ORAL HISTORY OF THOMAS C. GREEN

This interview is being conducted on behalf of the Oral History Project of the Historical Society of the District of Columbia Circuit. The interviewer is Judy Feigin and the interviewee is Thomas C. Green. The interview is taking place at the office of Sidley Austin in Washington, D.C. on Wednesday, September 25, 2024. This is the sixth interview.

MS. FEIGIN: Good afternoon.

MR. GREEN: And good afternoon to you.

MS. FEIGIN: All the cases we've talked about up to now have been front page, criminal crisis management of the biggest sort. But I want to veer in a different direction here, because one of the very big cases you did is probably not a case that is well-known to everybody as a lot of these other cases are. Nonetheless, it's a huge case, Tyson Foods. In 2003 *The National Law Journal* said it was the most significant defense verdict of the year, which is quite an accolade.

MR. GREEN: Many years ago.

MS. FEIGIN: Many years ago, but a huge case. I wonder if you could tell me how you came to be involved.

MR. GREEN: I had a really enjoyable and long-lasting relationship with Don Tyson, Tyson Foods, and then his son, John Tyson. It all started with the investigation by a special counsel into the behavior of Mike Espy, who was then the Secretary of Agriculture.

MS. FEIGIN: So another special counsel case.

MR. GREEN: Another special counsel. I was in I think almost every special counsel case. The special counsel, Donald Smaltz, was investigating whether Espy received things of value from Tyson Foods that would compromise

the decisions he was making as Secretary of Agriculture. I think the investigation had to do with flying Espy down to a concert in Arkansas and giving him concert tickets and meals. It wasn't exactly like gold bricks in a secret location.

MS. FEIGIN: This is more like Governor Marvin Mandel's case?

MR. GREEN: Yes. In my mind it was not critically serious stuff.

MS. FEIGIN: And this was during the Clinton administration that Espy was Secretary of Agriculture?

MR. GREEN: Yes. So I'm sitting in my office one day when I get a call, and it's from the general counsel of Tyson Foods, Jim Blair. I think this happened sometime in the latter part of 1994. I didn't know anything about Jim Blair at the time, but it turns out that Jim Blair was a pretty well-known guy, both in Democratic politics in Arkansas and well known to the Clintons. He said I'm coming to town and I'd like to talk to you about a matter we have. So I met him for lunch. And unbeknownst to me at that time, he was here talking to probably five different lawyers.

We met for lunch, and he told me about a DOJ investigation of Mike Espy. He said that Don Tyson and the company were either targets of that investigation or would likely become targets, and he was looking for counsel for Don Tyson and the company. We had a very nice conversation. I talked to him generally about things I'd been doing, what cases I'd been in and so forth, this and that. It was a very nice lunch and he was non-committal.

MS. FEIGIN: Did he explain then what the investigation was about?

MR. GREEN: He did, to the extent he knew it. And it related to whether Tyson foods had given Espy gratuities in return for favorable action at the Department of Agriculture. So later that day, I'm back in my office. He calls and says I'd like you to represent Don and Tyson, which was gratifying because Don Tyson was a very substantial guy in his business and a really interesting human being too.

I remember meeting Don. I can't remember whether the first meeting was here or down in Arkansas, but we enjoyed each other. We had a very nice cordial relationship. My recollection is that around the time I got into this case Attorney General Janet Reno had requested the appointment of a special counsel. That turned out to be Donald Smaltz. What should have been a somewhat contained investigation became a big mess as Smaltz kept trying to sensationalize and expand his investigation beyond the mandate given to him by the appointing panel of the court of appeals. My relationship with Smaltz got very contentious and I wrote a long letter to Reno in June of 1995 describing a lot of what I claimed was misconduct on the part of Smaltz. Ultimately the Attorney General admonished Smaltz and directed him to focus only on the initial allegations.

The long and short story is that we were able to extricate Don from those proceedings without any adverse consequences, but the company ended up pleading to providing gratuities and paid a six million dollar

fine. There were others who became implicated in this investigation and Smaltz did secure other convictions.

That was the beginning of the relationship that I had with Tyson Foods. I was at Sidley Austin at the time. We started doing a number of things for Tyson Foods beyond litigation. We were doing securities things for Tyson Foods. There was a whole list of what we did. Tyson Foods became one of the biggest clients of Sidley Austin for a number of years; we handled a lot of matters for the company.

