

Judicial Profile

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Chief Judge William P. Greene Jr. U.S. Court of Appeals for Veterans Claims

CHIEF JUDGE WILLIAM P. GREENE JR. grew up in Bluefield, a small coal town nestled in a broad valley in the southern Appalachian mountain range of West Virginia. The 1940s was an era of Jim Crow, with almost total segregation between the white and black communities in Bluefield. The only occasions on which he ventured into a white community were when he accompanied his grandparents or parents as they cooked, cleaned, gardened, or performed other domestic chores for white townspeople.

Chief Judge Greene learned the value of hard work from his grandparents, parents, and others in the tight-knit black community. His grandfather, once a school-teacher, worked on the rail cars that hauled rich bituminous coal from the region's many coal mines. Chief Judge Greene's grandmother worked as domestic help in the home of a white family. His father worked on the railroads while pursuing a degree in music and English from Bluefield State College, an institution originally founded in 1895 as the Bluefield Colored Institute to train African-American teachers for the country's segregated schools. After earning his degree, the judge's father worked as a high school teacher; but on nights and weekends he worked at many other jobs, including jobs at a local newspaper, as a gardener, as a musician, and as a facilities engineer at an elementary school. Chief Judge Greene's mother, also a graduate of Bluefield State College, taught piano and directed the church children's choir.

Chief Judge Greene's father was drafted into the Army shortly after the attack on Pearl Harbor. Like society at the time, the Army was officially segregated; black units required black officers. Because he had a college degree, his father was selected for Officer Candidate School and commissioned as a second lieutenant. Although most African-American units were relegated to support functions, Chief Judge Greene's father was assigned to the 92nd Infantry Division—the famed “Buffalo Soldiers”—the only African-American infantry unit to see combat in Europe during World War II.



After the war, the judge's father rejoined his family in Bluefield. He would have liked to stay active in the Army Reserves, but at the time there were no black units in the active Reserve, and the idea of a black officer commanding white troops was simply unthinkable. Therefore, he was forced into the inactive Reserves. Despite his status as an “inactive” Reserve, Chief Judge Greene's father was one of the first people recalled to active duty during the Korean conflict, where he served for a year, then again returned to his family in Bluefield. Only now, he decided to remain in the Army instead of returning to teaching and his many part-time jobs. He announced that the family would be moving to Fort Knox, Ky.—a daunting prospect for Chief Judge Greene, then nine years old. Other than short jaunts with his grandfather or father on local passenger trains, Chief Judge Greene had barely been outside of Bluefield.

The family arrived at Fort Knox in 1953, shortly after President Truman ordered the armed forces desegregated. His father was assigned an on-post house, and Chief Judge Greene attended one of several elementary schools on the massive Army post. For the first time, Chief Judge Greene had white neighbors and white classmates. He fell into his new routine

quickly and made many lifelong friends.

A few years later, Chief Judge Greene's father was transferred to Oklahoma to head up the ROTC program at Langston University, a historically black college. Chief Judge Greene was again thrust into a totally segregated environment in a small town in Oklahoma, where schools remained firmly segregated even in the wake of the Supreme Court's decision in *Brown v. Board of Education*. Chief Judge Greene attended a laboratory school located on the grounds of the university, where university students honed their teaching skills. Most of the actual teachers had either master's degrees or doctorates. Chief Judge Greene reports that he was "surrounded by an aura of intellectualism and excellence that instilled a lifelong respect for the value of education."

From Oklahoma, Chief Judge Greene's father received orders back to Fort Knox, but a lack of on-post housing required Chief Judge Greene and his mother to return to Bluefield for nearly a year. Chief Judge Greene finished the ninth grade in Bluefield and renewed many old friendships, including one with his future wife, Madeline. The idea of becoming a lawyer began to coalesce in his mind. His experiences in Langston convinced him that he should pursue an advanced degree. He thought about becoming a doctor or an architect, but he struggled with math and chemistry. He received inspiration and encouragement from James Redmond, the only African-American lawyer in the town, where he was widely respected and admired and a leader in the community.

