody, protective custody, anything I wanted to require. She had a daughter the same age, and she came down and talked with me. I decided that this was a fair, proper, decent thing, while she was awaiting trial. The DA in the case, Assistant U.S. Attorney, was trying to be very helpful and he was trying to make the plea to the U.S. Attorney, who was Tom—

MS. GERE: Flannery?

JUDGE GREEN: Yes. Tom Flannery said in my presence, and in my chambers, that he hadn't the slightest idea of breaking down this charge for this woman, when he was being considered for a judgeship. I've never forgotten it. I have never forgotten it. I sit with him at lunch time—now you see why I have to embargo some of my comments here. He would not do

anything except a murder charge. She was eligible—they only want eligible—for the Youth Center under the Youth Corrections Act. He would not take—they were offering a plea—and he would not accept anything except first-degree murder. Immediately, before she became 21—and her birthday was just about then -

MS. GERE: She would have been eligible for treatment or whatever under the Youth Corrections Act.

JUDGE GREEN: Right. And of course they were B and C types, as I recall, and this would have been a C that she was pleading to. I think I gave her nine years, or when rehabilitated. Because that's the way—

MS. GERE: What was the cut-off age for the Youth Corrections Act? Was it 18, or was it 21?

JUDGE GREEN: I think it was 21, I'm not sure. But it talks about the fact they were all in their twenties. I think that she was, at 22, she would lose eligibility.

[After a break in interview.]

MS. GERE: You were talking, Judge, about Heidi Fletcher and her eligibility for treatment under the Youth Corrections Act.

JUDGE GREEN: Yes. And I might say I received much vilification for—I received many letters telling me that they thought that I had been a decent, kind, person and that was just what I was supposed to do. I received one from a high government official, who wanted to know why I didn't just give her a medal.

MS. GERE: A very sarcastic comment, obviously.

JUDGE GREEN: Right.

MS. GERE: So your decision was that you would sentence her under the Youth Corrections Act.

JUDGE GREEN: Right.

MS. GERE: The government had asked that she be treated as an adult?

JUDGE GREEN: They didn't have that, they just decided that she would have to plead to every one of the counts. The Assistant who handled the case was trying very hard with the powers that be, to talk to them, to get, to accept a lesser plea. It just, they wouldn't do it.

MS. GERE: Who was, I've forgotten, the Assistant U.S. Attorney?

JUDGE GREEN: One that we both know very well, and I'm trying to remember his name.

MS. GERE: Bob Higgins didn't try it, did he?

JUDGE GREEN: No, no.

MS. GERE: John Aldock?

JUDGE GREEN: No, they all were civil.

MS. GERE: Well, it will come to us.

JUDGE GREEN: I say all civil, they were assigned to us to clear up stuff, so I'm not sure. I think maybe they were criminal, weren't they?

MS. GERE: Yes, I think they were.

JUDGE GREEN: This fellow is still a very active attorney and they asked him all kinds of questions about the Independent Counsel and all that.

MS. GERE: The Independent Counsel, on all of the current issues.

JUDGE GREEN: Yes. He was and is a nice one. Anyway, I might say that I did

receive letters, one from a man in Seattle, who said that he didn't really have occasion to write to judges, but he just wanted to say that I had treated this defendant, that he was interested to hear what had happened, he thought it was most unusual. The complaint that I received was that she was white and she was female, and that that was the reason I was being decent to her. That's the only reason.

MS. GERE: And obviously that was not part of your thinking.

JUDGE GREEN: It was not. I sentenced her, under the Youth Corrections Act, to nine years.

MS. GERE: She actually stood trial?

JUDGE GREEN: No, because she pled. She pled to every one of the charges. I felt that I really had to give her the maximum that was for serious matters, but under the Youth Corrections Act. She was sentenced and they sent her to California. She was at Terminal Island, I believe. This apparently was very good for her. We finally had, when the two men were set up for trial, they had screamed that they wanted her back to testify on their behalf. I asked them what she could possibly say that would be of any assistance. I had counsel in chambers and I had a reporter, court reporter, taking down the things that I was saying. They had subpoenaed her from the prison, and they were going to bring her. I inquired as to exactly what it was that she would be able to do for them, because it didn't seem to me to make such sense to spend the money, to have Marshals fly back with her and come into the court and have her plead the Fifth. There were other things they were going to try to claim about her, so that there was always a likelihood and she hadn't, I don't think, there had ever been an appeal. She wasn't appealing, and it was a plea, so that was the situation. But in any case, afterwards I said, "I will tell you, if

you insist upon it, obviously I'll okay it. But I just want to call your attention to the fact that I think it's stupid." Well, she was brought back. At this point I received a letter from the *Washington Post's* editor, and I received all kinds of flak. I was being governed by my bias in this defendant, and this was an outrageous thing that I had, whatever it was, that I had this meeting that was off the record. So they complained to the Court of Appeals, and Judge Bazelon, who hadn't anything to do with the case as far as I knew. He ordered the transcript of my in camera hearing. I never heard anymore about it again, I mean, officially.

MS. GERE: They were upset because you had brought her back and that you'd had some conversation with counsel that they couldn't inquire into, I take it. As the newspaper—

JUDGE GREEN: They were complaining about it because I hadn't brought her back, they didn't know she was coming back.

MS. GERE: I see.

JUDGE GREEN: When Bazelon took a look at it, it certainly wasn't anything that was—and I had both sides, and I said, "Isn't this kind of stupid?" I mean really. "Do you really, what is she going to say? What can she say for them?"

MS. GERE: I can't imagine what she would say that would be helpful to them. But she came back.

JUDGE GREEN: Which she did, and then, preliminarily, it wasn't before the jury, she testified, gave her name and location, and she took the Fifth. Timm started up from the counsel table, almost to the witness stand, and said, "Why would you do this to me? All we meant to each other" and all this. It really was a tragic little scene. It really did her in, just about, but she managed to get over her tears and get out of there, and that was it.

MS. GERE: What did he think she was going to say that was going to—

JUDGE GREEN: I couldn't fathom it anyway.

MS. GERE: He was there, he had the gun and he—

JUDGE GREEN: Caldwell had complained all the time in the trial that he was unable to move, so he sat there in a wheelchair, which he'd never used before in his life, as far as I can tell. He had a sheet tied around to keep him, because he would just, and I would realize that he would be so uncomfortable, not moving for hours, and I would look and try my best to see him move, and his hands would be under the table, but you could not see him move. He played all this stuff all the time. He ended up writing a letter to the editor before the case was finished, saying "Aha, I fooled you," and all these things. It was a jack-ass thing, and the next day when he came in for the final arguments and so on, he was sitting up there paying no attention at all, like he was just fine, needless to say, I knew that right along.

MS. GERE: Were they sentenced?

JUDGE GREEN: Earl Silbert. Earl Silbert was the one who was—

MS. GERE: The Assistant who tried the case.

JUDGE GREEN: —was trying hard to do it in his usual fashion and that was not biased.

MS. GERE: So what did Timm and Caldwell receive as their sentences?

JUDGE GREEN: Life imprisonment.

MS. GERE: So they're still incarcerated.

JUDGE GREEN: No, Timm is dead. He was stabbed. I ordered Timm and Caldwell sent to separate places. I felt that Caldwell was such a much different character, that he

really had a bad record. I thought that he was the one who really induced the others to do this stuff. He was sent to, of course the court has no authority, to pick the place. All I could do is suggest that they not be incarcerated together, because I thought it was a bad combination. They sent Timm to Lewisburg, and as a matter of fact, he still would have been considered for probation, after having served 15 years or something like that. He had served more than that. He was stabbed to death sixty-some times by inmates, and I have always felt so sad about it.

Caldwell had been in a very secure—Redstone I think it is, or one of the very secure prisons. But he had filed a civil action about something local, and when they took him to the local court to have a hearing on it, he ducked out the bathroom window and escaped. He was always the one that was a bad actor. He was captured and I believe he was put in a place—it's mostly solitary I think, that he's in, which is not a very humane thing either. It isn't humane at all in fact. When I was notified about Timm, it really disturbed me indeed, and I'm sure, Heidi. Well, after Heidi was in there for a while, I think three-and-a-half years, she was taking some college courses. She was doing all of the landscaping for the facility, which apparently she'd learned to do very well. They thought it was wonderful. They allowed her, eventually, to work outside, maybe she was working for them at that point. But toward the end, after about three-and-a-half years, she came up for parole. They decided that she was totally rehabilitated. She had never had an infraction. It was very, very fine. She had this wonderful record. She was in every way a changed person. She was intelligent and she had instituted these things at the prison that were so helpful to the management. She had worked as a secretary, I think, before, when she met Timm. I don't know how she met him, but in any case it was an unfortunate meeting. Certainly unfortunate for him, too—although she certainly didn't induce him to do these things. That was for sure. The trial,

each time she'd have to be in court, because there was a lot of preliminary activity as we all know in that kind of thing. Her father was always there. But her mother never showed up. Finally, I heard that, when she was transferred to California, he went out to California and got a job there. I thought it was so that he could be closer to her, and almost as soon as Heidi moved into the place, maybe a month, he got a job elsewhere, and they left. So it was not just in my head. Although he wrote to me very nicely and said how much he appreciated my handling of the case, that he knew that I had some rough times, because, he read it in the paper, people were giving me hell. He said he realized that I had always had his daughter's best interest at heart. The prison decided that they were not going to release her, because of the seriousness of the charges to which she'd pled guilty. I quoted them—of course she still had her lawyers—the Youth Corrections Act, which states that you may not hold the prisoner, if they are rehabilitated. I thought I was ordering the Attorney General (and the prison) to let her out the next day, no later than 12 noon. It turned out I had the wrong date, and I was stating today, and by God they let her out.

MS. GERE: Well, it was moving right along.

JUDGE GREEN: She had gotten a job as a secretary in a law office. Her grandmother was apparently the only person who was back looking after her, going to see her and all that sort of thing.

MS. GERE: Where did she go for her job after she was released?

JUDGE GREEN: San Francisco, I think. They said that she had friends. I think she's married now and has a family. She wrote to me and I didn't write to her, because I just thought I was just as well not. That was a very difficult case, and I'm sure that I have made lots

of mistakes in my time, but I haven't made one because of my own best interests. I think I can honestly say that. I don't really think that I have put myself in front of somebody else.

MS. GERE: Right, that is the way something should be decided.

JUDGE GREEN: If they haven't turned out that way, there were other reasons for that.

MS. GERE: So those were two of your more memorable cases from your early days on the bench, one criminal and one civil. Are there others?

JUDGE GREEN: One that I felt very strongly about was the farm workers who had absolutely no outdoor personal hygiene facilities. They were required to go out and pick these vegetables and fruits and all sorts of things. They would be sent for, picked up in a truck, before dawn. They would then supposedly stay until it was so dark that they couldn't see anymore afterwards. A very full day of stoop work and back-breaking things. They had no facilities for going to the bathroom. They had nothing, except the fields, and they were required to stay there, so that if no one cared about them, they should have cared about the fact that the food was coming out of someplace where people were urinating and defecating on it. However, OSHA decided that this was not that anything they thought was important. This was not a popular cause, either. These people didn't have anybody to speak for them. The only thing that had been done was Caesar Chavez's work.

MS. GERE: Right.

JUDGE GREEN: —in California had managed to get facilities for the people there, because he had unionized them. But the other people who were not unionized and were not educated and were not any of these things had no facilities. They couldn't get a drink of

water. They'd say "well you can have it from the ditch." They wouldn't even provide them with clean drinking water. They had no facilities for washing their hands. Many of these fruits and vegetables were poisonous, had been sprayed with pesticides, and the workers were never allowed to wash their hands to get that off, to say nothing of regular facilities.

MS. GERE: So this was a suit brought on their behalf against the Labor Department in order to have them effectuate regulations that would have protected their health and safety.

JUDGE GREEN: This was against the Labor Department, indeed OSHA. Because they wouldn't do anything for them. That went on for a number of years. I had that case. I decided that this is what should be done. There is no basis for any human beings being treated like this. I would order OSHA to come forward, publish their records of what was done and what was recommended. Several years later OSHA would come in, only when subpoenaed, and I finally had subpoenaed a woman who was the head of OSHA. She was the OSHA Commissioner. There was an article that really was something. It talks about me as though I am a moron, and that I am so unfit for being a judge because I was so angry with her, that I was, when she was testifying, I was throwing my glasses around and rolling my eyes, and showed my irritation. Damn right I was. She was lying through her damned teeth. The article said that I was known as an absolutely trigger-tempered, hot-tempered individual anyway.

MS. GERE: Was this in the *Washington Post* article?

JUDGE GREEN: Yes, I think so. It was done by a fellow I thought was fairly good, ordinarily. But he was amusing himself with this one. Well anyway, the OSHA Commissioner said that there would be at least a four-and-a-half years further study, and she

didn't think they could act until Congress did. I said Congress acted at the turn of the century, when they decided all workers were entitled to sanitary conditions for their personal habits, personal needs. And that does include safe drinking water on the job, clean, decent things, not one ladle for everybody. They talked about flush toilets in the field. Of course I didn't talk about flush toilets. I said the johnny-on-the-spot type could be used—if they couldn't understand this, I would make the suggestions. That is, they could take one of their farm trucks and put one of those things on it. When the people were out working in the field they could keep it all day. They were required to have other facilities than their drinking water where they could wash. In the first place, another thing, they had statistics to show that these people have a life expectancy of 45 years, and it's because they haven't any bladders or any kidneys that are in decent shape. All of these problems because they are embarrassed to go in front of somebody. They hold it all day for ten hours or something like that. They have no facilities for even wiping themselves. Each time the Court of Appeals would say it was up to OSHA, that it wasn't my say. I got it back three or four times.

MS. GERE: I remember it was still there when I was there. It was there after I left.

JUDGE GREEN: It was many years. It finally got to a point where I had given them a deadline on what to do with these dates, beyond which they didn't go. They had changed the law of the APA a little bit. That is, if it's a date that is a deadline, it would not go to the trial court anymore, it would go to the Court of Appeals. It went to the Court of Appeals and Pat Wald got it, thank God, and she wrote a beauty. That is the law now.