An investigation subsequently began a couple of years later that was conducted by the U.S. Attorney's Office in Chattanooga, Tennessee. They began quietly investigating whether Tyson Foods was hiring undocumented immigrants to work at their various chicken poultry processing plants in Arkansas and a couple of other states. I think Virginia was involved and maybe Mississippi. I can't remember them all, but in that area, down south. It is very difficult work, it's hard work in a poultry factory.

The allegation involved coyotes, which is the term used to describe men who go to the border and round up illegals and then smuggle them into the country and essentially deliver them to various industrial operations or commercial operations in return for money. They get paid by delivering these illegal workers.

The fascinating part of this case and this whole investigation is that it was an undercover operation. The authorities set up a whole scheme to

furtively entrap Tyson Foods. They used federal agents to go down to the border and bring individuals across. This is all being done by the government. Bring individuals across, and then usually take them to various bureaus in states where they help them get identification. Then they took them to various Tyson plants and engaged with the plant managers who were always in need of personnel, and they enticed or induced or persuaded or whatever, these plant managers to hire people that they would bring to them.

It was a very crude operation on the part of the government. Some of these agents had a camera that was located in their belt buckle, these big western belt buckles. They would be sitting in an office like we're in here and they would be rolling around from side to side with their belt buckle, taking shots of everybody and recording the conversation.

To the best of my recollection, they never actually delivered these poor, hapless individuals directly to the factories. They would drop them off in the town and tell them how to get to the Tyson factory and the Tyson factory personnel would then hire them.

The undercover operation went on for two-and-one-half years before the government indicted the case in December of 2001. It was the most significant criminal immigration case in the country as of that moment in time. And may still be the most significant criminal immigration case. I'm not sure there's been one that's more significant or larger but I haven't done the research to determine that.

I was asked to represent Tyson Foods in that case. We had plenty of conversations with the prosecutors in an effort to ward off the indictment, prevent the company from having to face criminal charges. But in the end, the prosecutor, John McKoon, decided to bring charges against Tyson Foods and several former Tyson plant managers and two corporate officers. The indictment as filed contained 36 counts and was returned in Chattanooga in front of Chief Judge R. Allan Edgar who was a fantastic jurist. A great judge who was very fair and even-handed. We filed a number of pre-trial motions attacking various counts in the indictment. In October of 2002 Judge Edgar dismissed nine of the counts while denying all of our other motions.

The trial ensued but the government was undone by several significant circumstances. First of all, Tyson was able to convince the jury that the company had very good policies concerning the hiring of personnel and the vetting of personnel to make sure they were not illegal and incapable of working in the United States.

MS. FEIGIN: Didn't Tyson use an INS verification program that enabled them to check the status of potential workers?

MR. GREEN: That's right. It was called the Basic Pilot Program and it was used to verify social security numbers that these undocumented workers were given by the government agents, and of course they all were verified because the government had worked to insure that would happen.

So that's number one, the company had all these policies.

Number two, the top corporate executives had nothing to do with what happened. To the extent that Tyson employees were knowingly hiring undocumented personnel, they were doing it on their own. Each plant manager decided he would or wouldn't do it. And there were three or four of them that did it. But they were on a detour and frolic of their own and they were acting contrary to corporate policy.

The third big reveal, if you will, at the trial, is that Tyson Foods had, in prior years, always cooperated with any representative of the federal government who alerted them to the fact that perhaps their hiring processes needed to be tightened up or that they suspected illegals were getting through the vetting process. Tyson Foods had always cooperated with the government, the immigration service or whatever, whenever any information of that kind was brought to their attention. They had cleaned up their act every time.

The next circumstance that worked in favor of Tyson Foods is that this was an undercover operation; the executives had no knowledge or foreknowledge of it going to happen or happening, so they couldn't do anything. They couldn't correct, couldn't do anything.

But it was the way the undercover operation unfolded that created such an odor about it. It could be portrayed, and it was portrayed by us, as the government victimizing these poor immigrants. These poor people who were congregated on the other side of the border waiting for an opportunity to get into this country to improve their life. They were kind

of sucked into a theatrical play, manipulated by the government and bused thousands of miles from the border up to Tyson sites, given fake identification, and then used as pawns in an entrapment scheme.

