

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

other members of the Illinois Supreme Court in the matters which were the subject of the Commission's investigation I am certain that I would have known about it.

5. Neither I nor, to my knowledge, any other member of the Commission or any member of its staff suppressed any evidence germane to the subject matter of the investigation, whether such evidence involved Justices Solfsburg and Klingbiel or any other Justices of the Illinois Supreme Court. I am completely confident that the charge made by Anthony Martin-Trigona is completely without foundation and that neither Mr. Stevens nor Mr. Torshen possessed or suppressed any evidence that, if disclosed, would have resulted in the resignation of any Justice of the Illinois Supreme Court other than the two Justices whose conduct was the subject matter of the investigation.

6. All of the evidence gathered by the Commission, both in the form of documentary evidence and testimonial evidence, was deposited with the Clerk of the Illinois Supreme Court immediately after the filing of the Commission's report and so far as I know that material is still in the possession of the Clerk and is open to inspection. To the best of my recollection the material deposited with the Clerk included not only the transcripts of the testimony taken at the open hearings conducted by the Commission but also included the depositions taken by Mr. Stevens or other members of the Commission staff in the preliminary phases of the investigation, and in preparation for the open hearings.

7. I wish to report that I know Mr. (now Justice) Stevens and Mr. Torshen to be honorable men of great probity and integrity and I entertain no suspicion that they could have been possessed of any relevant evidence which they did not disclose to me as Chairman of the Commission. And I further repeat that I know of no evidence that, however directly or remotely connected with the work of the Commission, would have implicated any other Justice of the Illinois Supreme Court in any improprieties that would have supported any charges against them or would have called for their resignation.

Dated at Chicago, Ill. this 5th day of December, 1975.

FRANK GREENBERG.

Subscribed and sworn to before me, a Notary Public in and for the County of Cook, State of Illinois this 5th day of December, 1975.

CATHERINE DELMEY,
Notary Public.

Senator BURDICK. Well, I might as well ask you one small question here while we are waiting. You state for the record, "I served as a temporary employee of the U.S. Senate in 1966 when I was on the staff of the U.S. Senator Paul H. Douglas."

I do not know whether that leaves me with the impression that you had a responsible position there. What kind of a job did you have?

Mr. MARTIN-TRIGONA. Well, I was one of the junior assistants in the office. I had just graduated from college and I was told to come here and be an intern in the office and do what I was told.

Senator BURDICK. You were a summer intern?

Mr. MARTIN-TRIGONA. Well, at the time, Senator, there was a possibility—I had not decided where I would go to law school—but there was a possibility I might be kept on the staff if I came to law school in the District. I ultimately was accepted by two laws schools in Illinois and did not stay on the staff.

Senator BURDICK. I understand you received \$152 for your work as an intern.

Mr. MARTIN-TRIGONA. That is right. I might point out in that connection that I resisted accepting any payment whatsoever, but I was told that it was necessary for me to be on the payroll, so I did accept an honorarium of whatever the amount was, of \$152. It was a most pleasant and pleasing episode in my life to have the opportunity to work here in the Senate, to observe how it operated firsthand.