MS. GERE: It took a long time getting justice done on that one.

JUDGE GREEN: It surely was. But that's one that I really felt pretty good about.

Finally. Well, as I say, I think that Heidi is a reasonably good member of society today. I've heard other reports that people have been checking on her.

MS. GERE: Are there other people, other individuals in criminal cases that you think have gone on, at least as far as you know, to be contributing members of society.

JUDGE GREEN: Yes indeed. I think that I had a woman, one who had embezzled \$80,000 from Riggs Bank, all at once. She was a very decent member of society, a hard-working person, and somehow to take money like that was sort of, according to the psychiatrist who testified—

MS. GERE: Kind of aberrational, it sounds like.

JUDGE GREEN: It was a cry for help. It wasn't for her to get away with it. She apparently was manic depressive, and principally could not stand her father and felt that he was mistreating her mother. Ostensibly, she was taking the \$80,000 so that she could take her mother and her mother could leave him. She would set her up with the \$80,000. Now before the case came on at all, she paid back the whole thing, but Riggs wanted her prosecuted. Lovely thing to remember, too. So she was. She was found guilty, she pled guilty, it is my recollection. I gave her probation provided she would have mental care, that she would go to a place of her own choosing. It had to be okayed, a standard one. I wanted her to take whatever they were requiring in the way of medication or whatever—

[After a break in interview.]

MS. GERE: Judge, you were talking about the woman from Riggs Bank who had embezzled \$80,000.

JUDGE GREEN: She got a job with the Brookings Institute, and I had reports

from her all the time on her qualifications—her fitness reports, or whatever you call that in the service. They said that she was doing beautifully and that they couldn't do without her. She had superior on every single solitary thing. She was being given raises and she would tell me that she was very happy with what she was doing. The last letter—oh I might say, she's been pardoned by the President. She had said to me, she wrote to me and said that I had saved her life, that she took her medication, that she was perfectly all right at this point. But if she had not been ordered to get the mental attention, she would never have made it. She had had the sense to realize that her father was what was driving her nuts, and now that her mother was dead, she had severed all relations with him and she was having a lovely time. She wrote such a wonderful letter, and afterwards she wrote to tell me that she had—I was notified that she had been pardoned. You cannot institute a pardon if you are the trial judge. But as a matter of fact, somebody else asked me—I guess it was the Pardon Attorney—asked if I would make some reports about it. I said I had followed her and she had done a remarkable job with Brookings. I thought she was in every way entitled to a pardon, and that I would be delighted to hear it.

MS. GERE: That was relatively recent?

JUDGE GREEN: Yes.

MS. GERE: You think the late '80s, around then?

JUDGE GREEN: Maybe even 1990, I don't know. She's been pardoned recently. I think that they won't even consider a pardon under seven years. I think that she had had some intelligent friends who had worked to try and get her to do it. I think it's unusual because I don't believe the President has granted very many.

MS. GERE: The pardon was by President Clinton.

JUDGE GREEN: Yes.

MS. GERE: So it was very recently. Are there other criminal cases that particularly stick in your mind?

JUDGE GREEN: I think they probably all stick in my mind.

MS. GERE: That's true, for one reason or another. Are there other criminal cases that you recall—for good or bad, or just plain interesting?

JUDGE GREEN: One involved the man who was referred to as "Miami Mike." His saga started out in Montgomery County, when he and another person, who was his co-defendant, robbed a drug store, Austin Drugs. Then they entered the District of Columbia, and ended up—there was a call out for them that was reported as they were approaching the District. They went down to the Tidal Basin area, and they had a flat tire. They got out and started to try to fix it, and they didn't have a spare. The Park Police came, a Park Policewoman came and asked if there was anything she could do for them. They said, "No indeed, thanks, we're fine." She called, as you would—she said, "Maybe I could get somebody to help you with the tire, or I could help you." They wouldn't allow her to look in the trunk. So when she called in—she was calling in to Central to find out whether they had anything on these people—and they said yes, we are looking for people who just robbed a drug store. At that point they shot her right through the hand, while she was holding her telephone. There was another policeman she was able to call for help. Another one came on, at which time Miami Mike's friend, associate in this crime, took off in the car in spite of the fact that the tire was flat. The other officer came, I think they shot him, too. Then Miami Mike's cohort took off. Mike was out on the ground. Mike went up on Fourteenth Street. He approached the Fourteenth Street Bridge, and stood in the street for a taxi

cab. The taxi cab had a passenger who was getting ready to go to New York. He was anxious to make a plane.

MS. GERE: He was going to the airport.

JUDGE GREEN: Yes. Miami Mike forced his way into the cab with his gun, and he had him move over and took the cab. Eventually he ditched it. The accomplice had gone into the first apartment house complex, where he saw a car coming out. He wanted to leave the car with no tire, and so he had a woman get out of her car and he took hers. Miami Mike ended up in a filling station I think, where I guess he—

MS. GERE: He was the one that was in the cab?

JUDGE GREEN: He was in the cab, yes. They finally caught both men, and the trial was a very interesting trial. This poor policewoman had to be retired on disability because she couldn't use her one hand at all, and that was for life. The other one I think was a glancing blow; I don't think it was too bad for him. Anyway, they shot two police officers who were trying to be of assistance to them. At the trial, the man who was from New York came back to testify about what happened in the cab and identified Miami Mike. Everything went like clockwork. It was an amazing thing that every witness did what they were supposed to do, said what they were supposed to, and knew what they were talking about. It was a rather fascinating situation, because it so seldom happens. They had the woman who was stopped, they had taken her car, one of them, I don't remember if it was Miami Mike or the other one. The interesting thing is, by the time I sentenced them, I think I gave them 30-some years, as it was serious and furthermore, Miami Mike had a case that was pending for murder in the Superior Court.

MS. GERE: Sounds like a bad actor.

JUDGE GREEN: He filed everything you can imagine, that a jail lawyer would do, in his case. It got to a point where most of my middle law clerks came to know him, because he was always on the phone or filing papers. I took him not very seriously in all of these things. He was also found guilty, I believe, of the murder, but he was still trying to work on getting his
2255—

MS. GERE: Getting his sentence reduced.

JUDGE GREEN: Ineffective assistance of counsel and all these things, he dreamed them up. Every now and then I would end up having to have a hearing with him, and he was always, “Oh Your Honor, how nice to see you. You’re looking well.” This kind of bull. He managed to get that murder case from Superior Court dismissed. I think on appeal it had already been affirmed, but he managed to get out because there was error. He’s out now is all I can tell you. What he is doing is working for lawyers; they all know him.

MS. GERE: Working for lawyers in Washington?

JUDGE GREEN: Yes. I was taken to lunch by Phil [Inglima] and Liz [Wieser]—

MS. GERE: Two of your former law clerks.

JUDGE GREEN: Right. They said, “By the way, we have just seen somebody who knows you very well, and perhaps you’d just as well not see him.” They told me who it was. I said, “Yes, I’ve seen him enough, thanks.” And they said “He knows more law than most anybody we can find.”

MS. GERE: I suspect he had plenty of time to read it.

JUDGE GREEN: He is working for lawyers who are doing defense work—criminal defense. He has a whole group of people he helps. He files papers for them and he does all

kinds of work. They had told me this while we were on our way to lunch, as they'd just seen him. When we came back, there he was.

MS. GERE: At the courthouse?

JUDGE GREEN: No, he was at the car. He just wanted to report on something or other that was going on that he thought they might be interested in. Apparently he is straight, as straight as anybody knows that he is. He helped, if you will recall—there was a very fine lawyer who was sentenced for not paying his income tax. He was a gambler.

MS. GERE: John Shorter.

JUDGE GREEN: Yes. He was working for John Shorter, that's one of the jobs that he got. He worked on that, and you know that one got reversed, too.

MS. GERE: I wonder if he'll ever end up going to law school.

JUDGE GREEN: Well I think he probably could teach it.

MS. GERE: Probably he doesn't even need to go to law school!

Are there civil cases, and I know you've got all of these scrapbooks here and years of cases and years of memories, but are there—

JUDGE GREEN: I think you've had enough, that's what I think.

[After a break in interview]

MS. GERE: Judge you were about to tell me about another case that you remember well.

JUDGE GREEN: Yes. I had a case where a very poor old lady had applied for a loan. This company said she could have a mortgage loan on a house that she owned in the District. She got the money, and afterwards they came and took the house. She had made the

payments, but she had not paid them all and it turned out not to be a mortgage. It turned out to be a deed that they had gotten from her. Not a deed of trust, a deed. And they had put her house up for sale to the public. I ordered a stop to that.

MS. GERE: This was a business in the District of Columbia.

JUDGE GREEN: Yes, and I'll try to remember its name, at the moment I can't. I don't think they are in the District of Columbia anymore. I received a letter years later, well in any case, she got her house free and clear from this mess. I ordered damages against the defendants.

MS. GERE: Had the company made similar "loans" to a lot of other people?

JUDGE GREEN: Loads, that's how they were doing so well. I had a letter I found recently that had been written to me in the '90s, because this was very much further back than the '90s that it happened, that case. It was from a lawyer who came in looking for our decision. I had never sent it to the publishers. I simply had an unpublished opinion in the case. The lawyer was defending, bringing another poor soul's action, and had heard of the case before me. He wanted to know if we could help him at all. Both my secretary and law clerk helped look for the opinion and found it. He wrote back to tell me how much he appreciated it, his client had appreciated it, that everybody had treated him with such courtesy and politeness and gone to all this work for him, and that he won his case. He didn't believe for a second that he would have been able to do it without a certified copy of that order. He just wanted me to know, to thank everybody because it had been so helpful. I thought, well that's a nice one, too. It's sort of nice to realize that people occasionally think that you did all right.

MS. GERE: Do you keep a file, or do you have files of all of the opinions that

you've written?

JUDGE GREEN: Yes, generally. Nowadays I send them to West, but I didn't in those days.

MS. GERE: Do you actually have copies, or how were you able to locate the one that you gave the lawyer we just discussed?

JUDGE GREEN: I probably wouldn't have been able to locate it, because I didn't personally save it, but either Joan [McGowan, Judge Green's secretary], I think it was Joan, personally located it. She will skim these things out when the time comes because she does not have room for anymore. If the case has been affirmed and she's not worrying about a new trial—of course you can't be sure of that—on anything. After it's been a while, she will try to thin the files out. There really isn't any necessity for keeping everything. But if it's an order, a reasoned order—a memorandum opinion at least—I try to keep a copy.

Judge Harris fights the Court of Appeals on preparing memoranda opinions because it's not a requirement in the rules to write an opinion on everything. Well, who can win against City Hall? Mostly you can't. I do try to tell the Court of Appeals the reasons for my decisions. They have said to district judges, make it a little clearer. It makes the Court of Appeals do so much more work if the district judge doesn't write it. Time after time I get these opinions back from the Court of Appeals that say, "Unpublished opinion, for the reasons that have been stated by the trial court, we affirm." That's all very nice, but nobody sees it but me, and nobody can quote it, and I think it's pretty rotten. They have been working on a change to require the Court of Appeals to do something about it, at least publish it—not have an unpublished opinion. That's why, even if I'm going to get reversed or fear that I am, I'll have it sent to Fed. Supp. anyway. I

don't believe anything in the cites when people say it's just the District Court saying it, so what. That's one of my colleagues or no better. They may be better than the ones sitting up there on the other end, and some of them are really asinine with what they come down with. The Court of Appeals has said they don't want to have to read all the trial court record to decide if the District Court is correct.

MS. GERE: So they want you to do—

JUDGE GREEN: One time I had sent a memo to the Court of Appeals because [Judge] Roger Robb suggested that I do so. There's no mechanism for the District Court to say to the Court of Appeals, if the lawyers just do not respond to, or address, an issue on appeal, you're mistaken based on the trial court record. Roger Robb said, "Well, by God, you know who's on the panel, send them each a memo. Explain to them what it's about." Judge Tamm later said at the judges' lunch table, "I heard about one of these district judges out West, who,"—I was always "out West"—"who sent memos to the Court of Appeals judges. It just isn't done. Nobody can do that." My face was bright red I'm sure, but he never said that it was I who did it. He was trying very hard to make a good judge out of me. Years afterward [Judge] Gary Gesell was livid, because the Court of Appeals was saying all these things that he never said. "They just damn well didn't read the record and that's all there was to it." Of course Gary said it to anybody who would listen. It got to a point where he insulted the Court of Appeals so often that they didn't come in anymore to have lunch with us. Well that's too bad, but it's their loss.

October 21, 1998

MS. GERE: Good afternoon Judge Green, how are you?

JUDGE GREEN: Fine thanks, Sally.

MS. GERE: Today is October 21, 1998. We are continuing the oral history of Judge June L. Green of the United States District Court for the District of Columbia. When last we met, in August I believe, Judge, we were talking about some of the more memorable cases that you have had, over which you have presided, during your time on the bench. I think we've probably just scratched the surface. I doubt that we'll be able to do much more than this unless we plan to have many, many more tapes to hear about your many trials. But perhaps there are a few more that you would be willing to share with me this afternoon—some of the highlights of the more significant cases over which you presided.

JUDGE GREEN: You have forced me to look at some of the cases, so that it's been brought to my recollection, finally. I know that some of them I have felt were more worthwhile for the general human race than others. One that I feel was worth spending the many months, and years even, had to do with farm workers. The farm workers originally came to court on the basis that they had no personal facilities in the fields where they worked. These people who were expected to pick our vegetables and fruit were not given any of the facilities for their own health at all. They were never provided with any bathroom facilities, they did not even have clean drinking water. If they finally were given one big bucket of water for a whole group of people, it would have maybe a ladle in it, and everybody would share it.

MS. GERE: It was communal.