The following year, Chief Judge Greene and his mother rejoined his father at Fort Knox, where the judge became captain of the basketball team and ultimately graduated from the post high school, Fort Knox High. His desire to become a lawyer was widely known among his classmates. In his yearbook, he listed lawyer as his chosen ambition, and the yearbook's cartoonist took the liberty of drawing a caricature of the judge standing at a lectern, apparently making an argument—in a military uniform. Although prophetic, at the time Chief Judge Greene had no intention of following his father's footsteps into the Army.

After graduating from high school, Chief Judge Greene attended West Virginia State University, which, according to the judge, "was and is a living laboratory of social change." West Virginia State was one of the first colleges to fully integrate, going from a totally black student body at the time of *Brown v. Board of Education* in 1954 to a 50/50 mix by the time Chief Judge Greene started his studies there in 1961. West Virginia State was a land-grant college, where Army ROTC was a required course. Despite not wanting anything to do with the Army initially, he quickly became gung-ho, polishing his boots with gusto and wearing his uniform with pride. He became the cadet commander and commanded the Pershing Rifles Drill Team. He recounts, "I was sickening, probably." When not engaged with ROTC, he studied political



Chief Judge Greene upon retirement from the Army by the Buffalo Soilder Monument at Fort Leavenworth, Kansas.

science, because he was still intent on becoming a lawyer one day.

But his Army ambitions won out temporarily. He accepted an Army commission and was designated to serve with the Armor Branch. He wanted "to jump out of airplanes and be an Army Ranger." Following graduation, he was visiting his father, who was then stationed at Fort Meade near Washington, D.C., while awaiting orders to jump school. His father encouraged him to visit the Army Personnel Command and review his record, advising him to "find out what's going on in your program." Chief Judge Greene got in his car and drove to the Pentagon, not sure just where the Personnel Command was. In a bit of serendipity at which he still marvels, he found himself lost in the byzantine belly of the Pentagon. While wondering around the building's E-Ring, he stumbled across a sign that read "The Judge Advocate General's Corps." While the judge stared at the sign, an officer passed by and introduced himself. Chief Judge Greene asked, "how do you get in JAG, anyway?" The officer brought him into the office and explained the various options—one of which was the "excess leave" program, in which regular Army officers could earn service credit (but not pay) while pursuing a law degree. Chief Judge Greene quickly assembled an application and was accepted, on the condition that he take the LSAT and find a law school that would admit him for the next semester—no mean feat given that it was already June.

He called West Virginia University College of Law but was informed the class was filled. But the former registrar at West Virginia State was now the registrar at Howard University, so the West Virginia registrar sent Chief Judge Greene to him. Luckily, Howard still had an opening and Chief Judge Greene was admitted a scant six weeks before class started. For the next three years, Chief Judge Greene studied at Howard and interned in Army JAG offices at the Pentagon and the military district of Washington, D.C. He also found

time to marry his childhood sweetheart, Madeline, and have a son, Billy. Chief Judge Greene graduated from Howard University Law School in 1968, passed the West Virginia Bar, and was commissioned as an officer in the Army Judge Advocate General's Corps.

Chief Judge Greene's first assignment was at his old stomping ground of Fort Knox, where he performed duties as a courts-martial prosecutor and trial defense counsel. At the time, Army courts-martial practice was a high-volume business. In 1968, the Army was the largest it had been since the Korean War, and the majority of the troops were conscripts—many none too happy to be in the Army. When he first arrived in his new office, there were case files stacked several feet high on his desk—cases waiting to be tried. Many of his clients were facing their second or third courts-martial. It was not unusual for him to take four or five clients into court for a mass arraignment and then try their cases one after the other. Chief Judge Greene discovered that he was a natural for trial work. "It was where I belonged," he says. He found that his childhood experiences of learning to get along with a wide variety of people under a wide variety of circumstances gave him a natural rapport with the soldiers. When he wasn't in the courtroom, he spent most of his time in the barracks, talking with his clients, unit leaders, and witnesses. Because military defense counsel have relatively few resources at their disposal, they typically act as their own investigators. He developed a reputation as a fierce advocate, and soon soldiers from all over the post were seeking his services—on cases involving everything from being absent without leave to premeditated murder.