And that wasn't the only odor. The other circumstance that was just as visibly distasteful is that basically the government, after taking these people and rounding them up and traveling with them and leaving them, left them on their own, just floundering in this town that they didn't know where they were. They didn't know anybody. They just dropped them off without any regard for their well-being or their safety or anything, just said to these individuals go down the street, there's a place that will hire you.

I should also add that right before the case went to the jury, the judge dismissed around 17 counts that applied to I think every defendant and a couple of other counts as well. The dismissed counts alleged that it was the defendants who caused the illegal aliens to be brought into the country and to possess fraudulent identification documents. The court agreed with us that it was the government's agents who caused all of that, not the defendants, and so the counts were dismissed.

MS. FEIGIN: Those undercover tapes that were played, my understanding is that in some cases the agent hadn't turned the recorder off in a timely manner and there were racist statements by the agents that came out at trial, which added to the horror of the whole thing.

MR. GREEN: Yes, there's a couple of times when they did not turn off the tape recorder and they made some cracks. And we exploited that. By the time we got done in the courtroom, marshaling all of that and configuring it in the way that I'm speaking here, the jury just was ready to lynch the government. They thought it was unconscionable the way they treated these people. And so when they retired, it didn't take long and they came back and acquitted everybody.

MS. FEIGIN: I believe it was a seven-week trial and the jury came back in five hours with a verdict, which is incredible.

MR. GREEN: Probably the most dramatic thing that we did during the trial was that at the table occupied by the government lawyers, they had an ICE agent or Border Patrol, I can't remember which, who was helping the government through all the arrangements to affect this scheme. They were using the Border Patrol or the ICE or whatever to go down and get these people to transport them all. That agency, whichever one it was, was very much involved in the architecture of the scheme. And the case agent was sitting next to the prosecutor. I think for my last witness in the defense case, I turn around and I say I call Herbert Jones to the stand, whatever his name was. The government lawyers almost went crazy.

MS. FEIGIN: [laughter]

MR. GREEN: "He can't do that. Objection." Da, da, da, da, da. The judge said "Oh yes he can. He can do that. He's sitting there in the courtroom, call him to the stand." He said Agent McGeggy, take the stand.

The guy's up there. He's got eyes that are like a deer in headlights. He's not been prepared for this and his anxiety level is just seeping out of the top of his head.

So there was some basic cross-examination to establish first -- it's kind of like icing on the cake -- that Tyson Foods had always cooperated with the immigration service any time the immigration service had called them to discuss an issue. "That's the truth, isn't it?" He had to say that yes, that's the truth.

And then I took a quarter out of my pocket and I said "Do you know what this is?" And he says, "Yeah, that's a quarter." I said "How much does it cost to make a call from a pay telephone?" I think he said a quarter. And I said "So you could have used this quarter and you could have gone to the nearest pay telephone and you could have called Tyson Foods and you could have told them that they have a problem at this plant or that plant. And based on everything you know about Tyson Foods in your entire history with the company, they would have corrected it, true?" I didn't know what I was going to get, but figured I'd take a shot. The guy said "Yeah, that's true."

MS. FEIGIN: Wow!

MR. GREEN: And then I asked him how much it cost to run the undercover operation and so forth, and I think I got him to concede that it was at least a couple of million dollars. "And that's a lot more than a quarter," I said. After that I had no further questions. That was the end of the case. That was a big

win. Funny, but if I were trying that case today I would have to be talking about cell phones, not a pay phone.

MS. FEIGIN: I want to go back a little bit. You said you tried to get them not to bring the case to begin with. One of your colleagues told me you had an interesting discussion with Michael Chertoff, the head of the Criminal Division, and that Chertoff told you he thought it was one of the strongest cases he'd ever seen.

MR. GREEN: Yes, we went over to the Department of Justice. Chertoff was the head of the Criminal Division. And I kind of previewed everything I was going to be saying in the courtroom. He said he thought that it was one of the strongest cases, we've got to go forward. This is an incredibly strong case. I didn't knock on his door afterwards, but that was a nice win.

MS. FEIGIN: That's a huge win. My understanding is they wanted to invoke a rarely used forfeiture provision that would have cost Tyson a fortune.

MR. GREEN: We were going to be the example.

MS. FEIGIN: Can you explain what it was that they were trying to do in terms of the financial aspect of this?