JUDGE GREEN: It was. Neither men nor women—and they were working

together—had any facilities for going to the bathroom. The women were very embarrassed to have to urinate in front of their colleagues, so they wore very, very long skirts to protect them if they had to do this. Elimination probably would be done on the vegetables, and there was no toilet paper for the workers. They would use leaves of whatever vegetable or whatever was around. The workers would be in very terrible shape. The case was brought against the Labor Department, so that they would require, under OSHA, that require people to have certain facilities.

MS. GERE: Right, certain minimal requirements. This case was brought in the late to mid-seventies, is that right?

JUDGE GREEN: Yes.

MS. GERE: My recollection was that I think that it was pending, at least some portion of it, when I was clerking for you.

JUDGE GREEN: It was indeed. It started and it went for years. We had a full-blown hearing on it. We had witnesses who came in to testify. We had the clinical doctors who were utilized by these people. It was finally proven that their life expectancy, for this group, any of these workers, was 45 years.

MS. GERE: That's very young.

JUDGE GREEN: It really is. This was a very serious matter, and I felt that there was no way that the government could possibly turn them down. I met with most vigorous defenses.

MS. GERE: What could the defenses have been? Were they technical legal defenses?

JUDGE GREEN: They were claiming that I was trying to order them to put flush toilets in the fields, which of course was an absurdity. I indicated that I thought that we had already, the law had been taken care of at the turn of the previous century, that all workers had to be given facilities for sanitary reasons and reasons of health, if nothing else. There were ways that this could be done. I expected OSHA to provide for notice and comment and make the necessary changes and do what was right. These workers were not provided with any way to wash their hands. They were not able to get pesticides from their hands, so it was going through their bodies. In addition to which, the general public should have been dissatisfied because of germs that were passing from these fields. I could not understand why the workers' request was met with a "pooh-pooh" attitude—that Judge June Green just wants to be so impractical. So, when I'd get it back from the Court of Appeals—

MS. GERE: It went up to the Court of Appeals?

JUDGE GREEN: Back and forth.

MS. GERE: More than one time?

JUDGE GREEN: Back and forth, back and forth. The Court of Appeals would tell me various and sundry. Sometimes that I was no expert and that OSHA was. I didn't think OSHA acted like experts so I would utilize witnesses that the plaintiffs had sensibly brought. We kept trying. Eventually I realized that OSHA would never implement the details of a regulation to require necessary and appropriate facilities for the workers, so I thought I'd better think it up myself. I decided that there was no reason in this world why, with the use of farm trucks, which they had when they had at least eleven people in the field—they would not consider any smaller group of being under control of the Labor Department—there was no reason why they

couldn't use the typical johnny-on-the-spot on the truck, with paper cups and a washing machine, as well as clean, cool, drinking water. Sometimes in the past the people had been drinking what was in mud puddles, in desperation, when they were so hot and so thirsty. OSHA finally published a regulation. I might say, Chavez, the situation on the West Coast, did a lot for those workers. OSHA realized, I think, that it could be done.

MS. GERE: Both to bring it to the public's attention and that there could be some way of resolving the issue.

JUDGE GREEN: Finally we received the agreement from OSHA. I might say I had required the head of OSHA to come in and testify on several occasions, and she didn't distinguish herself. OSHA did eventually agree that it was going to promulgate the rules and regulations and they were going to do it by a certain deadline. Meanwhile, there had been a change in the rules, that cases that had deadlines would go straight to the Court of Appeals, if that was the only subject matter. So when it was brought before me again I utilized that and said it was in the hands of the Court of Appeals, under this particular new section. Finally, Judge Patricia Wald, who was the chairman of that panel, made a wonderful opinion, and had indicated the tracings where it had gone back and forth for all those years with my court, and said enough. This was outrageous and the regulations were overdue and OSHA was going to be in contempt. They'd had it now. This is one that made a lot of difference to me. And I might say I did receive some wonderful letters from people who had been in the clinics taking care of the people as well as they could, and other people who had been working them, saying that they wanted to tell me thank you. I felt this was worth my being there.

MS. GERE: Do you think, Judge, that there were more cases that were brought

before your court that touched on significant social issues in the '70s and '80s than there are now?
Do you see any change in what's being brought to your court?

JUDGE GREEN: Yes, I think that's true. I think every now and then we'll have something that I think means something to somebody, and it means something to me, because I feel that it has accomplished something. One I remember was not a world-shattering situation. There was a poor woman who lived out in northwest Washington, who owned her own house, and it was in dire straits and apparently needed to have every kind of repair made. I think she had already been ordered to make changes by the powers that be. She was trying very hard to get a new mortgage.

MS. GERE: I think we talked about this case.

JUDGE GREEN: Did we talk about that one?

MS. GERE: Yes. This is the one that, she thought she was getting a mortgage but they had gotten the deed to her home.

JUDGE GREEN: Gibraltar was the name of the outfit. Gibraltar was doing business by leaps and bounds. They also had a set-up in Annapolis, as well as Washington and Virginia, the Rockville area and all these places. I haven't seen the name since, for quite a while. In any case, they didn't get away with it.

MS. GERE: Those represent sort of the spectrum of cases for you. The one involving the farm workers really touched a significant number of people across the country. And Gibraltar, one that really touched—

JUDGE GREEN: One at a time.

MS. GERE: Yes, an individual or smaller group of individuals. I take it from what

you're saying that both kinds of cases were rewarding for you as a judge.

JUDGE GREEN: Absolutely. One significant case, to me at least, was, and I don't think I've mentioned it before, was where the women who had been picked up for a driving offense, or parking offense, were being taken down to headquarters and strip searched.

MS. GERE: I remember hearing about this.

JUDGE GREEN: They had ordered women to be sprayed with lice remover. All of these people were normally clean, normal, decent, whatever race was immaterial. They were only picked up for something that was totally—no violence, no anything of that sort—and they made them show what they might have had inside their bodies, and hold up their breasts, and jiggle up and down, and do this sort of thing at the police station. When I learned this, they had brought an action. I had ordered that the police must cease and desist, that they had absolutely no basis in security or any other thing for this conduct. That was still an outstanding order. Later, when a woman drove into a parking lot, they kept motioning her in so she wouldn't be blocking anybody. She stopped and then she tried to find out how much it cost. They said, "Well we only have it by the day." And it was a very large amount of money by the day, \$10 a day or something of the sort. She was only going to run in some place and pick up something, and she said she couldn't stay and so she started to drive out, never having gotten out of her car, and they called the police and had her arrested.

MS. GERE: This was here in D.C.

JUDGE GREEN: It was indeed, it was in D.C. This was a large, open parking area, parking lot. They said that she owed them this money and she was not paying them and they wanted to have her arrested. She was taken down and given this same treatment. I did

indicate my displeasure at that and indicated that they had violated the terms of the court's order. I believe it's been of aid, as far as I can tell.

MS. GERE: How long ago was that?

JUDGE GREEN: In all it's been about ten years, I would say. I'm hesitant, now I'm trying to think of these other things that strike me, but I think that I did mention to you that I felt that so often, when one of the prisoners or one of the defendants would take the stand, and they were shown an exhibit by an attorney, it was perfectly obvious to the court—and probably to anybody else—that the person couldn't read. They would say that they hadn't their glasses, or they would just clam up and look stricken. I always said to counsel, I think you should read it into the record, so they at least would know what the contents were of what we were seeing. About that time was when I wanted to do something for these people who were illiterate because I thought it was so pathetic. I had the feeling that everybody was being thrown down the drain by this court, since I was handling so many criminal cases, a necessity at that point. I wanted to do something to feel that I was a help to some part of civilization. When John and I were in the public library one day, we saw that they were advertising a course to be given to adults who were unskilled in reading and writing. They were going to teach the teachers. John having inveigled me into the law business, I inveigled him into the teaching business. I asked him if he would be willing to go with me to the D.C. Jail to see whether there was anyone who would like to be taught to read and write. He said yes he would and we took the course, then went to the jail. I told them that I would be willing—the jail was not under my jurisdiction at that time—that we were willing to give our time to whatever inmates would like to be taught. They explained to me that they couldn't possibly get us in there. They only had one schoolroom and that was being

occupied all the time. I had explained to them that we didn't need a whole classroom because we were going to work one-on-one. All we really needed was two interview rooms, which I knew very well they had, because when I had been appointed to represent indigent defendants I went there to the jail and utilized them. I knew they were never full. All we needed was one each of the interview rooms, no matter how small. We would have one inmate apiece, at a time, and we would like to come 6:30 to 8:30, twice a week, if anybody wanted to have our services. They didn't know what else to put in my way, so they would say the jail count hadn't cleared, so we would have to wait to have our students come to see us. In any case, we were patient, and they'd get there. The students were so pleased, because many of them hadn't anybody to come to see them at all. As much as the fact they were going to learn something was the fact that they would get to have a human being speak to them. We had very many students in time, because we found that we had to go a little more often to get them all in, then they finally gave up on telling us that the count was always so late all the time. They were expecting always that I was a spy in the place, but I never saw anything. I was very careful to not see a thing out of order. That was not what I was there for. I had felt in hearing from all of these people when they finally got out, some of them hadn't even been tried, they were there awaiting trial and couldn't make bond, and had been there for a very long time. In some cases they were found guilty and were sent off to Lorton or Occoquan, or one of the others. But the ones who were still in the jail, we finished—and as I say many times they just hadn't made bond, they couldn't do that—in time they did get out. They would tell us what they were doing for a living. We had a number of Hispanics, and they had been taught by one of our, it was John's, student from Puerto Rico, who knew English as well as the Spanish. He was teaching them himself before we came there. He

had classes of thirteen, I remember, and he wrote his own dictionary for them.

MS. GERE: With truly useful words.

JUDGE GREEN: It really was, I wish I had it. In any case, he would say to his “students,” this is meaning the people “stateside,” and then he would put it in their way of saying, in Spanish, so they would get the pronunciation, and explain exactly what it really meant to them—the words. They were very, very good. There was only one person that we’d had in the whole group who was not able to be taught, really was so unemployable as well as unable to learn anything. He couldn’t remember the ABC’s, but that really wasn’t our fault. He was disabled. The others all learned, and we would always teach them how to make an application for a job.

MS. GERE: Good useful skills.

JUDGE GREEN: We taught them how to put their money in the bank, we taught them what they were supposed to do about those things. We taught them about streets, street names and how to get someplace. So that when they were now able to read, it would help. We taught them arithmetic as well. As I said we had people who were waiters and able to take the menus, explain to the people what it was, and able to write it, write their tickets and so on, and they were doing well. Another thing that had not occurred to us in the first place, but which we certainly should have thought of, and that was the people who were doing assembly things could not read the directions on how to do them, to assemble the simplest things. They were now able to do those things, and they were getting jobs doing it. All of them, the wonderful fellow, the one from Puerto Rico, had changed so much and had so much self-respect from what he was doing teaching his colleagues, that when he went to trial he was found not guilty. He was let go

back to Puerto Rico right away. When he was there, as soon as he got there, he was killed.

MS. GERE: How?

JUDGE GREEN: I don't recall whether he was shot to death or stabbed to death, but he was killed violently.

MS. GERE: How sad.

JUDGE GREEN: Really, this upset John tremendously. He had an elderly woman after that, who was his next student, and he was quite taken with her. She was always saying that she had done everything that was bad in this world and she'd been found guilty of them, all of them, but that she loved her granddaughter so much. She wanted her granddaughter to not have any troubles, so she was learning so that her granddaughter would be proud of her. John said, "And I know you will stay without any of these troubles anymore," and she said, "Oh don't say that, I wouldn't lie to you. I wouldn't know how to go straight to save my soul." But he said, "Well to save your granddaughter." She was a very interesting elderly person, who was still trying to do some good.

MS. GERE: To improve herself, her family.

JUDGE GREEN: Eventually I had cases of conflict with the jail and I had to stop going there. I decided I would try to take people who were on probation and teach them in my chambers during about the same hours and so on. The difference was, when you're on probation, or been acquitted or whatever, you're out, you have your own life, and it's not nearly so important to—it's important but it's not enough giving up the things you've been deprived of. I found that most of them were so irregular in coming that that was not working. With one exception, and that was one whom I had started with at the jail, who went to Lorton and did ten

years, and was then on parole. He was anxious to still get his G.E.D. So he came to me, religiously, every time that I was there. I could always count that he was going to be early, he was not going to be late. He was going to be working and keep you informed if for some reason he was held up. I was interested to find that he had gone to school in Guatemala, that was his home. For all of the fact that he was not proficient in reading and writing, he had great knowledge of science, which apparently they'd had very good courses in Guatemala for certain things. The G.E.D. things are really quite varied, the lessons, but the science ones, he always knew more than I did. He, of course, is slated to be returned to Guatemala, but he is resisting that. Incidentally, he is now married and he has a brand new baby, who he brought in to see me, about two months ago.

MS. GERE: Did he end up getting his G.E.D.?

JUDGE GREEN: Yes, he did. Now he's trying to get into community college. Incidentally, there's still lots of discrimination going on. They told him that he didn't speak English well enough in one of the county places.

MS. GERE: Was he applying for a job?

JUDGE GREEN: No, he was applying for school.

MS. GERE: Oh, for school.

JUDGE GREEN: The community college.

MS. GERE: And they wouldn't admit him because his English wasn't good enough?

JUDGE GREEN: Well, his English is pretty great. He still will write me themes, and the only trouble is, I have a very difficult time getting through to him, that you don't want to

use every big word you've ever heard of in your life.

MS. GERE: Right. That's not a prerequisite to good writing or good English.

JUDGE GREEN: He loves to do that with Reader's Digest, you see. They want you to learn these different words, but you don't want to put them all in the same paragraph, I'm afraid. He never misses my anniversary on the bench, he never misses my birthday. This little tiny baby that he placed in my arms was a surprise. He brought his wife in, too.

MS. GERE: Today Judge, we're doing this interview here in your home in Washington. We previously have been out in Annapolis. I know when I came in today you showed me a painting that someone, a prisoner, had given to you. Is that correct?

JUDGE GREEN: Yes.

MS. GERE: Tell me, there was a little letter, a little note with the painting that's here in your dining room.

