

NOMINATION OF JOHN PAUL STEVENS TO BE A JUSTICE OF THE SUPREME COURT

MONDAY, DECEMBER 8, 1975

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The committee met, pursuant to notice, at 10:45 a.m., in room 2228, Dirksen Senate Office Building, Senator James O. Eastland, chairman, presiding.

Present: Senators Eastland, McClellan, Hart, Kennedy, Byrd, Abourezk, Hruska, Scott of Pennsylvania, Thurmond, Mathias, and Scott of Virginia.

Also present: Peter M. Stockett, Francis C. Rosenberger, Thomas D. Hart, J. C. Argetsinger, and Hite McLean, of the committee staff.

Chairman EASTLAND. The committee will come to order.

Senator MATHIAS. One of the elements of the Committee's discussion will inevitably be Mr. Stevens' medical record, and I think it would be more appropriate if the committee viewed the medical records in executive session. For that reason, and in accordance with the rules, I move that the committee go into executive session for that purpose.

Senator HRUSKA. Limited to that purpose?

Senator MATHIAS. Yes.

Senator HRUSKA. I amend the motion, Mr. Chairman, to be "and for other purposes" because there are some other purposes. I offer that as an amendment.

Senator ABOUREZK. Mr. Chairman, I think the purposes ought to be stated in the motion.

Senator KENNEDY. Mr. Chairman, would it be limited to the issues that were raised in the letter of December 2, to you? Would that satisfy Senator Abourezk?

[The letter of December 2, 1975, to the chairman, referred to, follows.]

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., December 2, 1975.

HON. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate

DEAR MR. CHAIRMAN: In carrying out the Committee's responsibility to advise the Senate with respect to the qualifications of Judge John Paul Stevens to become an Associate Justice of the Supreme Court of the United States, we are hopeful that the Committee will conduct the most thorough practicable investigation of the nominee.

To this end, we respectfully suggest that the following steps by the Committee at this time would be helpful and desirable to inform the Committee fully with respect to Judge Stevens' fitness for the high office to which he has been nominated.

A request to Judge Stevens for full disclosure to the Committee of his personal health and finances, and for a list of the major clients he represented in his private law practice.

A request to the Attorney General for a complete and thorough investigation by the FBI of Judge Stevens' qualifications.

A request to the Joint Committee on Internal Revenue Taxation for a study and analysis of the Federal and State income and other tax returns filed by Judge Stevens, or returns filed by others which might relate to his income or holdings, for the period beginning with calendar year 1965, and a similar study and analysis by the Joint Committee of Judge Stevens' financial statements for that period.

Requests to the appropriate State and local bar associations, including minority and specialized bar associations, for information relating to the nomination.

As you know, Judge Stevens has already indicated his willingness and desire to cooperate fully with the Committee. We believe that the above information, analyses, and other materials are essential for the Committee to carry out its important responsibilities with respect to the nomination. We also believe that these materials can be provided expeditiously to the Committee, without delaying the Committee's schedule for consideration of nomination, and with appropriate regard for the confidentiality of the information and the protection of Judge Stevens' personal privacy.

We look forward to your favorable action on these requests and to the Committee's early action on the nomination.

Respectfully,

PHILIP A. HART,
EDWARD M. KENNEDY,
BIRCH BAYH,
QUENTIN N. BURDICK,
JOHN V. TUNNEY,
CHARLES MCC. MATHIAS, Jr.

Senator ABOUREZK. Yes.

Senator KENNEDY. They have been stated publicly in the press and I believe that if we limit the motion to those matters it will make sense.

Does the Senator so amend his motion?

Senator MATHIAS. Yes.

Senator HRUSKA. What is the letter?

Senator KENNEDY. The letter which was sent by six members of the committee suggesting steps which would be helpful to inform the committee in regard to the nominee's personal health and finances, and the investigation by the FBI of the nominee's qualification, and it also suggested requests to the bar associations, including minority and specialized bar associations, for information relating to the nomination. I ask that the letter be made a part of the record.

Senator HRUSKA. The motion would embrace the matters stated in the December 2 letter to the chairman?

Senator MATHIAS. I so move, Mr. Chairman.

Senator KENNEDY. It would not cover anything beyond those matters.

Chairman EASTLAND. All in favor say "Aye."

[Ayes were heard.]

Chairman EASTLAND. Opposed, "No."

[There was no response.]

Chairman EASTLAND. It is so ordered.

[Whereupon, the committee went into executive session after which the open session was resumed.]

Chairman EASTLAND. The committee will come to order.

I will place in the record the biographical sketch of the nominee which has been prepared by the Department of Justice.

[The biographical sketch referred to follows:]