MR. GREEN: The forfeiture count in essence alleged that Tyson Foods made a great deal of money by employing all these illegal aliens to work in their poultry plants and the count sought the forfeiture of all that money. I have no idea how one would ever compute such a sum, but it all became moot with the acquittal on all counts.

MS. FEIGIN: In write-ups of the case, forfeiture is a big deal. They talk about the fact that this was supposed to be a showcase for using the provision in this way.

MR. GREEN: The point that they were going to try to drive home is that this was to be a warning to many, many companies that you are vulnerable because you're hiring illegal aliens. This is what can happen to you. The money played a part of that, but the real threat was just the company being convicted and its executives being convicted.

MS. FEIGIN: Let me speak for a minute about the executives, because as you may recall, one of them committed suicide after indictment but before the case went to trial. I bring it up because we don't often think of the impact of what it means to be charged.

MR. GREEN: One of the plant manager defendants, Jimmy Rowland, did commit suicide and it was a very tragic incident. I am sure this case played a huge part in that tragedy but there may have been other factors as well. I had never encountered a situation like that before. Very sad.

Then there were other Tyson cases. I think the next most significant was a class action brought against Tyson Foods by all the cattlemen that raise cattle on their feedlots and then sell them to processors. Tyson Foods had in the interim bought Iowa Beef Processors which is one of the biggest meat processing companies in the United States, if not the biggest. There was a big class action brought alleging that Tyson Foods was manipulating the price of cattle in the feed lots and this

was essentially an antitrust violation. That was a lawsuit for a few billion dollars, I think.

So we tried that case. For some reason it got filed in I think Montgomery, Alabama. We tried that case down there in front of a jury. This case is also illustrative of the proposition that even if you have a jury consultant you need to take control of the final selection of the jury. What has happened in the United States now is that if you're in a big case that has serious economic implications, you're almost forced to use a jury consultant. Because if you don't use a jury consultant and you lose the case, you are exposed to the claim that you were deficient in your representation. Which is really ridiculous, but it's now like an occupational hazard.

Some of these jury consultants do provide value. Others I think hardly know what they're doing. I don't want to get into a huge digression about how jury consultants work, but in this particular case, when picking the jury, we got to the point where an individual was called to the panel, called into the box, and I didn't like the guy.

MS. FEIGIN: Just a gut feeling?

MR. GREEN: It was based probably on a number of inputs but a lot of it was gut. I think when you have 250 jury trials under your belt, you've got a pretty good internal mechanism. Your gut's pretty refined at that point. And I looked at this guy and I just didn't like him.

And the jury consultant said “He’s our man. He’s our man. You’ve got to put him on that jury. He’s our guy.” I said “I disagree.” And we went round and round but ultimately, because the jury consultant was so emphatic -- he’s supposed to have the expertise -- I let the guy on the jury.

We tried the case. It’s a really long case, a complicated case. But we had some moments that were similar to my calling the case agent in the immigration case. We had a guy on the stand, one of the cattlemen, one of the big cattlemen plaintiffs, who claimed he had a tape of a conversation where Tyson Foods was saying this or that or that or this. And we had some experts able to show that the tape wasn’t even manufactured until after that date. But despite a couple of episodes like that, the jury comes back after we’ve tried the case and who’s the foreman of the jury but this guy who I wanted to get rid of and the jury consultant says is our guy.

He gets up and he reads the verdict. And the verdict is for the plaintiffs in the sum of I think it was like a billion dollars. I was taken aback. I really thought I had won the case. And so I made a motion before the trial judge to take the verdict from the jury. We argued that and he wrote an opinion. He agreed with me. He said no reasonable juror could have found for the plaintiff and he nullified the jury’s verdict.

They took it up on appeal and the appellate court affirmed the trial court. They went on to apply for cert and cert was denied. So I won the case. And I think I should have won the case. But that’s the story of jury consultants. Years hence, whenever I taught a course or whenever I talked

to lawyers, I told them to never surrender the total control of jury selection to the jury consultant. You can take their input, but the final decision has to be yours. Don't disregard whatever stimuli is coming to you on that issue.

MS. FEIGIN: My understanding is that one of the many skills you have with the jury is humor. There's obviously a fine line because people have different reactions. I wonder how you assess a jury.