During this time, Chief Judge Greene and Madeline had their second son, Jeff. In 1970, knowing that it was just a matter of time before he received orders to go to Vietnam; Chief Judge Greene decided to take his destiny into his own hands and volunteered. He was told "we'll call you back," and about a month later, he received a return call asking if he'd consider going to Hawaii instead. His first thought was "well, I like this organization." He didn't realize it at the time, but his tour in Hawaii was closely tied to events in Vietnam. Racial polarization and racial tensions in the Vietnamese theater were escalating. Drug use was rampant. Racial confrontations led to violent crimes. There had been a particularly violent race riot at a military prison in Long Bien. The perception, if not the reality, was that a disproportionate number of minority soldiers were being court-martialed. Many black soldiers facing court-martial wanted a black defense counsel, but they hadn't seen any in uniform. At the time, of the 1,500 JAGs in the Army, 12 were African-American and none of them were serving in Vietnam.

Instead of sending an African-American defense counsel into Vietnam—and potentially further exacerbating racial tensions—the decision was made to transfer many of the Vietnam cases to Hawaii for trial. Chief Judge Greene estimates that he tried more than

a thousand cases during his three-year tenure in Hawaii. Toward the end of his tour, he received several offers from civilian practitioners to leave the Army and work in private practice in Hawaii. But he had remaining obligated service from the excess leave program, and the Army wouldn't let him resign. Instead, Chief Judge Greene was selected for advanced training at the Army JAG School in Charlottesville, Va.

In 1973, Chief Judge Greene was selected to head up the Army Judge Advocate General Corp's recruiting program. Although he was well-known and well-regarded for his courtroom prowess, this position cemented his reputation as a rising star in the Army JAG Corps. He met or exceeded the Army's JAG recruiting and accession goals, despite the Army's popularity being at an all-time low following the Vietnam War. He increased the number of minority JAGs by 200 percent—from 30 to 90, including the first female African-American JAG officer. Chief Judge Greene proudly points out that he recruited the current leadership of the Army JAG Corps, including Maj. Gen. Scott C. Black, the current judge advocate general of the Army. It was during this tour that Chief Judge Greene began his long association with the Federal Bar Association, where he remains a member of the Pentagon Chapter.

From this post, Chief Judge Greene was off to Wuerzburg, Germany, as the deputy staff judge advocate for the Third Infantry Division, where he put the minor in German language he had earned in college to good use. Among his many other duties, he was called in as an observer under the Status of Forces Agreement when American soldiers were tried in German courts for local offenses.

In 1980, he was selected to attend the Army's Command and General Staff College. He was then assigned as chief of the Criminal Law Division at the Army Judge Advocate General's School in Charlottesville, Va., on the grounds of the University of Virginia. He developed a comparative law class and advanced trial advocacy course attended by JAGs of all the services. Chief Judge Greene also developed a reputation as an expert in military criminal law. By the end of his three-year tour, his oldest son was approaching his senior year in high school, and Chief Judge Greene was facing the prospect of another duty assignment overseas. Instead of uprooting his family for a typical three-year tour of duty, he elected a one-year unaccompanied tour in Korea as staff judge advocate to the Second Infantry Division. Although he missed his family terribly, the conditions were rugged, and the work was relentless, he describes the year as his most rewarding tour of duty. It was here that he felt he could "put it all together"—drawing on his many varied experiences to be the lead legal adviser dealing with everything from settling minor tort claims to combating black marketing and conducting international diplomacy.