JUDGE GREEN: He is one, I performed his marriage. He is still in Lorton. He has a sad story. He and his wife were always sending me cards for every holiday, telling me how much they appreciated me and how they were so happy. One of these days they'd be able to get together. He did indeed get paroled. When he got out, he started to drink, and apparently it set him off. He became violent and mistreated his wife. It was so upsetting that he realized that he had been in jail so long, that he really didn't know how to act when he got out. He went back to Lorton and turned himself in and said, "I don't ever want you to let me out again, in my lifetime. I don't know how to act." They took him back, and he's still there. I still receive cards from him that he has made himself. He has been doing the art forum down there that they have. Mia has been very loyal. She's a wonderful art teacher. She goes down there and teaches the people,

things that she can be a help with. Every year she has them do paintings to have in an exhibition and sale. They are for sale and they get their own money from that, I mean the individual artists. I always go to the show every year, and I have bought one of the paintings every year.

MS. GERE: I notice you have one this year, that you have gotten. I like it. It's a purple cabbage.

JUDGE GREEN: Right. It was unusual, but it hadn't been very popular in the show. There were a lot of other people who wanted some of the others, and I thought that this would be nice to have, and I might say there is another one I remember, it's in the living room, that I had bought at another show. It's a pastel, and I think it's rather nice. I have some of them that I have thought maybe they could re-do, put them in another show and sell them, because the ones that look like gallows, for instance, I could not stand myself. I think that maybe somebody else would. They are well done, but I don't really—

MS. GERE: They're not your theme.

JUDGE GREEN: They're not my theme, no.

MS. GERE: Actually you've had a fair amount of contact, then, with Lorton, not just these individuals but on the bench. Isn't that correct?

JUDGE GREEN: Oh yes.

MS. GERE: I'm not sure if that's one of the cases that you would—well I'm not sure in what category you would put the Lorton case, other than one of longevity.

JUDGE GREEN: Well, it is going on forever. I might say that I don't know whether you had caught one of the things that I had said one day, about the fact that at one point, one teacher down at Lorton had been raped by an inmate, and everybody was up in arms about it.

It was in the papers and much to-do, it was probably twenty years ago. In any case, when they were asking the mayor, Barry, on his first time around, how outrageous you should have had more people who were supposed to be guards, watching out, then this would not have happened. He said, “Well, it’s all the fault of Judge June Green and Judge Bill Bryant.”

MS. GERE: And his reasoning was?

JUDGE GREEN: He said that we had spoiled the prisoners to such a degree that, after all, I had ordered air conditioning, color television and steak every night for the inmates. Barry’s comment was picked up by the papers and they realized that it was made out of whole cloth, because they had been there, and they knew what had been ordered, and they reported that in the paper, for which I’m glad. Because, as you know, I don’t give interviews, and it’s nice if somebody actually follows through with something, that maybe you’re glad they did. Customarily, I’d just rather not have somebody saying that. But the reason for that actually, of course, I wanted to know what he could—what his reasoning was. Television, all I had said, was that it was too loud for the people who couldn’t stand it and they couldn’t sleep—and they had to cut down for the sake of the rest of those in the dormitory.

MS. GERE: That’s a far cry from ordering color T.V. for everyone.

JUDGE GREEN: Next, they were not given anything that anybody could tell for sure was food. It was something that was so disgusting, that it was not even a legitimate gravy, with something under it that everybody was frightened to try to find out what it was. I indicated that they had to be fed regular, normal food. Clean, cooked.

MS. GERE: But not necessarily a steak.

JUDGE GREEN: Not steak, no. They had over-crowded Occoquan. Occoquan

was the largest facility at that point, down in the Lorton area. They were putting triple decks in what, first of all, had never been designed for a dormitory. They were designed for storage room. They were warehouses, and without changing the condition of the warehouse, they simply put in triple-decker beds. It made them go—the top one was almost scraping the pipes that were going across the roof of the room. Those pipes were steam pipes, and were something over 300 degrees. I ordered them to stop putting triple-decks, because it was cooking the inmates. They had to stop it or move the pipes. One or the other. One of them had to go.

MS. GERE: Not air conditioning.

JUDGE GREEN: No. It is still overcrowded, all of these things, but I have stopped them from doing some of the things.

MS. GERE: Were any of your rulings ones that led to the decision to close Lorton and move people, or is that just in the ordinary course of whatever their plans are?

JUDGE GREEN: The buildings are in horrible shape. They are really uninhabitable, but here they are being overly inhabited. They're still overcrowded. The way they met with our terms at one point, you know, whenever there was to be a count, in the normal events, they put them in buses, and drove around from one facility to another, until such time as they had the count and then they'd bring them back. People were suffering very much in that situation too, because they were taking them around in bus rides all the time. They wouldn't stop for any kind of facilities. It, of course, solved absolutely nothing, but they thought that this would look good on the record that they didn't actually have all these people there, which, in fact, they did. At one point there had been a riot, and they had started to burn down buildings. That is something that we are always very careful, to never make any such allusion to in our

remarks about it. With our Special Master, we are always very mindful also of not saying it's likely to bring on a riot. But when they were not being fed food at all, I said I didn't know of any man who was not in pretty bad shape if he didn't get his meals. I did say at that point that I thought that this was something that we were not going to tolerate, having people not be fed decent food. Mrs. Moore [Prison Superintendent] indicated that she couldn't help it, because they owed everybody and nobody would ship them anything. Then she said that they had finally cleared some money that they could spend, and I said, "Well, then, have somebody go to the store and buy it and serve them a decent meal tonight." Well, she couldn't do that, but I said the next night would be all right then. I have received word from some of the people, thank God, but they still didn't have enough food, as they were giving them skimpy portions.

MS. GERE: Do you still to this day maintain some review process or some residual jurisdiction over the case?

JUDGE GREEN: Yes, for all time.

MS. GERE: Still.

JUDGE GREEN: Yes. Many of the things that we decided about the women's place at the jail area, CTF, that was designed really for people who were either mental cases or needing special attention—that was a good idea but they never used it that way—they were just locking all of these women in their cells, and they were being raped. Many times they would not be pregnant when they would enter the place, but they'd become pregnant while they were there, having been impregnated by a guard, or an inmate. Then they wouldn't be given any kind of medical attention. I did order all kinds of remedies which turned out to be rather much more than I should have. But still a number of those things that the Court of Appeals did not strike down

are still in effect.

MS. GERE: It went to the Court of Appeals?

JUDGE GREEN: Yes. That was an interesting approach to some of it. The position was that certainly women didn't have to have the same opportunities in the way of bettering themselves as did the men.

MS. GERE: That would be a bad argument to make before you.

JUDGE GREEN: Yes.

MS. GERE: Or was this the finding of the Court of Appeals?

JUDGE GREEN: The Court of Appeals. They cited a Smith College case, what they'd found about this and that. I ordered people to stop, if the person was having a baby, actually having one, that they were not to be chained with their feet together. I didn't think this was exactly necessary. They were not going to jump up and go running out.

MS. GERE: After just giving birth, no, probably not.

JUDGE GREEN: Furthermore, they were having trouble giving birth, if you're not able to open your legs. Although I have never had any children, I didn't have to have anybody explain that to me.

MS. GERE: As they say, that doesn't sound like rocket science.

JUDGE GREEN: Right. There are a few things like that I'm still monitoring, up there.

MS. GERE: In your talking about matters that you are continuing to monitor, have you found the time you have served as a senior judge to be significant to you and a contribution to the court? I guess those are two different things. Maybe you don't know what the rest of the

court thinks, but what you think.

JUDGE GREEN: My feeling is, I am still in the regular draw. I'm in it for fifty percent of the civil cases. That is anything that comes down the pike, except I'm not taking new OSHA cases. I don't mean OSHA, I mean Freedom of Information cases. But I still have the numbers. They usually start with people in the deck seven times, and four is fifty percent. I never did know how you always got four out of seven to be fifty percent, but that's what it is. There is never a time that I don't get to be in the docket, four out of the seven times. I have recently had a number of bankruptcy appeals, and they are very time consuming. You have very little ability to move them because you are dependent upon the bankruptcy courts, taking all kinds of additional actions, and back and forth and back and forth they will come. The day that you realize that you can finally say it's finished is one happy thing, because they are very unreasonable people in many cases who are engaged in bankruptcy. I would not care to specialize in that.

MS. GERE: I can imagine a lot of emotional issues, people tied up with their money and their lives.

JUDGE GREEN: Oh yes, oh yes. Some of those have been memorable but not in the way I'd like to remember them. I have had several big antitrust cases.

MS. GERE: Those are coming back to the fore.

JUDGE GREEN: Right. I have one that goes on, it's quite a lengthy thing, from the construction of the subway. All of the insurance companies are fighting each other over that, who was responsible for the failure of the plates that went under the tracks and so on. Every time there is a status call we'll have maybe fifty lawyers attending, and they are just about as

representative as you can get. All the people from all around, and out of town, all running the meters. I find that the sympathies are not as much in this, although I am quite aware that it's very important to get these things straightened out, and one of them has finally decided something, which should have been done some time ago, and that is to file an interpleader. Now they have done it. A particular antitrust case, now that it's filed—I have not been notified officially—but I have read in the paper that the government is withdrawing the case, because they have withdrawn their desire to purchase. That's Rupert Murdoch, and so on. That's Primestar.

MS. GERE: It doesn't sound as though having taken senior status is really a significant change, at least in the kinds of cases, perhaps only in some of the numbers.

JUDGE GREEN: And now lots of people are filing these employment cases. They are just about akin to domestic ones, they are pretty close to a domestic squabble. One wonders how they could either go back to work at the same place or—

MS. GERE: Or how they ever worked there in the first place.

JUDGE GREEN: Right, or how they would be hired someplace else with the reputation that they get in some of these cases. I don't know that the almighty dollar is going to be worth that much to them in the long run. But we try them the way we see them. I am not in the criminal draw, but I do take cases, for instance I have had several criminal cases because Judge Rick Urbina is just starting his long Espy case, and so I've taken a couple from him, and some of them have been—and I've also taken some civil ones from him.

MS. GERE: What kind of an impact—it seems as though your court goes through this probably on a fairly regular basis, from Watergate to the major drug cases, where there is one judge who will have a case that will go on for weeks if not months—what impact does that have,

for example, right now with Judge Jackson in the Microsoft case that's projected to last a fair number of weeks—what impact does that have on the rest of the court?

JUDGE GREEN: That's one of the problems. That judge would be taken out of the criminal draw, so that he or she wouldn't get ones that really had to have attention. The only ones that you'd take from them would be ones that had already been set, and sometimes that's ticklish. You have to change your own schedule. I try when I'm setting up my cases with counsel, because I certainly don't try to set anything arbitrarily—both sides, all sides are agreed to—and I don't interrupt them in the middle of the trial, especially with a jury trial. Therefore I set a lot of cases for a status call at 1:15 or 1:30 so that I can take a shorter lunch and take care of that business and not hold up other people. That works I think pretty well. Of course you get pretty tired by the time you get finished and find all of those papers on your desk that still need attention.

MS. GERE: Are there any cases—talking about the Microsoft case and Watergate—in your years on the bench, are there any cases, that truth be told, you wish that you had been assigned?

JUDGE GREEN: No. I don't think so. In the first place, I don't want publicity. That is not my game at all. I couldn't be less interested in that. I am interested in having the report correctly, if they are going to report a case. I think we've been very fortunate in having some very good reporters assigned to our cases. I think that generally speaking the ones who have gotten into this Clinton business have been far out of line, and I think they should have known better, and I'm sure they did. To have been having the mobs around the courthouse all the time, to have never known if you're going in one door that you're going to have to push

through all of these people. You can't see. If you're going directly, instead of out to C Street, if you're going to Pennsylvania Avenue or Constitution, they have blocked it to such degree, it's a very dangerous operation to go that way.

MS. GERE: With all of the trucks and the satellite dishes on top of them and all that.

JUDGE GREEN: This is an absurdity. The idea of lawyers going out there and giving all these self-serving speeches to everybody. It's an intolerable situation. I think that it is demeaning to the entire profession, not of just the press, but of the legal profession. I feel very strongly about that.

MS. GERE: As you were saying that Judge, I think that many years ago I had a case before you and the name of it was Halkin, H-A-L-K-I-N, and it went up to the Court of Appeals. It had to do in part with extrajudicial statements made by lawyers. The Court of Appeals read the local rule very narrowly, as I recall. I hope I have this right, if I can remember. We had thought that the lawyer on the other side was saying things outside the courtroom about matters in discovery that we thought was violative of the local rule. I think that you ruled in our favor—the government. It went up on appeal and the Court of Appeals affirmed your ruling, as I recall. But it seems to me that that local rule must have gone out the window of late because that was not even anyone giving an interview outside the courthouse on the steps or anything like that. I guess the times change. Lawyers do things that they think may help in the case but probably as much, that will help them personally get on TV or develop new business or new clients. I agree with you, it's not very seemly.

JUDGE GREEN: It certainly isn't. Of course, as we've talked about before, I'm

sure, the incivility in the profession is troubling. Absolutely, the lawyers are so rude to each other. They do not care about anything. I just was happy when I was in practice. I had friends go to war on the opposite sides of cases. We certainly didn't have any clients suffer as a result of it. It was simply, nobody was giving anybody anything that they weren't entitled to. Instead of fighting on every item, and I now am putting out little notices to people, do not call chambers or write letters to the judge. We will only receive motions and orders. Many of them now are giving you in the title, "Proposed Order." What good does that do?

MS. GERE: You could put some white-out on it.

JUDGE GREEN: It's so dumb, and also I dislike very much signing my name as "the Honorable," and something. I hope I'm honorable. I believe it to be, I am, but I don't want it coming from me. I'm a judge, and that's what it's supposed to be. It's what I really feel. I remember receiving a card from a judge from another court one Christmas, which he had indicated was from "the Honorable so-and-so," and I thought "what taste." Not from him, he shouldn't be saying "the Honorable." I'm perfectly willing to have him say what his title is. When I complain about it in the office, they say, "Well you don't want to strike it out and say I'm not honorable."

