

Senator BURDICK. The purpose of the hearings is to get evidence and not to get impressions or argument. The purpose of the hearing is to get evidence. That is what we are trying to get on the qualifications of Mr. Stevens. Now you have started your testimony by reading your affidavit, which you have read in full, which I have before me.

As I look through this affidavit, I find it replete with—I will quote some of it. "This led to a series of discussions with Mr. Torshen." Then again, "Mr. Torshen and I discussed the work." Again, "Mr. Torshen assured me." "Mr. Torshen assured me," again. And again, "Mr. Torshen assured me." Again, "Mr. Torshen mentioned." Again "Mr. Torshen had strong indications, gave strong indications." Again, "during the scope of our conversation, Mr. Torshen repeatedly referred to."

Now, that is your affidavit. I do not find one piece of direct evidence in that affidavit. Do you have any?

Mr. MARTIN-TRIGONA. Senator, I believe the affidavit speaks for itself. It is evidence that this question is raised.

Senator BURDICK. Just a minute. I have given you lots of latitude. Do you have any evidence of what you say Mr. Torshen told you of your own knowledge?

Mr. MARTIN-TRIGONA. How would it be possible?

Senator BURDICK. I am just asking, do you have any?

Mr. MARTIN-TRIGONA. Yes, I think the evidence is my testimony.

Senator BURDICK. What is that?

Mr. MARTIN-TRIGONA. Senator, I believe the evidence as presented in a court of law in an administrative proceeding or a committee hearing is testimony. I have been sworn and I have testified as to these facts and circumstances.

Senator BURDICK. According to the affidavit, you rely entirely on what Mr. Torshen told you. Could you point out something in your affidavit that comes from your own knowledge? I want to know what it is.

Mr. MARTIN-TRIGONA. Senator, I believe the testimony itself is evidence and I would refer you respectively, sir, to the best evidence which is the documents themselves. I think the affidavit is fairly clear as was my testimony. I have never been permitted to view the original evidence for the best evidence.

Senator BURDICK. Take your own affidavit right now and point out the line and page where you have direct evidence, will you?

Mr. MARTIN-TRIGONA. Senator, I believe the affidavit was read into the record. The testimony, as such, is evidence.

Senator BURDICK. At this stage, I am going to read to you an affidavit by Mr. Torshen.

#### AFFIDAVIT OF JEROME H. TORSHEN

STATE OF ILLINOIS

County of Cook ss:

Jerome H. Torshen, being duly sworn upon oath, deposes and says that he is an attorney at law having been admitted to practice before the Supreme Court of the State of Illinois in 1955 and that he has been subsequently admitted to practice before the bars of the Supreme Court of the United States, the Courts of Appeal for the Seventh, Eighth, Ninth and District of Columbia Circuits and before the United States District Court for the Northern District of Illinois, that he resides at 442 West Wellington Avenue, Chicago, Illinois, and maintains his office at 11 South LeSalle Street, Chicago, Illinois.

Affiant was privileged to serve as assistant counsel to Judge John Paul Stevens on the staff of the Special Commission of the Illinois Supreme Court ("the Commission"). As a result of the report of the Commission, two Justices of the Illinois Supreme Court resigned. Subsequently, in an unrelated matter, affiant's law firm, for a time, represented one Anthony R. Martin-Trigona in connection with Mr. Martin-Trigona's application for admission to practice law in the State of Illinois. Affiant's law firm withdrew from that representation prior to the hearings resulting in denial by the Illinois Supreme Court of the said application.

Affiant has been advised that Mr. Martin-Trigona has submitted a document which, in effect, charges that affiant advised Mr. Martin-Trigona that the Commission had obtained evidence sufficient to cause the resignation of two Justices in addition to those who had resigned, but that this evidence was, in some manner, suppressed. Apparently, it is charged that Judge Steven was involved.

These charges are false, malicious and scurrilous. No such statements were ever made by affiant to Mr. Martin-Trigona. Moreover, no material was obtained by the staff of the Commission which indicated any impropriety, much less illegal conduct, on the part of any members of the Illinois Supreme Court other than those two Justices who resigned.

Affiant has known Judge Stevens for almost twenty years as a lawyer, as a colleague on the staff of the Commission and as a judge. He is a superb legal craftsman, a gentleman of impeccable character and deep sensitivity, and a man of the utmost integrity. His fitness for judicial office is, if anything, exemplified by the performance of his function as counsel to the Commission.

JEROME H. TORSHEN.

Subscribed and sworn to before me this 5th day of December, 1975.

MARIA A. CABEL,  
Notary Public.

Senator BURDICK. Now, your affidavit relies entirely upon your conversation with Mr. Torshen, and I ask you again, do you have any independent evidence, other than the conversation you had with Mr. Torshen?

Mr. MARTIN-TRIGONA. Based on my conversations with Mr. Torshen, and I believe in the truth of what he told me, I believe that the independent evidence which could be produced to support the allegations would be the original files, work product, the documents of the special commission. I think they can resolve with finality and impartiality any conflict between the affidavits.

Very briefly, Senator, much of what Mr. Torshen's affidavit relates to—consists of conclusions. Second, I am taken totally by surprise that he knew Judge Stevens for as long ago as 20 years because I was advised by someone, by a member of the press, that Mr. Torshen had told them that he did not know Judge Stevens very well at the time that he was appointed assistant counsel.

Quite frankly, Senator, the more I hear about this case and the more that is denied concerning my allegations, the more I feel very possibly questions are raised which very seriously ought to be considered by the committee.

Senator BURDICK. I asked you for an answer, if you had any independent evidence. The answer is "No"?

Mr. MARTIN-TRIGONA. Yes. The work products of the special commission, that is the best evidence. It will ultimately resolve with impartiality—

Senator BURDICK. But you do not have it?

Mr. MARTIN-TRIGONA. It is not in my possession, but I have tried to secure it.

Senator BURDICK. Do you have any direct evidence of any connection or wrongdoing on the part of Mr. Stevens in regard to the Keane matter, any direct evidence?