Following his year in Korea, Chief Judge Greene

was selected for the prestigious Army War College, a high honor for a JAG, where he studied alongside the future leaders of the U.S. military. Following graduation, he was assigned as the staff judge advocate at the U.S. Military Academy, where he had to face an entirely new set of unique challenges, such as compliance with the rules set by the National Collegiate Athletic Association and academic honor codes. He describes himself as a “West Point groupie” and says he “never wanted leave.” He even considered taking a permanent teaching position at the academy.

But the lure of new challenges and new experiences led Chief Judge Greene to accept yet another position as a staff judge advocate—this time at Fort Leavenworth, Kansas, the home of the U.S. military’s only maximum security prison. During this tour, Chief Judge Greene was involved in the construction and dedication of the Buffalo Soldier Monument, which was located on the garrison grounds. Chief Judge Greene also began to seriously contemplate his post-Army career. He considered various options, including teaching and politics.

Some years earlier, an old friend of his—the deputy chief U.S. immigration judge at the time—had encouraged Chief Judge Greene to consider taking a position as an immigration judge. Chief Judge Greene submitted his résumé but later decided that he wasn’t ready to leave the JAG Corps. Four years later, however, he received another call—this time from a new deputy chief immigration judge, who had come across Chief Judge Greene’s old résumé and invited him to interview for a position. Although Chief Judge Greene hadn’t yet decided to leave the Army, he thought, “when opportunity knocks, you can’t say ‘wait, let me pack my bags.’” He flew to Washington for an intense interview and, a short time later, was notified that he had been selected and his name would be submitted to the U.S. attorney general.

But then the reality of leaving the Army hit home. He had been, in effect, a part of the Army since the age of nine. With his stellar record, he was a leading candidate for the highest ranks of the JAG Corps, yet he longed for the opportunity to return to the courtroom, and he knew that, if he wasn’t selected for flag rank, he would face mandatory retirement in three years. By then, the opportunity to be an immigration judge might have slipped away. After agonizing over the decision for a few days with Madeline, he came up with an unorthodox, if effective, decision-making method while walking from his on-post house to work one morning. “The left foot is ‘yes,’ and the right foot is ‘no,’ and wherever I was when I stopped at my desk, that was going to be the decision.” He landed on his left foot and immediately sat down to call Army headquarters to announce his retirement.

Three months later, in June 1993, he was appointed as an immigration judge in Baltimore, Md., and also covered Buffalo, Pittsburgh, Harrisburg, and Philadelphia. He found the work of an immigration judge to



Chief Judge Greene with his family.

be grueling, but rewarding. He handled approximately 1,000 cases per year on all manner of immigration matters. He developed a reputation as an exacting, yet compassionate, judge. Throughout it all, he never lost his appreciation for the profound impact his decisions had on the individuals who appeared before him. He notes, in typically understated manner, that “they were important decisions.”

Although he was reveling in his return to the courtroom and the work he was doing, opportunity knocked yet again in 1996. Another old friend informed him of a search for potential candidates for appointment as a judge on the U.S. Court of Veterans Appeals. Chief Judge Greene elected to throw his hat in the ring. In early 1997, he was interrupted in court by a phone call from Madeline. Fearing a family emergency, he was relieved and excited to learn that the White House had called and the President intended to nominate him to the veterans’ court. After nearly a year of being vetted and confirmed by the Senate, Chief Judge Greene was installed as a judge on the Court of Veterans Appeals on Nov. 24, 1997.

The U.S. Court of Veterans Appeals was renamed the U.S. Court of Appeals for Veterans Claims in 1998. A national court of record, established under Article I of the Constitution, the court has exclusive jurisdiction to provide judicial review of final decisions by the Board of Veterans Appeals (BVA), an entity within the Department of Veterans Affairs. The court itself, however, is completely independent of the department.