MS. GERE: That wouldn't have the right effect exactly either.

JUDGE GREEN: But there's so many questions of just plain normal taste.

MS. GERE: Do you think, Judge, that there are additional ways to remind lawyers of the importance of civility, both in the courtroom and out? In addition to orders that you're publishing, do you have occasion, and do you take the occasion, to remind lawyers who appear before you that you value that?

JUDGE GREEN: I do, in every pre-trial, where we're very informally gathered, no clients in there. The lawyers, I can see immediately whether they're going to be troublesome or not. I've already found it out, usually, by that time I've seen them a few times, at status calls. If it's necessary, and I have had reason to believe it is, I will explain in the first place. There is another thing besides the fact that I don't want to have somebody demanding, indulge me, Your Honor. I always explain to them that I find that offensive. I won't indulge anybody. But if it's a simple matter, that you will be delayed picking up something, just say excuse me please, Your Honor. I will. But I won't indulge anyone. Along with that, I'd like to say another thing. I know that many courts, this is different, so I want to make sure, I'll just tell you, in mine, you don't have to ask to approach the witness. Just do it, but don't hang over them when you get there. Point out what you're going to ask them, and go back to the lectern. There is another thing. You are professionals, I know that, of some standing. So I expect you all to do the professional thing, and that is, the give and take of normal gentlemen, ladies, decent people, and not be coming down here in court or demanding to have a conference telephone call because you can't agree to something that's totally immaterial, just because you want to be obnoxious. I will tell you, because I have a short fuse on it, and that is, you start this, I'm going to pin your ears back. Because I don't think this is how you practice law. It has very often had a rather salutary effect.

MS. GERE: That's good. But listening to you, Judge, by the same token, you are advising the lawyers that you, as the judge, intend to treat them civilly and courteously.

JUDGE GREEN: And I expect to have it the same way.

MS. GERE: Are there judges that you recall from your days of practice that you

think demonstrated civility to lawyers that was something that you still remember and that you use as a model for your own practice as a judge?

JUDGE GREEN: I think there were a lot of them. There were some I thought were incompetent. There were some I thought didn't care about anybody or anything. But basically I think, just as I think the lawyers were, they were nice, decent people. I think that most of them, if you are willing to give and not be a taker, then somebody else will be giving as well. I had, I think maybe I've mentioned to you, a very fine judge before whom I appeared for many years. It was Judge John Gray, who was in the Southern Maryland circuit. He was courteous, he didn't fool with anybody, but he absolutely knew what anybody was doing at any time. When I was being treated to some of these comments—oh well, I don't know what kind of lawyer she is, she's decorative or some such thing—when you'd really want to go bam bam, I never had to change the expression on my face because he would tromp up and down on them.

MS. GERE: He would set them straight.

JUDGE GREEN: That's right. Sometimes it would really build my ego and I'd think: "So I don't give a damn what you think. The judge thinks I'm all right."

MS. GERE: I guess because you are on the bench now and have been on the bench for a number of years, that you've not had the opportunity to appear before any of your colleagues.

JUDGE GREEN: Not anymore, but I had when I came on the bench of course. I had been before most of them.

MS. GERE: Are there some now that you think demonstrate some of the qualities that you thought were good of a judge who is civil and treats attorneys respectfully?

JUDGE GREEN: I thought there were more of them than I keep hearing about, frankly. I really thought that most people were behaving better. I believe, for example, Judge Rick Urbina, although I don't yet know Rick Urbina very well, but I think that we are very similar in our reactions. There is one thing though that I don't do that he does. He asks, in a criminal case, to have pre-trial. He has the defense indicate what they are relying on, and I know enough about criminal cases, I think this is an unfair burden that he is placing on the defense. I think there are times that something will come up in a criminal case that a defense attorney has a perfect right to take advantage of. I don't mean something illegal or—

MS. GERE: Unethical or improper.

JUDGE GREEN: Right, but it wouldn't have been known. Or if it were known, it was tipping it, so that they wouldn't ask the question for instance.

MS. GERE: To open the door.

JUDGE GREEN: Yes, this is what I mean. So I don't believe that that's a good way to do it. Basically, Judge Urbina is a gentlemanly individual, and I think he is a caring individual. It seemed to me that the rules he had laid down I could utilize in many ways, and a little gentler, maybe, but there. As I say I don't believe, I think I will discuss it with him when he has some time, because he can talk with me very well. He takes it very well, any comments. Some of them wouldn't take a comment about anything. "Who does she think she is?"

MS. GERE: Right. But there are some of your colleagues I think that, at least I as a practitioner, have heard positive things about, in terms of lawyers who appear before judges. Judge Joyce Green is known for being polite, civil to litigants who appear before her.

JUDGE GREEN: Well I would expect she would.

MS. GERE: But that may be because you have certain expectations for people.

JUDGE GREEN: That's right.

MS. GERE: I guess she, in particular, since you know her so well.

JUDGE GREEN: Yes, I remember when she actually started.

MS. GERE: Are there certain characteristics that over the years you have concluded really make someone in your view a good judge?

JUDGE GREEN: Care. I think you have to care. I think if you don't care it shows in your work.

■ JUDGE JUNE L. GREEN

When Judge Green married in nineteen thirty-six, a legal career was not in her personal forecast. In fact, it took considerable persuasion by her husband to get her to visit the local law schools. There she discovered that most did not admit women. She did find one, the Washington College of Law, founded by two women, where she was welcomed. And it is this school, now the legal component of American University, which embraces her as one of its distinguished graduates.

Jobs for fledgling lawyers did not come easily in the depression era and they were scarcer for pioneering women. After experiencing several rebuffs, she was hired as a trial attorney by the Washington branch of a national insurance firm. There she built a record of success which earned her the recognition and respect of her fellow trial attorneys. Thus, when she decided to strike out on her own, she found the client base of both plaintiffs and defendants supporting a rewarding career. During the period she served on a number of legal committees, including the Gesell Committee chosen by the Circuit Judicial Council to examine the operation of all the courts and to recommend significant improvements. There she, and her fellow members, presented their recommendations to the Congress where most were adopted after the usual discussion and debate.

This active career earned a number of commendations and awards. Among these, she was a Bar Examiner for the Admissions and Grievances Committee for the District Columbia, examining in legal ethics, torts and evidence. She was a director of the Bar Association for the District of Columbia and president of the Womens Bar Association for two terms. In 1965 that organization named her "Lawyer of the Year."

In 1968 President Lyndon Baines Johnson nominated her for the Federal Bench where she succeeded Judge Burnita Shelton Matthews, the first woman judge on the United States District Court for the District of Columbia.

Judge Green served on the United States **Judicial** conference Jury Committee from 1979 to 1986. She also was a Judge of the Special Regional Rail Reorganization Court, serving from 1987 to **1997**.

In the **community**, she has been commended for her "commitment to the rehabilitation of **the** offender and the **ex-offender**." One element of this commitment was a project, undertaken by Judge **Green** and her husband, at night **to** teach District Jail inmates how to read and write.

In 1984 when she assumed "Senior Status," she **was** warmly commended by the Judicial Conference, the Bar Association of the District of Columbia and the District of Columbia Bar. Also, in the following year American University **awarded** her the University's "Lifetime Achievement Award."

June 7, 1968 Appointment as Judge, United States District Court for the District of Columbia, signed by President Lyndon B. Johnson

July 26, 1968 Resolution by Members of the Committee on Admissions and Grievances of the United States District Court. (Loyally and ably served as a Member of the Committee and upon her resignation due to appointment as Judge of the United States District Court for the District of Columbia, enters an expression of affection and high regard former associates on the Committee hold, of their gratification of appointment and with warmest good wishes for a long, happy career on the bench.)

1972 National Association of Probate Judges Certificate of Life Membership

1972 International Association of Probate Judges Certificate of Life Membership

November 1981 American Patent Law Association Quarterly Journal Plaque (Vol. 9, No.2-Issue from the Judiciary)

May 21, 1984 Resolution - Members of the 1984 Judicial Conference of the District of Columbia Circuit (expressing deep admiration and respect and great appreciation for years of service rendered with honor and extraordinary distinction as Judge of the United States District Court for the District of Columbia)

June 13, 1964 The District of Columbia Bar Certificate of Appreciation (for unselfish service to the United States District Court for the District of Columbia and with grateful appreciation for continuing dedication to the administration of justice.)

December 1, 1984 Bar Association of the District of Columbia
(Plaque in recognition of loyal, faithful and
unselfish efforts to improve the
administration of justice in the United
States District Court for the District of
Columbia.)

April 19, 1986 American University Alumni Association
Lifetime Achievement Award (in recognition of
a lifetime of professional achievement and
outstanding commitment to national service.)

1991 Liberation of Ex-Offenders Through Employment
Opportunities (Plaque award for pioneering
efforts in bringing into existence the
LEEO/DCDC Vocational/Technical Training
Program and for commitment to the
Rehabilitation of the Offender and Ex-
Offender

April 1991 Washington College of Law of American
University (Recognition as a **Golden Advocate,**
Class of 1941)

October 29, 1992 Bar Association of the District of Columbia
Certificate of Appreciation (in recognition
of significant contributions in the
administration of justice as Senior District
Judge, United States District Court for the
District of Columbia)

March 18, 1998 Certificate of Appreciation (for
participation in the Women's History Month
Program of the Courts of the District of
Columbia Circuit as the second woman
appointed to the United States District Court
for the District of Columbia and as a pioneer
woman in the legal profession)

April 24, 1999

Washington College of Law Distinguished Alumni Award (recognizing outstanding service as a judge, as well as distinguished career at the bar, presented on the occasion of her return to the law school where, *in* the company of fellow alumni judges, accomplishments are publicly and proudly honored.)

May 13, 2000

Judicial Excellence Award presented by Trial Lawyers Association of Metropolitan Washington District of Columbia

ELIZABETH SARAH GERE
2737 Devonshire Place, N. W., #411
Washington, D.C. 20008
(202) 662-2043 (Business)
(202) 234-6949 (Home)

PROFESSIONAL EXPERIENCE

September 1987-
Present

ROSS, DIXON & BELL, L.L.P.
Washington, D.C.

Partner in 100 lawyer firm specializing in litigation with emphasis on professional liability defense, employment disputes, legal ethics, insurance coverage and alternative dispute resolution.

October 1986-
September 1987

UNITED STATES DEPARTMENT OF JUSTICE
Washington, D.C.

Senior Trial Counsel, Civil Division: Responsible for the litigation of a variety of complex civil cases, including matters relating to international law and diplomacy.

September 1985-
October 1986

ATTORNEY GENERAL'S ADVOCACY INSTITUTE
Department of Justice, Washington, D.C.

Assistant Director: Directed advocacy program for federal civil litigators. Conducted intensive two week training courses to teach trial skills in federal practice.

July 1980-
September 1985

UNITED STATES ATTORNEY'S OFFICE
Cincinnati, Ohio

Chief, Civil Division (1982-1985): Managed civil litigation for three office District (Cincinnati, Columbus, Dayton); litigated wide variety of civil cases including medical malpractice, wrongful death contract, constitutional and regulatory challenges to federal programs, Bivens actions, employment discrimination, tried a number of criminal cases as well.

Assistant United States Attorney (1980-1982): Handled a wide variety of civil litigation in appellate and district courts.

January 1975-
July 1980

DEPARTMENT OF JUSTICE
Washington, D.C.

Assistant Branch Director, Civil Division (September 1978 - July 1980): Supervised approximately 30 trial attorneys; litigated a variety of civil

cases with an emphasis on matters relating to constitutional and regulatory issues in national security and military affairs.

Trial Attorney, Civil Division (December 1976 - September 1978):
Litigated variety of civil cases including employment discrimination, Bivens actions, national security matters, constitutional and regulatory challenges to government programs.

Trial Attorney, Criminal Division (January 1975 - December 1976):
Litigated civil cases filed against federal officials for damages arising out of criminal investigations and trials.

May 1972 -
January 1975

**LAW CLERK TO UNITED STATES DISTRICT JUDGE
JUNE L. GREEN, Washington, D.C.**

February 1971 -
May 1972

**LAW CLERK FOR DISTRICT OF COLUMBIA
CORPORATION COUNSEL, Washington, D.C.**

PROFESSIONAL HONORS AND ACTIVITIES

Hearing Committee Member, District of Columbia Board on Professional Responsibility, 1994-2000

Member, District of Columbia Court of Appeals Committee on Admissions, 1995-2002

Chair, United States District Court for the District of Columbia Committee on Pro Se Litigation, 1995-1998

Co-Chair, District of Columbia Courts' Conference on Ensuring Fairness and Access to the Courts in a Changing World, October 2002

Member, United States District Court for the District of Columbia Lawyer Counseling Panel, 2002-present

Fellow, American Bar Foundation

Member, Judicial Conference for the District of Columbia Circuit, 1975-1980, 1984, 1986-present

Member, Judicial Conference for the District of Columbia Superior Court and Court of Appeals, 1988-present

Master, American Inns of Court, 1984-1996; Secretary-Treasurer, 1986-1987; Counselor, 1988-1989; Membership Chair, 1992-1994; Counselor, 1994-1996

Lawyers' Club of Washington

Attorney General's Special Commendation Award

TEACHING

Adjunct Professor, Georgetown University Law Center, 1993-present

Instructor, Attorney General's Advocacy Institute, 1981-1986

BAR ADMISSIONS

Maryland, District of Columbia, Ohio (inactive)

EDUCATION

GEORGE WASHINGTON UNIVERSITY NATIONAL LAW CENTER, J.D. 1972

- Graduated with Honors
- Trustee Scholar
- Journal of International Law and Economics - Associate

DENISON UNIVERSITY, Granville, Ohio, B.A. 1969

- Graduated with High Honors
- Phi Beta Kappa

Oral History of JUNE L. GREEN

APPENDIX

Two of the following three interviews were conducted by Hon. Vanessa Ruiz for the D.C. Circuit Task Force on Gender, Race and Ethnic Bias. The third interview was conducted by Stephen J. Pollak for the Task Force. The interviews were conducted during the 1992-94 period. Copies of these summaries were provided to Judge Green by the Task Force; the summary of each interview taken by the Task Force was confidential, subject to the discretion of the judge who was interviewed. Following Judge Green's death, her husband, John C. Green, donated the summaries to the Historical Society so that they could be appended to Judge Green's oral history.

