

[The material referred to follows:]

AFFIDAVIT OF HENRY L. PITTS

STATE OF ILLINOIS
County of Cook, ss:

I, Henry L. Pitts, being first duly sworn, state as follows:

I am advised that there has been a charge that John Paul Stevens and Jerome Torshen, as Chief Counsel and Associate Counsel, respectively, to the Special Commission which investigated charges relating to the integrity of the judgment entered by the Supreme Court of Illinois in *People, etc. v. Isaacs*, No. 39797, suppressed evidence relating to misconduct of judges of said Court.

As President-Elect of the Illinois State Bar Association, I was appointed by order of the Supreme Court of Illinois on June 17, 1969, together with Mr. Frank Greenberg, the President-Elect of the Chicago Bar Association, to select three other members of the Illinois Bar to serve as a five-man Special Commission to investigate the circumstances relating to the Court's decision in *People v. Isaacs*, No. 39797. Messrs. Stevens and Torshen were selected by the Special Commission to assist in the making of the investigation. From the inception, the Special Commission made it clear that its counsel were answerable solely to the Special Commission in ascertaining all of the relevant facts regarding all of the judges of the Supreme Court of Illinois. In carrying out that searching investigation for the Special Commission, Messrs. Stevens and Torshen worked closely with the members of the Special Commission. As organizers of the Special Commission, Messrs. Greenberg and I were familiar with all of the oral and documentary evidence adduced during the investigation. I personally read every deposition taken by members of the Special Commission's legal staff and reviewed documents obtained during the course of the investigation. All leads developed by the legal staff were reviewed by Mr. Greenberg and me and the other members of the Special Commission.

Based upon the foregoing, I can state without any reservations whatever that no evidence regarding the conduct of any judge of the Supreme Court of Illinois was suppressed by Messrs. Stevens and Torshen. The Special Commission and all of the staff recruited by it served without pay; the younger lawyers recruited by the Special Commission to assist Messrs. Stevens and Torshen were acting solely out of a desire to serve the public and were, therefore, in a uniquely independent position. Under these circumstances, it is inconceivable that any evidence could have been suppressed.

Throughout the investigation and the interrogation of the witnesses, including judges of the Supreme Court itself, Mr. Stevens pursued the truth fearlessly and in a thoroughly professional manner. Mr. Stevens' performance in the public interest as the Special Commission's counsel was exemplary in all respects.

In more than thirty-six years of private practice and work in the organized bar at the national and state levels, I have not observed an individual more superbly qualified than Judge Stevens to serve on the Supreme Court of the United States, as evidenced by an unsolicited letter which I wrote to Senator Charles H. Percy on April 16, 1970, a copy of which is attached hereto. I have complete confidence that Judge Stevens has all of the qualities of mind and heart necessary to make a great Justice.

HENRY L. PITTS.

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

NANCY R. KRANZOW,
Notary Public.

[Attached]

APRIL 16, 1970.

HON. CHARLES H. PERCY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Upon my return to the city, I noted last week's news item concerning your submission of John Paul Stevens' name for the Court of Appeals in our circuit. I want to congratulate you for this action, for you know how highly I regard Mr. Stevens.

I am writing this for the purpose of describing in more detail the basis for my opinion. I have had a unique opportunity to observe Mr. Stevens closely and to evaluate his personal and professional attitudes and ability under the most trying circumstances. I am referring to his serving as Chief Counsel to the

Special Commission appointed by the Illinois Supreme Court last June to investigate the integrity of that Court's decision in the Isaacs case. When Frank Greenberg and I were given this assignment by the Supreme Court, we had to select the other three members of the Commission, as well as an investigative staff, all of whom served without compensation. Mr. Stevens responded to our request that he act as Chief Counsel without any hesitation, knowing full well that this meant six weeks of the most intensive and difficult work—and on a matter that had obvious implications for a practicing attorney. Mr. Stevens' organization of the investigation, the handling of the preparation for the public hearings, the interrogation of witnesses and directing the legal research, was one of the most impressive professional performances I have had the pleasure of observing. And it was done with a volunteer staff of younger lawyers and accountants in an incredibly short time in a case which had drawn intense public attention.

In addition to the highest of professional competence, integrity and courage, Mr. Stevens has the other qualities so necessary in a judge. He is a compassionate and sensitive man devoid of any trace of arrogance sometimes found in those as intellectually gifted as he.

No one has solicited this letter. Mr. Stevens does not know I am writing it. Finally, permit me to say, Senator, that your sponsorship of a lawyer like John Paul Stevens for the federal bench is the complete and eloquent answer to some of those who have recently been so critical. We lawyers have a special responsibility in this area and I'm confident that the bar is heartened by your action.

Sincerely,

HENRY L. PITTS.

AFFIDAVIT OF FRANK GREENBERG

I, Frank Greenberg, being first duly sworn upon oath depose and say as follows:

1. I am a lawyer and the senior member of the law firm of Greenberg Keele Lunn & Aronberg, with offices at Suite 4500, One IBM Plaza, Chicago, Illinois 60611. I reside at 320 West Oakdale Avenue, Chicago, Illinois 60657. I am 65 years of age. I was admitted to the bar of the State of Illinois in 1932 and have practiced law in Chicago since that date. I am a past president (1969-70) of The Chicago Bar Association.

2. In June, 1969, the Illinois Supreme Court, faced with charges of alleged improprieties on the part of then Chief Justice of the Court Roy J. Solfsburg, and an Associate Justice, Ray I. Klingbiel, appointed an ad hoc commission (hereinafter the "Commission") of five lawyers to investigate these charges. The investigation by the Commission and its report to the Illinois Supreme Court led to the resignation in August, 1969 of Justices Solfsburg and Klingbiel.

3. I was named by my colleagues on the Commission and served as Chairman of the Commission. Promptly upon its organization the Commission selected John Paul Stevens, a member of the Chicago bar (now a justice of the Court of Appeals for the Seventh Circuit), to serve as its counsel. With the consent and approval of the Commission, Mr. Stevens called to his assistance, to serve as assistant counsel, Jerome H. Torshen of Chicago, Illinois and several other younger members of the Chicago bar to serve as associate counsel. Mr. Stevens acted as counsel to the Commission under the Commission's direction and under my direction as Chairman of the Commission and he performed his duties with exemplary skill, integrity and professionalism. I commend his service in the highest possible terms.

4. The occasion of this affidavit is that I am informed that one Anthony Martin-Trigona has made a charge, the substance of which I understand to be that Mr. Stevens and his associate counsel, Jerome H. Torshen, discovered during the course of the Commission's investigation, and suppressed, evidence which, if disclosed, would have led to the resignation of two other Justices of the Illinois Supreme Court. I believe this charge to be wholly false and I regard Mr. Anthony Martin-Trigona as a particularly unreliable gossip-monger.

Both Mr. Stevens and Mr. Torshen were in constant communication with me during the entire course of the Commission's investigation and I am completely confident that I was privy to all of the information which they or other members of the Commission staff may have had with respect to alleged misconduct of or improprieties on the part of any member of the Illinois Supreme Court. Had Mr. Stevens or Mr. Torshen been in possession of evidence tending to implicate any