MR. GREEN: It's instinctive. I don't try to be a clown or anything like that. I want to present myself in the courtroom as a guy who really knows what he's doing. No fumbling around. There are no pauses trying to think of what the next question is. There are no stupid objections that get criticized by the judge. I want them to look at me and say that guy knows what he's doing.

I also want to be liked. Preferably loved if you want to know the truth, and I do that by just being a regular guy. I don't dress up. I don't wear a flashy watch. If I have a spot on my tie, I leave it there. And I crack a joke every now and then. I don't have a wallet full of those jokes. They're just opportunities that somehow tickle me and I tickle back and people laugh. I never present myself as mean or overly angry. I really just want to be liked.

I think what the jury appreciates is watching someone who knows what he's doing. And can follow what he's doing. And somehow I've been able to do that. Sometimes I'll just stand in the courtroom and

invariably a judge asks me, “Mr. Green, why are you standing?” And I will look at the judge with a deadpan and say “I just need to burn some more calories, Your Honor.”

MS: FEIGIN: [laughter]

MR. GREEN: I like cracking jokes because the jury needs a little relief, but not to distract them. One of the things that a trial lawyer has to do is to be able to stand outside of himself, if you can conceptualize this, stand outside of himself and take the measure of how he’s coming across in the courtroom. And the way you do that is to pick up a lot of cues from the jury and some cues from the judge. And sometimes from your adversary, but mostly from the jury.

To give an extreme example, if you’re on your feet and you’re examining a witness and you peer over at the jury and 12 people have a pillow out and their feet up on the rail and they’re asleep, you would say to yourself, I don’t think I’m being really horribly effective here. So you can watch a jury with one or two eyes while you’re on your feet and get a pretty good indication of how they’re reacting not only to you, but when someone else is on their feet. I watch the jury a lot. I don’t sit there staring at the jury, but out of the corner of my eye I watch them a lot. You can see expressions of surprise or disgust or whatever, and you can then tailor some of what you’re doing in the courtroom to appeal to those people who are kind of overtly emoting if you will.

MS. FEIGIN: One of the things that is so impressive about all this is you were raised financially secure, you grew up in the Midwest, you went to Yale Law School. You're polished. You're a city boy by this time. And yet you were able to go down to places in the deep South and relate to juries. That can't be that easy.

MR. GREEN: It's not that hard.

MS. FEIGIN: I think you're being modest.

MR. GREEN: Juries want to be entertained. And that doesn't mean that you have to keep them laughing for 20 straight days. But you have to command their attention because if you lose that, you've lost in the courtroom. You need to early on command their attention so that they watch you and they say to themselves, this guy knows what he's doing. That inures to your benefit, and if you can do that and just be down to earth, that's all you've got to be is down to earth. I'm not a pretty boy. I'm not a good-looking, svelte, movie star type look. So they can look at me and say that guy kind of looks like me.

MS FEIGIN: [laughter]

MR. GREEN: And particularly if I'm in my one of my deliberately sloppy modes, where my tie is askew. There's a little acting that's going on there. Just to portray myself as really down to earth without pretension, not too happy with myself. I'm no great shakes; I'm just a guy in the courtroom trying to help them understand what's going on.

But when you get up to cross-examine, I'll give you an example if you can develop that rapport with those people in that courtroom. Let's assume there's a witness on the stand that's testifying for the other side. If I stand up at that point and say "Your Honor, I haven't got any questions for this guy" and I sit down, the jury – think about this -- the jury, Mr. Green doesn't have any questions of this guy? He must think this guy is all baloney. Well, I'm going to think he's baloney too, because Mr. Green, I trust Mr. Green. That's what is at work. Or if I get up and I'm in a cross-examination and I say to the guy, "And after that you went down the street and went in the drug store and bought 10 bottles of valium, isn't that right?" and the guy says, "No, I didn't do that." Well, if they believe me, if they think I know what I'm doing, they actually think I know more than that guy, and I know that he bought – they trust me more than the witness. And if I can do that in the courtroom, I've got them. And that's how it works. You don't have to be a genius to do this. You've got to have a little sense of human relations so you can get that jury to invest in you.

MS. FEIGIN: Do you think people can develop this or do you have to be born with it?