Judge: 92

Interviewer: V. Ruiz

Steve Pollak was present for a portion of the end of this section of the interview on race and ethnicity issues.

Q. The first thing we'd like to do is to use you as an observer, especially because you have been in the courtroom for such a long time, and are such a pioneer. In terms of the different people in the courtroom, attorneys, jurors, law clerks, marshals, and so on, have you ever observed people being treated differently in the courtroom because of their race or ethnicity?

I'm happy to say that I don't see any of it as far as race is concerned. I have found that people for whom English is not their first language have generally good interpreters. We have interpreters available, and it has helped very much.

The problem I've observed is not race-related, but those defendants who do not have the ability to read or write and do not want to admit it. I will hear from some when they are asked to read something, that they "haven't brought their glasses" -- and they do not have glasses. When an attorney offers a person who cannot read a document, the witness is in a difficult position. I always insist that the document be read into the record so the witness will not be embarrassed.

I found that so many people, defendants in criminal cases, were just being warehoused for years without improving themselves -- especially now with the sentencing guidelines. My husband and I took a course to learn to teach adults to read without insulting them. We then went to the jail for several hours each week and taught one-on-one, which I think is the best way. They gave us problems at the jail and tried to discourage us, saying it wasn't possible to come there, that there wasn't room to teach, that teaching would interfere with their other courses. I told them we did not need a classroom, that we'd just take one interview room each -- just as I had when I was in practice. They didn't know how to buck us! We did that for eight years. We haven't been over for the last several years. My husband became ill and decided he wasn't up to it.

At one point I figured out we had successfully taught 48 people. Many were Hispanic. Though both of us spoke some Spanish, we would say that we didn't because we didn't speak enough to teach using that language. We had some people who were illiterate in Spanish, others who were proficient at reading and writing Spanish but not English.

When my husband dropped out I couldn't go to the jail alone at night. I didn't want him

to know I was **still** going to the jail, and he would have missed me had I not showed up for dinner! I tried to go over during the day when I had some time, but that got very difficult.

Was this at Lorton?

This was at the DC Jail. I had the Lorton cases by then and I felt there might be a conflict.

So that is how you resolved the possible conflict.

Yes. I studiously avoided seeing anything out of line while I was there. They decided they could heckle me. I had arranged with the employees to have a parking space, but when I finished and was ready to leave, there was often a truck parked right behind my ~~car~~ so I could not get out, And no one would know who was the driver, who had parked it there, where to find someone to move the truck. I put up with this night after night, waiting another hour or so after I finished teaching. They always said they were innocent and didn't know how it had happened. I had always avoided throwing my weight around. I didn't want to "raise hell" with them, but just wanted to go there and teach. They would also sometimes say the count hadn't cleared, delaying us **an** hour, regularly. Then the students would say there had been no problem with the count. I decided I did not need this.

At about this same time, the Probation Office here put in their **training** course for probationers, so I decided to work for them. It is a very different thing to have someone on probation, with all kinds of outside interests. They have divided attention. That is very different from someone who is incarcerated.

For a while, then, I taught in chambers while the course was going on in the basement. The Probation Office may have given up on the course -- there were a lot of absenteeism problems.

One of my students was from Guatemala and very eager to learn. My husband had a student from Puerto Rico who spoke English perfectly and was simply perfecting his ability *to* read and write. He was in jail for two years awaiting trial on a murder charge before the Superior Court. We talked him into helping his colleagues who were learning English. He did a wonderful job of preparing a textbook -- with phonetic pronunciation of words. He said he was willing to set up classes and teach the course so long **as** he could speak with my husband and me when we came to the jail. He had two classes, each with **13** students, both very successful.

One of the frustrations was that some of the people we would be working with would be transferred out of the jail, to Lorton, for example, before we would be able to finish with them. I couldn't follow them there because I have all the Lorton and Occoquan cases. I did keep in touch with some students.

My husband's student was acquitted after two years in jail, and had meanwhile done a wonderful job excluding with one student I had had no luck with. The student who **was** teaching him told me that he thought the person was mentally impaired, **as** he could not even remember the alphabet.

The Guatemalan had been sentenced, something like **24** years, and was seeking to have the judge reduce his sentence. One does not interfere with another judge's sentences] but I did tell my student to tell the judge how he was doing in learning to read and write. He did, and the judge asked me and I told him. Then the student was transferred from Lorton to Texas. He has immigration issues still pending and is on parole, trying to get his GED. He came here regularly until **4** or **5** months ago. He is working and has a green card. We went over GED materials with him, including science and math, which he does well. He made me the sign [with judge's name carved in wood] on my desk. I had never had one, I always figured that by the time people got into my office, they would know who I am. But I put this one on my desk. He made another sign for my 25th anniversary on the bench. This one showed me that we still had a little work left to do. [Gestures to sign in bookshelf, which reads "anniversary"] He is not yet letter perfect.

The students who were on probation are more difficult. I had one black woman who was on welfare, and had two children. She was not happy. The Probation Office was trying to put her in a program on parenting. I had very much hoped, because this woman is very smart and could do well when she applied herself, that it would work out. She learned to spell. Then she was shacking up with boy friends, and would miss our meetings without calling and letting me know. I asked her to call me in advance, just so I would not be waiting for her. She said, "I lost your number." So I showed her where I was in the phone book. Then she said she had no money to get to the Court. I gave her money for the next visit. Finally, the last time, after she had missed many appointments, I called her phone number (actually, it was her mother's apartment). I learned she was pregnant for the third time and happy that she could get a nicer apartment because of her pregnancy. Her sister **said** that she hadn't shown up because she had a date. I gave her the message that the woman shouldn't bother to come back to the Court. Two weeks later, she showed up and asked whether I had really given that message. I explained to her that I am willing to help anyone who wants to help themselves.

[S. Pollak joins **the group**]

What would have happened **to the man from Guatemala** had **you not** taught **him**?

Nothing. He failed the GED exam by one point. But he passed by high marks all but one section on comprehension or innuendo. He is now studying for the next exam. He is on parole and plans to go to community college after getting his GED if he hasn't been deported.

Have Hispanic attorneys **been** helpful in working with **Hispanic** inmates?

I have had lots of promises, but no action.

What has happened?

They did not show up. **At** least there are finally some prison employees who speak Spanish. The situation at Lorton is so bad. The mistreatment of women prisoners is the subject of a class action that was recently filed before me. The allegations are just awful. According to the papers, the treatment of pregnant women is **terrible**: arrangement are made to take pregnant women to the hospital to deliver, but guards will sometimes refuse to take them and force them to have their baby in jail. Some women, while being taken to the hospital, are raped along the way.

Speaking of the problems **of** literacy, compounded with non-English speaking– how competent **is** the representation of these defendants? **Are most** represented by **Spanish-speaking** attorneys?

All are represented. Some attorneys in the Federal Public Defender's Office speak Spanish. It became embarrassing to me that we could not help the Spanish-speaking inmates. When a Spanish-speaking attorney appeared before me, I would **ask** them to approach the bench to see if they or someone they knew would go to Lorton.

As soon as the Guatemalan is able to, he will work with other inmates. It is difficult, **as** under his parole guidelines he is not to be dealing with felons.

[**because of** time constraints, the interview **on** race and ethnicity issues was suspended, to **be completed at a** later date **to be** scheduled]

Judge: 92

Interviewer: V. Ruiz [cont'd]

This is the second part of the interview on race and ethnicity issues, completed on a second day.

Q.2 The last time we spoke about difficulties encountered by people with limited English ability, and you related your experience with at least one of the reading students you had who had some difficulty with the language. What about the court system here -- what could the Court do to make the process accessible to people with limited English ability?

We have very good translators, I think that nearly all of them are from the State Department. The witnesses understand them, and they appear to be good at interpreting remarks of the witnesses and defendants. On occasion there are people whose attorneys are not sufficiently adept in their language, so two interpreters are needed -- one at counsel table and one for the witness.

Are these court-appointed interpreters?

Yes, most are appointed by the Court. I know that the Federal Public Defender will also provide interpreters.

Looking now at attorneys, do you think more people with language ability are needed on the CJA Panel?

The question is whether there are that many people with language ability at the Bar. There are a fair number of Spanish-speaking attorneys, and they are occupied with cases. We don't really have attorneys with other language ability.

Are there any particular languages that are needed?

There are some people who come here from African countries and don't speak English, French, or Spanish. Every now and then we find an attorney who speaks the language. We have plenty of capable lawyers, but they are not from every place the defendants are from.

Do you think the system is finding the lawyers with language ability then?

Yes.

Q.1(d) Now, not looking at language ability, but looking at race or ethnicity -- have you observed anyone making statements in your courtroom that appear to be derogatory or

appear to stereotype a **person** because **of** race **or** ethnicity?

I don't think so. I mentioned before they may talk down to women, and in my courtroom they get clobbered for that. That kind of person is just ignorant. **And** you have all kinds of people coming in as attorneys -- some are not bright or not very observant.

Q.1(a)/(c) What about others, apart from attorneys. **Do** you think that the race **or** ethnicity makes a **difference** as far as a **jury is** concerned?

I think so. We try very hard to get a *jury* that is unbiased, but they are from all over the city. Some may be from areas that are hotbeds of drug activity and while they are not involved themselves, they see it all around them. They may have some understandable concern with this kind of activity. Some are aware of it and will say so during voir dire and will, of course, be excused. Others may not be **as** aware of it, but may, I think, bring some concern from their own experience to a case where there is, for example, a Jamaican defendant. Some jurors will tell us at the bench that they are afraid of the defendant and don't want to sit. I don't think this is bias, but just a response based on their life experiences.

Is it a fear of retaliation?

Yes. And, I think, a fear of gangs, In any neighborhood there are groups of people who may be involved in criminal activity. Some Latin Americans will express fear **as** well, for example in Adams Morgan where there have been shootings.

Do you think jurors are protective of people who are **of** the same nationality as themselves?

In many of the neighborhoods, you see gangs of people and can recognize drug deals that are occurring. If you are living in a neighborhood, you are going to see that.

Do you think there is a link to race and ethnicity?

Yes. Sometimes it is from Latin Americans themselves who feel they have seen even their own race in drug deals and fear retaliation. I don't think it is mean, or even anything that anyone can do anything about.

Q.1(b) **What about** the US Attorney's Office -- do **you** find that how they handle cases, **or** who they **may** send to **take a** particular case, **is** influenced by the race **or** ethnicity **of** the defendant?

I've really never been able to say that. I don't think that went on under the former US Attorney for the District of Columbia, and I am confident the present U.S Attorney is of the

highest caliber.

Q.3 Do you think your own race or ethnicity has affected how you are treated as a judge?

Not really. I don't think so. If so, I didn't recognize it. I recall years ago when I first came on the bench one defense attorney had been interviewed for **an** article in the Legal Times about the judges in this Court. And he thought I was **terrible**. He wasn't quoted, but it was pretty clear from what he said who it was. He had said that I **was** "quite a ladylike individual, but that was not what he was looking for in **a** judge. That isn't enough." I would agree that wouldn't be enough. Having been in trial work for 25 years -- **as** long **as** I have now been on the bench -- I thought that **his** remarks were not warranted. My reaction was certainly not very ladylike. At a Bar dinner after this article had come out, he came up to me while I **was** speaking with colleagues and friends and, rather rudely, grabbed my arm to say he wanted to take me over to meet his girlfriend. He hadn't had the courtesy to bring her over to meet me. At first I started to go with him, then I stopped and said, "**You S.o.b.** I'm not going to walk over there and meet her!" I figured that I would see **him** on Monday morning and that he would ask me what that **was** all about. But it **didn't** happen.

The next case he had with me I told him I would be willing to recuse myself. He asked me why, and I said "If any judge had called me an **SOB**, I would think that was a good reason." I recused myself then, and continued to do so for years. He was the only person for whom I would recuse myself. Not long ago I agreed to try a case for another judge, in which there were five **defendants**, and it turned out that this attorney was representing one of them. I called him in and asked him how he felt about appearing before me, **as** from my view it was water long over the dam. He said it had never been a problem for him. Since then, he **has** appeared before me a number of times.

Now, what other judges get that kind of **stuff** but women -- it's pure sex bias.

What about the fact that you are a white lady judge? Some other white judges have had verbal abuse from minority defendants, suggesting that they could not be fair because of their race. Have you ever experienced anything like that?

I had a young black man who had been found guilty before me, before he was sentenced, jump up and **say**, "You white m.f." (He said the whole thing.) (I had heard people saying those kind of **things** before, in Greenwich Village in New York.) I sent him to St. Elizabeth's for evaluation because he had to be not quite **all** right to call the Judge that when the Judge was about to impose sentence on him.

Apart from cases where there is extreme behavior such as that you have described, do you think that in the perception of a minority defendant the race or ethnicity of a judge makes a difference?

I suppose so. A lot of people think they are not at fault when they are brought up on criminal charges, even though they admit that they did what they are charged with. They generally vent their spleen at the prosecutor, and think they have been treated unfairly. Sometimes they have, and we *try* to even that out in the rulings and motions addressed.

How does a jury react?

I think jurors come in with open minds.

I was the only one for a long time and apart from Judge Matthews they didn't see women judges. Jurors have always been very sweet with me. They have come back at the end of their period of service (**as** I do not talk with jurors who may be finished before me but who haven't completed their service), to say how much they enjoyed being in my Court, that they found me to be fair.

Years ago, I used to wear a different scarf every day with my black robe. One of the jurors sitting in a two-month trial before me had a boutique. After the verdict, the jurors said they hoped I wouldn't take it wrong, but that they had chipped in and bought me a scarf from this other juror's boutique. I thought that was very nice. I checked to make sure that it would be alright for me to accept the gift, and it was. I have had good experiences with jurors.

