

WOMEN'S LEGAL DEFENSE FUND,
Washington, D.C.

Hon. JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee,
Washington, D.C.

STATEMENT OF OPPOSITION TO THE NOMINATION OF JUDGE JOHN PAUL STEVENS TO
THE SUPREME COURT OF THE UNITED STATES

The Women's Legal Defense Fund, a non-profit, tax exempt corporation organized in 1971 to secure equal rights for women by providing volunteer legal representation in sex discrimination cases, whose membership includes both attorneys and lay persons, wishes to state that we oppose the nomination of Judge John Paul Stevens to the vacant Supreme Court seat for the following reasons:

1. Judge Stevens' comment that race discrimination is a "more important" issue than sex discrimination shows a blatant insensitivity to discrimination against women.

2. His statement that he would never rule sex as a suspect classification, such sex-based discrimination to be subjected to the strictest scrutiny by the Supreme Court, reveals a predisposition to rule adversely in cases which women bring under the Equal Protection Clause of the 14th Amendment to the Constitution.

3. His self-admitted lack of knowledge of the legal implications of the Equal Rights Amendment to the Constitution is appalling in light of the Supreme Court's function of understanding and interpreting the Constitution of the United States; and surprising in light of the opinion which he wrote in *Dyer v. Blair*¹ upholding a state of Illinois procedural rule change which effectively defeated the Equal Rights Amendment in Illinois.²

4. His decision in *Sprogis v. United Airlines*³ shows that Judge Stevens based his opinion in that case on preconceived notions of women rather than the regulations arising under Title VII of the Civil Rights Act of 1964 (as amended in 1972) dealing with sexual equality, and in fact, misinterpreted Title VII. His opinions in both *Doc v. Bellin Memorial Hospital*⁴ and *Cohen v. Illinois Institute of Technology*⁵ which denied that there was any state action present, prevented the female plaintiffs in those cases from ever reaching the central issue involved—sex based discrimination.

For the above reasons, the Women's Legal Defense Fund urges you to re-examine the credentials of Judge Stevens as to his fitness to serve on the Supreme Court and further urges you to vote "no" on his nomination.

NAN ARON,
President.

BERGER, NEWMARK & FENCHEL,
Chicago, Ill., December 2, 1975.

Re Hon. John Paul Stevens.

Hon. JAMES EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate,
Washington, D.C.

DEAR SENATOR EASTLAND: It is my understanding that several years ago, when Judge Stevens' nomination for his present judicial office was being considered by the United States Senate, Mr. Leslie G. Behrend, of Barrington, Illinois, wrote to the Senate Committee on the Judiciary with relation to an arbitration award which had been made by John Paul Stevens, as arbitrator, when he was an attorney practicing in Chicago. I only learned of that letter subsequent to its receipt by the committee.

I represented Mr. Behrend in relation to that award (but only subsequent to its entry). The arbitration proceeding was administered by the American Arbitration Association (Chicago office) and was designated No. 51 10 0010 67-C, Leslie G. Behrend and Robert G. Woods. The proceeding involved an accounting, between ex-partners, as to the management consultant business they had operated.

¹ 390 F. Supp. 1291 (7th Cir. 1975).

² The ERA had been approved by a simple majority vote in the Senate; the rule change required a 3/4 vote of the legislature.

³ 444 F. 2d 1194 (7th Cir. 1971).

⁴ 479 F. 2d 756 (7th Cir. 1973).

⁵ 74-1930 (7th Cir. October 28, 1975).