

I received a response in due course which I just found the other day, and I would just like to read, if I may, a sentence or two from it.

After identifying the date—and it is on the Rush-Presbyterian St. Luke's Medical Center multiple risk factor intervention trial letter-head—it says:

Dear Sir:

As we indicated to you at that visit, only men with certain risk characteristics would be invited into the Program. The results of this examination and our method of measuring risk indicate that your risk levels do not reach the risk requirements of the Heart Attack Prevention Program. Consequently, we are unable to enroll you into the program. We have put an asterisk on any of the results which in our opinion suggest potential problems that you should discuss with your personal physician to find out their meaning.

And there are no asterisks on the report. I was denied permission to participate. I might say that in the course of the investigation, no one saw my scar and they were not aware of my operation. So, it was a completely neutral appraisal.

Two other things I would like to say on this subject, because I do think it is an appropriate subject for the committee to consider: My family has a history of longevity. My mother is now 94 years of age, and she is still alive. My father died about a week before his 88th birthday. Their parents had similar histories. But, most important, is that I would like to assure the committee that if I had any doubt whatsoever about my physical capacity to accept this responsibility—I have very much in mind what Senator McClellan said about the importance of the position—I can assure you if I had any doubt I would not be sitting here today.

Chairman EASTLAND. I will put in the record at this time the letter from Dr. Lewis A. Hare, of Oak Lawn, Ill. He is your regular doctor, is he not?

Judge STEVENS. Yes; he is.

Chairman EASTLAND. And the letters from Dr. Frank C. Bender, of Plainfield, Ill.; Dr. Robert W. Jamplis, executive director, Palo Alto Medical Clinic, and Dr. Norman E. Shumway, of Stanford, Calif. Dr. Shumway performed the operation?

Judge STEVENS. Yes; he did.

Chairman EASTLAND. They will go in the record at this time.

[The letters referred to follow:]

LEWIS A. HARE, M.D.,  
Oak Lawn, Ill., December 2, 1975.

HON. JAMES O. EASTLAND,  
Chairman, Senate Judiciary Committee,  
U. S. Senate, Washington, D.C.

DEAR SIR: I have been requested by Judge John Paul Stevens to provide information relative to his health.

Judge Stevens has been a patient of mine since June 1955. Prior to that, Mrs. Stevens' family had been patients of mine prior to World War II. I have known them quite intimately as patients for a number of years.

Judge Stevens' health had been remarkable up until the episode that brought him to my office and for which he was subsequently hospitalized with ischemic heart disease characterized by anginal pain of mild intensity. He was seen on December 20, 1973 with symptomatology relative to this condition and subsequently hospitalized. A complete cardiovascular workup was performed and a bypass surgical intervention was recommended.

Upon my advice he was seen by cardiovascular surgeon Dr. N. Shumway who is chairman of the Department of Cardiovascular Surgery at Stanford University Medical Center and is acclaimed as one of the leading cardiovascular surgeons in the world.

Dr. Shumway concurred in my recommendation and Judge Stevens decided to have him and his group do the surgical intervention which was performed on August 6, 1974. A saphenous bypass graft was implanted between the aorta and distal left anterior descending coronary artery. I quote in part Dr. Shumway's report to me: "The cardiac muscle looked very strong in this patient. There were many excellent branches coming over to the anterior surface from the large and unobstructed left circumflex coronary artery. The LAD was a vessel of substantial size and it was possible to implant a very satisfactory saphenous vein graft into the distal LAD."

Judge Stevens remained at a Holiday Inn in Palo Alto for a week after surgery to convalesce. He was subsequently seen by me after he returned to Chicago. He continued to recover at a rapid pace. I had difficulty in restricting him from flying his own plane which he did unknown to me one month after the surgical intervention.

At the time of his original examination I discovered that the patient had a polyp of the sigmoid colon which subsequently was removed and the hospitalization was from January 27, 1974 through February 3, 1974 by colonoscopy with no untoward affect. The lesion biopsy was benign.

Judge Stevens has continued his former pace of work with no untoward effects and was last seen by me in my office several months after the last surgery. He has remained in good health up to the present time and I hopefully anticipate no further difficulty relative to the prior problem.

If I may add my own personal opinion relative to this nomination for Supreme Court Judge, I feel that he is the finest individual that could be recommended for this position.