There is one thing I wanted to tell you: I am pained when I see a woman lawyer who is inept *or* untrained. I feel I **am** at fault, somehow, and it pains me.

Do you hold women attorneys to a higher standard?

I suppose -- certainly I want to see that they are among the very best of the lawyers before me. It is a very personal pain when I see one who is not good, particularly if they exhibit unsportsmanlike conduct, That I won't put up with, either from a man or a woman.

But I do see very, very able women, mostly: criminal defense attorneys, prosecutors, Justice Department lawyers, private attorneys. So I don't have to wince **as** much.

What about minority attorneys?

Again, it is very much better than it used to be. There is one young black fellow who had been running afoul of some of the judges because they believe he is acting in a racist fashion. I saw some of it myself when he was before me.

Like what?

He would try to put down the **AUSA** (either black or white).

He wanted some advice from me and came in to see me one day. He said he wanted to know how I had become a judge, because he **was** interested in becoming a judge himself. He said he had had some difficulty getting along with the judges. I decided I would really talk with him, and told him that there were some who said he was racist. I also told him that just because he was a specialist in defending criminal cases, he shouldn't take things out on his opponents.

I told him I didn't know how I became a judge, I was just around a long time and people knew me. If they saw him and felt he was **fair** and exhibited a "judicial temperament," then he would be doing the right thing. I told him he should get involved in Bar activities, and should get to know other attorneys.

Since this conversation, I haven't had any trouble with him.

What he was doing that was troubling judges **was** if he were at the bench, or if a ruling had been made against him, he would make faces to the jury -- rolling his eyes and such. Communicating, "This judge is biased and **nasty**." I think it is important to behave in a professional way.

After we spoke, I saw no more of that behavior. He had a sentencing before me in which he wanted to raise a constitutional question concerning the propriety of charging his client for having transported a gun into D.C., when there was no sign at the entrance point giving notice that handguns were unlawful in the District. The facts of his particular case were not really the best for raising what seemed **a** novel issue. When I suggested that he might want to wait until he had some better facts, he laughed with me.

We haven't seen **many** cases **of** interstate transport **of** firearms here.

Well I had one. A man who had been living in a trailer in the desert, making toys that blew in the wind, had sent some papers to the Supreme Court for filing. He got no response from the Court so he drove to D.C. and parked in front of the Court in a spot that clearly says it is illegal to park and warns that **guns** are illegal. This fellow had a shotgun on the wall of his trailer -- in his home, he said. The police told him to move along when he parked there, and he said it was his home. That was a non sequitur. He was eventually charged with interstate transport. His Public Defender did a very, very good job, and there was an intelligent **AUSA** on the other side. They let him plead guilty to a D.C. offense so he wouldn't fall under the Guidelines. The range of sentence in the statute was from zero to some number of months. I sentenced him to zero months because I wanted him to be able to go back to the desert where he preferred to live, which he could not have done had he been on probation here.

Q. 5 Are you aware of any EEO concerns in the Courthouse concerning race and ethnicity?

There was one white woman in the Clerk's Office who brought a case because she thought she hadn't moved up properly. I think she was claiming reverse discrimination. That's the **only** one I have heard of. I think the Clerk's Office has a very good record of hiring blacks, and pushing the blacks on staff for promotions.

What about the other offices within the Courthouse?

I think the same is true for them all, but I don't always know. We have a lot of Department heads, who I had a chance to meet at the Judicial Conference last year. They are all kinds and they are **all** doing a good job.

I have noticed looking at the law clerks this year that there seem to be some Asiatics in the group. And this is the first time there have been any number of them. Most of the judges have had women law clerks and many have been more satisfied with them than with others.

I mentioned the last time we spoke that when I am hiring law clerks, I **am** not purposely looking for particular schools, or for black or white law clerks. I have hired black clerks. *All* of my clerks, **as** I said the last time, are my family. One black woman clerk I had says she is my fourth daughter, and I feel that she is.

Do you think that on the whole the other judges here have the same outlook as you?

Who knows? (laughing) One judge, when the Bar celebrated his **50** years at the **Bar**, **25** of which were at the bench, gave a speech, mentioning people who had been very helpful to him, including his clerks. He has been delighted with his women clerks. He is a gentleman of the old school who you would not think would act in that reasonable way.

Some state court systems have gone to a system where they have centralized recruiting of law clerks.

They have all moved to that and I **am** opposed to it. If I have to -- fine. I will. But I'm not going to initiate that. You see, I don't like having to **turn** down applicants. And I don't feel that I should be hiring clerks for 1995 or 1996 -- **as** they are doing now -- I may be dead and buried by then! (laughing) For the last four to five years, when it has been harder for new attorneys to get jobs, I didn't want to change clerks every year. I don't want to be committed to having someone come in at a certain time, and want to give my clerks an opportunity to find a job. I also hire clerks for two years -- I think it is a better use of their time and of my time. I mentioned last time that I prefer now to hire people who have already had some experience at the **Bar**. I try to find people who **are** perhaps dissatisfied with their current job and who are willing to take a cut in pay to come and clerk, and who

want the **work**. The world is full of very, very capable young people. **So** many of the applicants are well-qualified, educated to the last ditch, up there with their colleagues, **all** eager-beavers. Some candidates don't write **as** well **as** others, and that would be something that matters to me. If I've read something that they have written, which has gone through lots of other people, or if I see something that is misspelled (principal instead of **principle**, for example) that troubles me. I know I could work with them, but I **am** not in that position any more.

Q.7 The question **is** one of access, of opportunity to become a judicial clerk, **to** be appointed to Court committees **or** invited to the Judicial Conference. Many minority attorneys simply aren't aware of these opportunities. One thing we are **seeing** among minority **bar** members is lack of knowledge about how things work **in** the Courthouse -- **how** can we "open the doors?"

If these people would join their bar associations, and get to know their colleagues at the Bar. Get to know others so when someone is looking to appoint a person to a Committee, they will think of you.

Does the Court **go** out and ask?

The Court of Appeals and the people on the Judicial Council have made it very strange in terms of the people who are being invited to the Judicial Conference.

How so?

I think the Judicial Conference was always intended to include those who are active in the Court who wanted a chance to get to know the judges of the court on an informal basis. I was a member of the Judicial Conference when I **was** an attorney, but I don't know how that came about. I was also recommended to be on the Grievance Committee of the Municipal Court, and I ended up as the Chairman. And it was the Chairman.

When I was appointed to this Court's Admission and Grievance Committee it was at a time when this Court was the Court of general admission to the Bar. I think that came about because a sorority sister of mine had been a **Bar** Examiner, and asked if she could recommend me for the spot in her letter of resignation. The judges knew me because I had litigated before all of them. I just think you have to work hard at what you're doing and then someone will think of you.

What is so strange about the Judicial Conference now is that they don't want people who have been at the Judicial Conference for a long time, they instead invite young people and professors. I think professors are great but they are not exactly what the Judicial Conference was to be. It was nice this past year to meet the department heads from within

the Court, but it **was** not exactly a Judicial Conference.

At the next Conference in Baltimore, they have already said they want people who haven't been to the Conference before.

Q.7 (cont'd) How do you know who is to be asked?

This is from the rules the Judicial Conference sends around. They are very clear on the manner in which they want the information -- name, address, job, and all that. They tell us to please consider that they are trying to get people who haven't been before.

Do you think it should be a mix of new and old faces at the Conference?

Yes. I think the Court of Appeals has a different idea from those who see what happens every day in trials.

Q.7 (cont'd) What about other Court committees or appointments that are discretionary within the Court?

I don't know anything except that they are appointed. When I was appointed to criminal cases I never got paid and I would always have my own money tied **up** in cases. Presumably, you were to be paid by being made the guardian ad litem. I was made guardian for a woman in St. Elizabeth's after the previous attorney had stolen money from her. I first had to sue the surety to recover the funds, and then I represented this woman for **7-8** years. **As** payment, I was entitled to a portion of what was spent, but because she was entitle to public assistance little money was spent. I got, I believe ninety-eight cents, and filled out hundreds of dollars of forms. Another male colleague **was** appointed **as** receiver of a defunct club and made so much from that he never had **to** work on anything else.

Is that still going on today?

How do I know, I'm not litigating anymore. (laughter)

What about with Special Master appointments in this Court?

Well, that is different. Generally you are looking for professionals with lifelong experience and expertise in **a** particular area. I have used two, and one of them was not satisfactory because I thought he charged the parties too much. I thought he was a "grasper." I wouldn't use him again, even though the parties didn't complain. Another man I appointed, also a professor, did a beautiful job. He got paid for his work and didn't gouge.

Judge: 92

Interviewer: S. Pollak

Vanessa Ruiz was also present during the interview

Q.1 In your courtroom you see many different interactions involving lawyers, jurors, and parties. Have you observed differences in the ways male or female parties are responded to by lawyers or jurors?

You don't think I'd put up with it, do you? (laughing)

In the time you have been on the bench, there may have been changes in the way women are treated in the courtroom.

There have been a great many. I was the fourth woman judge in any federal district court. I succeeded Burnita Matthews, who was the first. I was a trial lawyer, working from Maryland to Virginia. I had offices in Annapolis and Washington for over **20** years. I tried cases in D.C. and in all the little Maryland towns around here. There was a **time** when the world was not beating a path to get a woman lawyer. I made up my mind if people were treating me differently, I would never see that **as** occurring solely because I **am** a woman. I did not consider my gender **as** a factor.

Did you ever have to step in to handle situations occurring in your courtroom?

I did not have many women lawyers when I started and I have had little of this over the years. There is one recent exception. One male attorney, stupidly, I thought, questioned a black female witness by her first name. He was white, and this was before a mostly black, mostly female jury. I didn't want to put up with this situation because I wanted a fair trial, and he failed to accord her the respect to which she was entitled. I wanted to call him up to the bench but before I could do so his opponent stood up and said, "I object to the way counsel is behaving" and pointed out the conduct in front of the jury. Then on cross examination he asked a series of questions about whether the witness was called by her first name by other strangers. The first lawyer **was** inept to say the lesat -- doing this before the jury. Opposing counsel did far more than I could have, he deliberately embarrassed him for this behavior, and I can't imagine its being repeated. **(P.S. He lost the case.)**

When was this one instance?

About 5-10 months ago.

Q.2 Do you believe your own gender has affected how you are treated as a judge?

When I was in practice, I would find in some towns they'd yell from outside the courthouse, "There's a woman lawyer! Come and see!" **As** though I were a two-headed calf. I decided they would remember me, so I tried not to make mistakes and tried not to do any jackass things, because I thought they would remember those, too. I decided not to consider that this was treatment because I was a woman.

New: My secretary reminded me of one obvious insult because of my gender. **An** official at the U.S. Department of Agriculture was reported in the Washington Post **as** stating at a meeting with growers that I had decided, in favor of the Transportation Department, a **case** brought by the U.S. Department of Transportation against Agriculture — that this showed that women not only should not be district court judges, but they shouldn't be allowed to attend law school. **See copy of article and letter of apology attached.**

I went to law school after I **was** married, and my husband has always been very supportive. After I graduated I went to work for an insurance company because no law firm would hire me. I had gone to Washington College of Law, which had a woman dean. She called me with the suggestion about this job. Apparently the insurance company had called her for suggestions for someone for the position of insurance adjustor. She said she knew of an eligible woman for the job and asked whether the company would hire a woman. They said they hadn't thought about it, but why not. I became the first woman insurance adjustor in the country. When I started, I met the other adjustors, **all** men. They all went out for lunch together every day. After my first day I told my husband this and he said, "Join them. If you make a distinction, they'll make the distinction, so don't do it." I have tried to live by that since.

Some people are obnoxious and I don't much care for them, and some people don't like me. But I expected always to be around. I didn't see myself **as** a flash in the pan. I knew there would be another **case**, and another, and another, and I would see these people again.

Do you find that you are treated differently as a judge because of your gender? By parties or witnesses?

Not that, **so** much **as** by other judges.

Let me ask you about that, then. What are the interactions like inter sese?

When I started, Judge Curran was the Chief Judge. It **is** not my way to make waves, and when I came they had no place for me, no courtroom and no chambers. I would walk to

my courtroom for the day with my robe over one arm and my handbag over the other, because there was no safe place to leave it. I did it the hard way.

Do you think it would have been different had you been a male judge?

I certainly do. I know because one judge appointed several years before me had made sure he got a courtroom and chambers. We have talked about it since. Also, your name was over your parking space then and they had given me a parking space for a compact car that I couldn't use because we didn't have a compact car. I didn't know what should be done, but I wrote a memo to the Chief Judge's Administrative Assistant asking for a different space. I got a really nasty note from the Chief Judge telling me I had no right to contact his assistant, that everyone had his own parking space and that it **was** incumbent on me to figure out what was available, find out who had it and then make appropriate arrangements. I finally found one of my colleague's secretaries had a space that would work, and a car that would fit in my space. The Chief Judge made me make the deal with her myself, which I thought was absurd. I **was** very polite about it and the secretary was quite gracious.

Eventually I got an office. If you think this is an *easy* way to start **as** a judge, it was not. I only knew where I was on any day by looking at a sign that would be posted downstairs. I put up with a lot.

What about in the modern era -- say the last five years?

Everything is lovely. What happened once I got a chambers of my own was that I was told I had to furnish it with surplus furniture from the warehouse. Then two more judges were appointed, one of whom was a friend of the head of **GSA**. Before he started he had a suitable parking space, and an office filled with all new things. That did it. I finally exploded. This was too much for me. I said I wanted these things and that I **was** going to get them.

When did you get a courtroom?

I got it after Judge Pine finally died. I had used his courtroom most often, **as** he wasn't sitting or settling anything and in fact, was old and ill.

When Judge Pine died, that opened up a courtroom and chambers. Judge Waddy took Pine's chambers, and I took his, and these are the chambers I still occupy. When I had the office done I sent in a decorator. I didn't want a conference table, and preferred something more "folksy" for pretrial and settlement conferences.