Veterans’ claims related to entitlement to benefits for service-connected disabilities, educational benefits, vocational training, and other programs are first adjudicated in the various regional offices of the Department of Veterans Affairs; those decisions may be appealed to the BVA. Until 1988, there had been no judicial review of a BVA decision; but in 1988 Congress passed the Veterans’ Judicial Review Act, establishing the U.S. Court of Appeals for Veterans Claims, which consists of seven judges, who are appointed to 13- or 15-year terms. The senior judge is designated

as chief judge. Chief Judge Greene assumed duties as chief judge on Aug. 8, 2005, when the last of the original seven judges retired.

Chief Judge Greene, as a veteran himself, considers it a great honor to serve on a court that is dedicated to ensuring justice for the men and women who have served our armed forces. He states that he has the “greatest regard for the veterans that come before this court.” Life as an appellate judge, however, has taken some adjustment. A gregarious and outgoing man, Chief Judge Greene reports that he misses the almost constant interaction with colleagues, clients, and litigants that he experienced in his former life as an Army JAG and immigration judge. But his experience in high-volume litigation has served him well. The Court of Appeals for Veterans Claims is one of the busiest federal appellate courts in the nation, with the volume of appeals it handles increasing almost daily. At the end of 2005, the court received an average of 200 appeals per month; less than two years later, that number stands at more than 300 per month, with every indication that the increase will continue. Chief Judge Greene describes the sheer volume of cases as the court’s most significant challenge, but he says that he looks forward to meeting that challenge with his six colleagues, with whom he greatly enjoys working.

One major project the chief judge hopes to see through in his remaining five years on the court is the construction of a dedicated courthouse in the metropolitan Washington, D.C., area. The court is currently housed in comfortable—albeit nondescript—commercial office space in downtown Washington, D.C. The General Services Administration has completed a feasibility study for construction of a Veterans Courthouse and Justice Center, which will house the court, along with the appellate litigation branches of various veterans service organizations. Chief Judge Greene is hopeful that Congress will support construction of a dedicated courthouse and justice center for veterans as a symbol of gratitude and respect to the veterans and their families who have given so much of themselves in the service of the nation.

In speaking with those who have known and worked with Chief Judge Greene, it is readily apparent that he has an extraordinary talent for building and maintaining personal relationships. Maj. Gen. William K. Suter, USA (Ret.), clerk of the U.S. Supreme Court, has known Chief Judge Greene personally and professionally for more than three decades. Gen. Suter states, “Bill is a wonderful and decent man—no one can say a bad thing about him. He is a bright lawyer, a talented leader, and one with whom you want to associate. He was a splendid Army judge advocate and is respected as a fair and impartial immigration judge and a Court of Veterans Appeals judge.” Gen. Suter also notes that Chief Judge Greene is well-known for his keen sense of humor, and smile, “which is always showing.” It is also reported that Chief Judge Greene

can do a fantastic Ray Charles impersonation.

Chief Judge Greene’s personal pursuits include photography, golfing, and traveling to visit with the many friends he and Madeline have acquired over the years. His oldest son, Bill, currently lives in Chicago; his youngest son, Jeff, is an Army physician in San Antonio. Between the two, they have yielded five treasured grandchildren for the chief judge and his wife.

In reflecting upon his career, Chief Judge Greene remarks that he has been extraordinarily lucky. As Thomas Jefferson once commented, “I’m a great believer in luck and I find the harder I work, the more I have of it.” And Chief Judge Greene’s career is marked by no shortage of hard work. He reports that the words of advice he received from his grandfather upon entering first grade in Bluefield, West Virginia, have served him well—“If a task has once begun. Never leave it till it’s done. Be the labor great or small. Do it well or not at all.” “Doing it well” aptly characterizes Chief Judge Greene’s impressive career of public service. **TFL**

Jeffrey C. Good is the president of the Judge Advocates Association and past president of the FBA Pentagon Chapter. He currently works as an attorney-advisor for the FBI in Washington, D.C. © 2007 Jeffrey C. Good. All rights reserved.