MR. GREEN: A little bit of both. There is something innate. I don't think it's the dominant part of the equation. The way I became a trial lawyer is to watch other trial lawyers. I tell people that a lot of this stuff can be taught. I can teach you how to qualify an expert. I can teach you how to introduce a photograph. I can teach you how to introduce a business record. I can da, da, da, da, da. I can teach you a lot of things, mechanical things to the

point where if you ingest them sufficiently you won't flub it up in a courtroom. The personal dimension that you bring to it, the personality you bring into the courtroom, that probably belongs to you. And if you have it or you can mimic it, great.

I go back to what I said before. I tell people if you want to become a trial lawyer, go down to a courthouse, walk the halls. Put your nose in through the door, see if there's a trial going on. Go in there and sit down and watch the lawyers. When I was a new Assistant U.S. Attorney and had time off, I just patrolled that courthouse until I found an interesting trial and sat down and watched it and watched one after the other after the other. I think that's a very effective way to learn a lot about this craft.

MS. FEIGIN: I hope people reading this take that advice.

MR. GREEN: I don't know that anyone will ever read this.

MS. FEIGIN: Oh, they will. They will. Before we leave your cases, is there anything more about Tyson we should discuss, any more of your work with them?

MR. GREEN: There were a number of other cases. It was a very gratifying relationship with Tyson Foods. They're still a client of Sidley's, and I think Sidley still does some substantial work for them. If there were a bet-the-farm litigation, I'm almost positive Sidley would be intimately involved with it. But this is not just a story about Tyson Foods, it's a story about many corporations. I loved my firm Sidley Austin. I thought it was one of the great, great firms in America. And we charge legal fees for our work. And at all the top-tier firms, the legal fees are expensive. And so Tyson Foods,

while we were doing a number of cases for them, not all of them were horribly significant. There were some that were more routine than not. The executives came to the decision that they should build up their own in-house litigation department so that they could begin to try many of their own cases, at least the more routine or less significant cases. And that's what Tyson did.

MS. FEIGIN: Did they take people from Sidley to come in-house?

MR. GREEN: No. There are lots of good lawyers in this country and they picked up a number of them. But I kept up my relationship with Don Tyson until the day he died. And while I don't see John Tyson, his son, that much, I consider John Tyson a friend. John Tyson made an extraordinarily generous contribution on my behalf to the Brady United Group because I do some work on gun control. That was really, really very nice of him. And so I have a soft spot in my heart for Tyson Foods. And I eat a lot of their chicken too.

MS. FEIGIN: [laughter] Okay, that's a good point to segue into the Brady gun control work, which I had hoped to talk about today anyway. You told us early on that you had been a hunter, which was interesting.

MR. GREEN: More importantly though, I think having served in the Army and having been sent to Vietnam, walking around with an M16 which is a semi-automatic rifle designed to kill a lot of people -- I just don't think civilians ought to be walking around with guns that were designed for fighting in a war.

I could talk about the Second Amendment and how the Supreme Court has screwed up the Second Amendment for hours. I lay a lot of what happens and has happened in this country at their feet. I'm not sure they're living in the United States. I think maybe every day they take a jet and fly to sleep in Aruba or somewhere. They are so out of touch on the issue of gun violence it's unbelievable.

I don't want to overstate what I do for Brady. When called upon I try to help them to think about a case or strategy. They have a very talented staff and great people. But they know I'm out there. They have consulted me from time to time. I'm working on a case for them right now. And maybe one of these days one of these cases will come along and I'll help them try the case. I don't know.

MS. FEIGIN: Can you talk about the case or any of the cases you have worked on for them?

MR. GREEN: In the case I'm working on right now, I can just basically say that the city of Gary, Indiana has sued gun dealers in Gary and the principal gun manufacturers, trying to hold them liable under various theories for the scourge of guns, many of which show up in Chicago. A lot of the guns in Chicago come from Gary, Indiana. So they're trying to shut down the bad dealers and trying to implicate the manufacturers in this process as well, because they are as responsible really for the mess in this country as their dealers who sell the guns to the public.

It's tough sledding. And the Indiana legislature, to show you how crazy this whole thing is, the Indiana legislature, in an effort to try to kill this case, passed a law which said that cities do not have standing. Cities do not have standing to sue for gun violence or they can't sue manufacturers, and they took jurisdiction away from all the cities in Indiana just basically to stop this case. But the trial judge -- I haven't read the opinion -- recently ruled that can't be applied retroactively, so he's letting this case go forward. I don't know how it's going to end up, but that's an example. Tough sledding.