With all the experiences you have had in suits involving discrimination I am sure you have seen a lot of different kinds of interactions. Without asking you to malign any of your

fellow judges, have you been treated differently than other judges?

No, except now they may think I am different because I **am** a senior judge. I'll tell you, I work too hard **as** a senior judge, much harder than I planned. I **no** longer have the commute from Annapolis. I couldn't count on getting here on time when I did that, and I **am** a stickler for being punctual, having waited for many a judge in my day.

Does it make a difference to have other women judges around?

I couldn't be happier to have [names two female colleagues], and I felt badly they didn't appoint a woman after I took senior status. It **was** a real slap.

Did it make a difference in your interactions with other judges once the other women came on?

No. I was the only woman at lunch for the first 11 years and my colleagues became used to me. [Names one female judicial colleague] - who doesn't come to lunch.

Tell me about that -- is the lunchroom a men's club?

Not really.

Did you feel, the way you were treated when you started was harassment?

Not really, because I didn't bring it to their attention.

One of my colleagues, after I took senior status, would sometimes ride up in the courthouse elevator with me and say, "Oh, are you working today?" When the Bar Association did its interviews with senior judges, I **was** very free. I told the interviewer that I probably regretted saying some of the things I said. I had told him it **was** irritating to have a colleague daily asking if I was working, and to tell him every day that I **was**.

Do you find the lunchroom to be a men's club?

[One female judicial colleague] doesn't eat there. I don't know why. George Hart, who I **am** sure did not want a woman on the bench, graciously came to me on my first day here and said, "I want to take you up to lunch, it is very valuable. It is the only way to find out what it going on in the Courthouse." Judge Tamm came and was wonderful. He'd make a lot of suggestions to me, usually prefacing it by saying that he heard a judge "out West" had done something, but it was really me. I'm sure this was no secret that it **was** really me, because my face would be red, but he **was** very kind in his efforts to "break me in."

For instance, I once had a case sent back from the Court of Appeals with instructions to adduce more evidence on a certain point. When I looked at it, it was plainly all in the record, and I couldn't hold a new hearing for that. I sent a memo to the three judges on the panel and suggested that they look in the record. **At** lunch, Judge Tamm said, "I heard some judge out West sent a memo to judges on an appellate panel. This just isn't done."

Years later a panel with [a colleague from the District Court] sent back a sentencing on an issue that had never been raised, either in my court or in the Court of Appeals, and would be illegal, **as** they were telling me to apply D.C. sentencing law to a federal conviction. I spoke with Judge Robb to **ask** about the mechanism **a** judge had **for** telling a panel that what they were asking a district judge to do was illegal. Judge Robb said to send a memo. I told him I had learned my lesson on that one, though, so I wrote an opinion and published it in the law reporter and indicated why I wasn't doing what they had said. I believe some mechanism for this problem should be instituted officially.

Q.4 Are you aware of the courthouse EEO procedures and processes?

Not really. I haven't had any cases involving court people.

I do not want to ask you about any specific case, but do you have any awareness of court staff who may have sought relief through the EEO process?

I don't have any knowledge. Apart from [names a judicial colleague] working on the Task Force. I think that the Clerks Office people are quite happy, although they are not happy with the pay.

Do you have any indication that there is any inequality in treatment?

No. Judge Matthews **was** the only one who took all women law clerks. I took both men and women, and I have had minority and non-minority, and clerks from a variety of schools. My law clerks are family, and I have said that I have had the best of all possible worlds, **as** they are all decent, bright people.

Is the flow of clerks, in terms of gender, decent?

There is a balance now.

Have you made any special effort to balance it?

I have one male and female now, I have had two women. I have presently [since the interview] never had two men.

What about minorities?

I hate to **turn** someone down so I interview **as** few people **as** possible. They are all qualified. It's a question of how they feel about me **as** much **as** how I feel about them. So much of the decision is chemistry.

I had my 25th anniversary on the bench last June and the clerks gave me a nice party. Former clerks came from all over the country -- California, New England, all over. One clerk who wasn't able to get here is in town now and we are **going** to go out to dinner with him tomorrow night. I try to keep up with my clerks.

Is it any different for you relating to female clerks than male clerks?

I don't think so.

The last clerks, both women, were experienced. I had hired a young man who on the day I **swore** him in told me about an opportunity he had to run for a position **in** Baltimore, asking if I would release him. Of course I did, I just asked him why he hadn't asked before I Swore him in. I then had to get two clerks, and **my** former clerks helped me. We found two women who didn't know each other, but who were unhappy at big firms and were willing to take a cut in pay. Their experience made a difference and spoiled me. I'm no longer hiring someone straight out of school, but I want someone who has had some experience. I **generally** keep my clerks for two years and tell them they **can** just let me **know** when they have a job. **The** two experienced clerks were dissatisfied at the big firms because no one had said "good job" to them or they felt at their firms there **was** gender discrimination. They'd take less pay to be treated like human beings. One of these women called a male classmate who she thought I would like and he came down and we spoke. I **talked** about the kinds of cases we had coming up, to see if he was interested in them. I hired him. It is not a question of picking people from among the whole gamut of applicants. It is not considered right, but **as** a matter of fact, that is what I **am** doing, looking for someone **with** experience and interviewing very few people.

V. Ruiz: Are you interested in people with different life experiences?

Most of the clerks I see do have different life experiences. Those are the ones that interest me. People who have paid their own way -- these people are wonderful.

Q.6 Do you or others have a dress code in Court?

No. One time when a young woman with no visible underclothes on sat at counsel table with her skirt hiked **up** to here (gestures) I did **ask** the **US** Marshal to speak to her quietly to have her pull her skirt down. I remember a male attorney who was a symphony in **pink**.

Pink shoes, pink suit, pink shirt, pink tie and he was a strawberry blond. I never did hear what he **was** arguing because I was so fascinated with his outfit. I never said anything to him because he was covered up. That's my standard.

Q.7(B) What about gender and selection for Committees, special master, the Judicial Conference -- does it play a role?

I don't do that any more because I am a senior judge. I believe it did. Now they've loaded the Judicial Conference with professors. That is not what most of us contemplated for the Judicial Conference. We District Court judges feel that the people who are practicing before us all the time are the ones we should have there. The three people I invite are generally my former law clerks, some are men, some women.

Q.8 Do you perceive in gender discrimination cases that a defendant is better served by a female attorney?

I really don't. I think it is the ability of the attorney that is important. I think the ones who make a great mistake are the attorneys who badger witnesses who are co-employees, because the client may be going back to that workplace.

Do you think a plaintiff is as well represented by a male or female attorney?

I think so.

Q.10 Do you have any sense of whether prosecutors make a distinction in charging and plea agreements between men and women?

No.

Both before and after U.S. Attorney Stephens, do you think that gender was taken into account in charging and plea decisions?

I think so, years ago. Women got lighter sentences. They did on occasion get some time. In later years, it turned out that there were efforts to treat them **as** though they were in the same situation **as** men, but they were not, because so many were heads of households. We can't do much of anything with the Guidelines in place now.

In pretrial, there is some room for discretion, and in pretrial detention does gender play a role?

It could, but the law is pretty much on the side of the prosecutors.

Are there any aspects of the courthouse that are different for women or men?

Bear in mind I don't see colleagues' courtrooms. Initially, one didn't go into others' courtrooms; now it is more relaxed. I did think it was out of order once when Court of Appeals judges visited my courtroom. They might be sitting on the case later. Maybe they came because I **was** a woman, I really don't know.

Are the courthouse facilities adequate?

I think so. The jury room is so small uncomfortable for jurors. I thought it **was** stupid to have separate bathrooms when occasionally the jury would have many of one gender and only one or two of the other. **So** I had the separate signs taken down and replaced with signs reading "Toilet." I thought it was dumb to worry about having both genders using one bathroom, one after another, when you don't worry about it in your own house.

Is there anything else on gender that you think we should record? I take it things have gone from a situation that was not so good when you started to one that is better?

The "grim reaper" took care of a lot of it.

And that brought on a younger group?

I think so. The colleagues with whom we lunch regularly, are used to me and we get along well.

Do you think that away from the Court or in Court proceedings that gender is still making a difference -- that males seek to be overbearing to female lawyers?

Some of them seek to be overbearing to everyone. Yesterday I had a settlement conference and one **party** had a man here for his client, who said he didn't have authority to make the decision we needed to settle. He was not easy to deal with. When I asked who had the authority to make the decision, I was told that person **was** in a meeting. I said it was as important for us to talk **as** for that meeting to continue without interruption. They called the person, who **was** a woman. She was very tough and strong to deal with. We spoke about the relative merits of the case, and the case **was** settled when I told her she might get nothing if the case didn't settle. I did **think** it was nice that we ended up on friendly terms when the case settled. She had certainly been more reasonable than her underlings.

[end of interview on gender issues]

How did you get the names of people for Special Masters?

From other judges -- my colleagues. Now I understand we will have a list pulled together by a committee, with qualified people on it. The better of the two attorneys I used is now dead, so he is no longer available.

I use Special Masters sparingly, because I do not think it is an expense the parties should bear.

Does the Committee that is preparing the list of Special Masters have in mind opening up the pool?

I would hope so. They are, I am sure, intelligent people.

Q.10 During our public hearing we heard from a woman who had a case **in this court** and was trying to proceed pro se. She had difficulty finding an attorney **to** represent her. The Court has assistance for people who file pro se, either helping them with their filings or finding them an attorney. Do you have any evaluation of the assistance the Court is giving?

I don't know how the pro bono group works, I would assume that it **was** available to this person. But I believe that if someone can afford an attorney they should retain one. I do not believe that people who can afford it should *try* to get anything free. I know I've talked to a lot of people to get them to assist pro se plaintiffs. One attorney [names a white male attorney] **has** a reputation for representing people in the EEO field. He seems to be fair-minded and doesn't charge them too much.

Have you had any pro se plaintiffs in your court'?

Yes.

Have there been any that you were surprised could not find an attorney?

Sometimes attorneys see these cases as "lost causes."

Have you **seen** any cases where a party had no attorney and you thought it was a good case, where the party should have had an attorney?

I don't think I have had any. In the first place, the world is full of people taking cases on contingency. The Court recognizes the need for this, and attorneys may get a higher rate for taking an "iffy" case on contingency. The court is trying hard to encourage people to take these cases. I see little excuse for people who don't find a lawyer.

Finally, are there any areas that **you** would suggest we **look** into -- **you** have **seen** the range of issues we have **been** exploring. Are there any areas, either **positive or** negative, **in connection with** race **and** ethnicity that **you** think we should **look into**?

I think you are asking all the questions.

I told you about the parolee I teach. He called to wish me happy birthday. He believes he is put upon because he is Guatemalan, and that this causes him problems in getting jobs.

What did he have to say about his experience in Court?

First of all, he was in Superior Court, not here. He felt he was very badly treated, **as** he lost his daughter while he **was** in jail, and has been fighting since he got out *to* get her back. She is living with her mother's family in California. They are trying to get him to terminate his parental rights. He is upset about this. He did kill his Wife, so her family's reaction is understandable.

[end of interview on race/ethnicity issues]

3RD STORY of Level 1 printed in FULL format.

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March 12, 1985, Tuesday, Final Edition

SECTION: First Section; The Federal Report: Inside; A15

LENGTH: 759 words

HEADLINE: The USDA;
Deputy's Remark Sowed Resentment

BYLINE: Ward Sinclair

BODY:

No matter how dogged the agricultural researchers might be, they can't find the cure for outbreaks of foot-in-mouth disease that occasionally zap the Agriculture Department.

The malady last week seized Richard W. Goldberg, a deputy undersecretary for international affairs and commodity programs, who apparently thought he was secure in a good-old-boy farm atmosphere of the U.S. Feed Grains Council.

Goldberg, addressing the council on export matters, lamented a recent ruling by U.S. District Court Judge June L. Green. The judge held that the USDA acted improperly last year by exempting a \$536 million wheat sales agreement from cargo-preference requirements that would have sent at least half the grain on more expensive U.S. merchant vessels. The ruling sent exporters into a tizzy.

But Goldberg stunned the gathering by saying a male judge would have understood the issue better and would have ruled against the cargo-preference provision, opening the way for less expensive exports. "This is an illustration of why women shouldn't be allowed to go to law school, let alone be appointed to the bench," Goldberg said, according to a Commodity News Service reporter who attended the gathering. The remarks did not make the news wire services, but word spread quickly and Washington women involved in agriculture issues were furious.

"I was quite distressed," said Susan McCullough, the council's public affairs director, who was the only woman at the meeting. "But I was gratified that my male colleagues afterward privately expressed to me their displeasure with Mr. Goldberg's comments."

Goldberg conceded yesterday that he had made a remark "something like that," but said "it was a poor joke that reflected my frustration over the decision and its impact on our export efforts." The former North Dakota farmer and state senator added, "It was clearly a dumb thing to say . . . a bad joke and it isn't even funny. I am sorry -- it was just my frustration with things."



DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20250

March 12, 1985

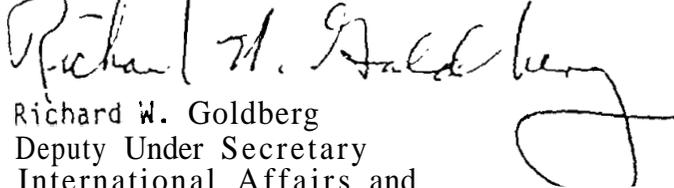
The Honorable June L. Green
District Judge
United States District Court
for the District of Columbia
Washington, D.C.

Dear Judge Green:

Please accept my sincere apology to you for my tasteless remarks made during a recent speech as reported in today's edition of the Post. In no way did I intend to offend you or any other woman jurist. The decision itself is well written and properly reflects the existing law.

I have always had the very highest regard for all members of the legal profession and will continue to do so.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard W. Goldberg".

Richard W. Goldberg
Deputy Under Secretary
International Affairs and
Commodity Programs