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FRANK C. BENDER, M.D., S.C.,  
*Plainfield, Ill., December 2, 1975.*

HON. JAMES O. EASTLAND,  
*Chairman, Senate Judiciary Committee, U. S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: I have been requested by Judge John Paul Stevens to provide relevant information regarding his health. I performed a physical examination on Judge Stevens on 11 Nov., '75 at which time he gave a history of a coronary bypass in August of 1974 and the removal of a colon polyp in May 1975. I found him to be in excellent physical condition and advised him that I considered him very fit.

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PALO ALTO MEDICAL CLINIC,  
*Palo Alto, Calif., December 2, 1975.*

HON. JAMES O. EASTLAND,  
*Chairman, Senate Judiciary Committee, U.S. Senate, Washington, D.C.*

DEAR CHAIRMAN: Judge John Paul Stevens first consulted me at the Palo Alto Clinic in the late spring of 1974. He had been experiencing anterior chest pain on exertion and angiograms taken in Chicago showed that one of the three vessels to the heart was blocked. Dr. Joel Friedman of our cardiology department and Dr. Norman Shumway, who is professor of surgery at Stanford University, were consulted, and the three of us felt that surgery was indicated. The Judge underwent successful surgery the first week of August 1974, the coronary bypass being performed by Dr. Shumway. Only one bypass was done, namely to the anterior descending coronary artery. He had a very large circumflex artery and the right coronary artery was small, but normal.

He had a very remarkable recovery leaving the hospital about six days post-operatively and his convalescence was unremarkable. It is my opinion that because he had only one vessel disease and because the heart muscle itself was good, his prognosis is excellent for a long and productive life.

If there is any further information which you desire, please do not hesitate to contact me.

Sincerely yours,

ROBERT W. JAMPLIS, M.D.  
*Executive Director.*

STANFORD UNIVERSITY SCHOOL OF MEDICINE,  
DEPARTMENT OF CARDIOVASCULAR SURGERY,  
Stanford, Calif., December 2, 1975.

HON. JAMES O. EASTLAND,  
*Chairman, Senate Judiciary Committee,*  
*U.S. Senate,*  
*Washington, D.C.*

DEAR CHAIRMAN: Judge John Paul Stevens underwent successful cardiac surgery at the Stanford University Hospital on 6 August 1974. He had entered the hospital on August 4, 1974 and the date of discharge was August 11, 1974. A single reverse segment saphenous vein aortocoronary bypass graft was implanted between the ascending aorta and a large distal left anterior descending coronary vessel. The myocardium appeared strong, and there were many branches emanating from the large and unobstructed left circumflex coronary artery. The right coronary artery, although perfectly normal, is relatively small.

The postoperative course was negotiated in record time, and the convalescence was similarly uneventful. At the present time Judge Stevens is fully and unrestrictedly active. His prognosis for continued good health is excellent.

If there is any further information that would be of help to the Committee, please be in touch with me.

Sincerely yours,

NORMAN E. SHUMWAY, M.D.,  
*Professor and Chairman.*

Senator HART. I really do not envy you the nomination, but I do envy you your medical record.

Judge STEVENS. Thank you, Senator.

Senator HART. I have no questions. But I would like to make a brief comment. A number of us, under the leadership, really, of Senator Kennedy, directed a letter to the chairman asking for some specifics and I would hope, inasmuch as we now have a nominee where the further we pursue, if you will, the better will he look, that we will establish in this hearing a set of standards that will apply hereafter. The committee over the years has developed certain procedures and never really formalized them. It is our hope that, as a result of the procedure that we apply in the nomination of Judge Stevens, that is hereafter we have a nominee where there is a feeling that the further we pursue, the more trouble we will get, that we will nonetheless have these standards to follow.

The inquiries we make of you, Judge, are made not in anticipation of getting bad answers, but in the constant belief we will get good answers. Whether the press believes it or not, I think no member of the committee, certainly not I, ever enjoyed dismantling any of those earlier nominations. It is nice to anticipate that we will not have that happen, that we will not have any trouble.

Finally, it is not the Senators on this committee that have to worry as much as the staff members. The staff of the Antitrust Subcommittee, for example, tell me that they have read all your antitrust opinions, and they report all the good things that have been said about you, the clarity of expression, the balance with which you present the different points of view, and the restrained conclusions to which you come. They gave me no mean questions to ask you.

I will not even ask you to respond to Senator Stevenson's comment in his introduction when he said your record on the bench indicates that you see it as your duty to apply the law and not to make it. Certainly that would be expected of you as an appellate judge. But if you want to comment upon what the role of the Supreme Court Judge is with respect to making law, you could do it.