MS. FEIGIN: Before we end today's session, let's discuss one other thing that you are involved in. I know you are involved in many philanthropic pursuits. Brady is one. The Kennedy Center is another. How did you get involved with the Kennedy Center?

MR. GREEN: As I discussed earlier [Session 2], I grew up loving classical music. I grew up in the 40s and 50s before rock and roll. It was country music and that kind of stuff. But when I was young, I had an older cousin by marriage who was in the music business. And he eventually went to work with Deutsche Grammophon, one of the great producers of classical LP, long playing records back in the day. Deutsche Grammophon is still, I think, a big force. And every time there was a new pressing of a classical piece he would send it to me. So I had a record collection, and I just fell in love with classical music and always have loved classical music.

When I came to Washington in 1967 following my service in Vietnam, I got season tickets for the Philadelphia Orchestra that was playing a six-concert series at the Daughters of the American Revolution Hall on Constitution Avenue. I went to those concerts for a number of years. But then the Philadelphia Orchestra stopped coming here so I switched to the National Symphony Orchestra. And I've been going to National Symphony Orchestra concerts for 40, 45 years.

I'm now on the NSO board, which I joined about ten years ago. I'm sure I have the longest tenure as a subscriber to the symphony concerts. A woman I know, a very lovely woman, Cathy McCulloch, talked to me about joining the board. I joined the board and through one thing or another, maybe because I love classical music so much and it was apparent, I was eventually elected to be the treasurer of the symphony orchestra. I've held that position far longer than I'm supposed to be holding it, but because of COVID and this and that other, they wanted some continuity. So I've been in that position now for almost six years, but that's going to come to an end. Probably next summer I'll wind down my obligations as treasurer. But I've been active. I sit on the Executive Committee as well. And that's a labor of love; it takes a lot to keep that symphony orchestra going. I might have to hit you up for a contribution here. [laughter] So yeah, I'll probably just continue to stay on the board.

MS. FEIGIN: You're on the board of the Symphony Orchestra or the Kennedy Center?

MR. GREEN: I'm on the board of the National Symphony Orchestra. I'm the treasurer and chairman of the National Symphony Orchestra Finance Committee. But by virtue of being the treasurer and the chairman of the Finance Committee, I sit on the Kennedy Center Finance Committee so I'm privy to the operations of the Kennedy Center.

MS. FEIGIN: Something you mentioned in an earlier session which I found fascinating is that you've studied conducting.

MR. GREEN: I studied how to read a score, how to read the conductor's score.

MS. FEIGIN: Is that very complex?

MR. GREEN: It depends on the music. If the conductor is at the podium to conduct a Shostakovich Symphony let's say, there could be 10, 12 categories of instruments all on one page, across the page. It gets pretty complicated. If it's a piano sonata, it's not so complicated.

MS. FEIGIN: When you go to a concert do you take the score with you to try to see how it works?

MR. GREEN: I have not attempted that yet; it's too hard. I need to practice. I'm in awe of the conductors. I don't have this affinity. They have their own talent. And putting aside the actual physical conducting that presents cues to the orchestra, but just to read and synthesize that score. They know the music; they familiarize themselves with the piece they're going to conduct. Our conductor, Giandrea Noseda, an incredibly talented and respected artist, I'm sure he's conducted, let's say Beethoven's Fifth Symphony, a hundred times; he gets to know it. But when you're looking at a new piece of

music, more likely than not, they have to look at all these lines of music. There's a line for each kind of instrument across the page. And they have to synthesize that to know which instruments to cue to come on board on the music. It's quite remarkable that they can do it.

MS. FEIGIN: And sometimes they do it without the score.

MR. GREEN: Yes. They just know the music so well. As I say, they've conducted that piece over and over in their lifetime.

MS. FEIGIN: I've been told that you are such a devotée that you actually go to Europe for their concerts.

MR. GREEN: When I'm in Europe, I try to go to the concerts. I've yet to go to the Salzburg Music Festival or the Edinburgh Music Festival but that's kind of on my agenda to see if I can find a way to get that accomplished.

MS. FEIGIN: I hope you do. So we'll end today's session here, and I much look forward to the next one. Thank you.