

the Chicago area but around the country, interviews with law deans and law professors throughout the country, and finally, Mr. Chairman and members of the committee, an interview with Judge Stevens himself.

I have filed with the committee a letter summarizing the results of our investigation, and I shall not repeat it in detail here.

[The letter referred to follows:]

AMERICAN BAR ASSOCIATION,  
Chicago, Ill., December 8, 1975.

HON. JAMES O. EASTLAND,  
Chairman, Senate Committee on the Judiciary,  
New Senate Office Building,  
Washington, D.C.

DEAR MR. CHAIRMAN: This letter is submitted in response to your invitation to the Standing Committee on Federal Judiciary of the American Bar Association to submit its opinion regarding Honorable John Paul Stevens of Illinois who has been nominated to be an Associate Justice of the Supreme Court of the United States.

Our Committee is of the opinion, based upon the investigation described below, that Judge Stevens meets high standards of professional competence, judicial temperament and integrity—the Committee's highest evaluation for potential nominees for the Supreme Court. To the Committee, this means that from the viewpoint of professional qualifications, Judge Stevens is one of the best persons available for appointment to the Supreme Court. It should be noted that the Committee does not attempt to comment on political or ideological matters.

Our Committee investigated Judge Stevens' qualifications in 1970 when he was appointed to the United States Court of Appeals for the Seventh Circuit and we then reported that Judge Stevens was Well Qualified for appointment to that judicial position. Our Committee's current inquiry regarding Judge Stevens included the following:

(i) Surveys of Judge Stevens' opinions were made for our Committee by practicing attorneys and by professors of law.

(ii) All of the members of the Seventh Circuit Court of Appeals were interviewed. In addition, the Chief Judge of each of the District Courts within the Seventh Circuit was interviewed as were a number of other federal and state court judges within the Seventh Circuit.

(iii) More than fifty lawyers within the Seventh Circuit who are in active practice and who would be most likely to be familiar with Judge Stevens' reputation and work were interviewed.

(iv) A number of judges and lawyers outside the Seventh Circuit were interviewed.

(v) The deans or members of the faculties of law schools in the Seventh Circuit who were most likely to know or be familiar with Judge Stevens' work were interviewed. In addition, deans and professors of law in law schools outside the Seventh Circuit were interviewed.

(vi) A member of our Committee interviewed Judge Stevens.

#### PROFESSIONAL BACKGROUND

Judge Stevens has a distinguished record as a student, a practicing lawyer, and as a judge. He received his B.A. from the University of Chicago in 1941, graduating Phi Beta Kappa. Following service in the Navy, he attended Northwestern School of Law, where he received a J.D. in 1947. He was first in his law school class, co-editor of the *Law Review*, and a member of the Order of the Coif. After graduating, he served as a law clerk for one year to Mr. Justice Rutledge on the United States Supreme Court.

From September 1948 to March 1951, Judge Stevens was associated with the law firm of Poppenhusen, Johnston, Thompson and Raymond (now Jenner & Block) in Chicago. Then, from March 1951 to January 1952, he was Associate Counsel to the Subcommittee on the Study of Monopoly Power of the Committee on the Judiciary of the United States House of Representatives in Washington, D.C. Thereafter, he organized and became a member of the firm of Rothschild, Stevens and Barry when it was formed on July 1, 1952, and remained with that firm until appointed to be a judge for the United States Court of Appeals for the Seventh Circuit in 1970.

While a practicing attorney, Judge Stevens engaged in general civil practice and gained extensive experience in litigation and antitrust law. During his years of practice, Judge Stevens was a part-time member of the faculty of Northwestern University Law School (1952-1954) and the University of Chicago Law School (1955-1956), teaching courses in Trade Regulation. Prior to going on the bench, Judge Stevens authored a number of published articles concerning the antitrust laws and was a member of the Attorney General's Committee to Study Antitrust Laws in 1952.

In his practicing years, Judge Stevens was active in the bar associations, serving as chairman of the several committees of the Chicago Bar Association and as a member of the Association's Board of Managers; he also served on a committee of the American Bar Association. Had Judge Stevens remained in practice, he would have become, in 1972, the President of the Chicago Bar Association.

The year before Judge Stevens was appointed to the federal bench, he served as general counsel to the Special Commission appointed by the Supreme Court of Illinois to investigate the integrity of the judgment of the Court in *People v. Isaacs*. He acted as the Commission's counsel during the hearings that thereafter ensued in connection with that inquiry, as a result of which two Justices of the Illinois Supreme Court resigned.

### I. SURVEY OF JUDGE STEVENS' OPINIONS

Judge Stevens has authored approximately 215 opinions since he went on the federal bench in 1970. All of these opinions were examined for our Committee by a group of practicing attorneys. In addition, six professors at the Harvard Law School each read 30-35 of Judge Stevens' opinions. Both the practicing lawyers and the academicians expressed admiration for the outstanding quality of Judge Stevens' opinions.

Judge Stevens' opinions cover almost every field of federal law, including civil rights, criminal law, securities law, tax law, antitrust law, labor law, patent law, administrative law and federal procedure and jurisdiction. The opinions are of consistently high quality in each of the substantive areas of law involved. Several of the law school professors who evaluated Judge Stevens' opinions noted the excellence of particular opinions dealing with legal subjects in which they are expert. One professor characterized an opinion on federal jurisdiction as a "model of analysis"; one observed that Judge Stevens' opinions in complicated statutory interpretation cases are "excellent", and sometimes "brilliant"; an antitrust teacher pointed to "very thoughtful, sound and creative" antitrust opinions by Judge Stevens; and another professor called attention to "very good" tax opinions. This consistent excellence in opinions ranging over a broad spectrum of substantive areas indicates that Judge Stevens would be highly qualified to deal with the many complex issues which reach the Supreme Court.

Overall, Judge Stevens' opinions are well written, highly analytical, closely researched, and meticulously prepared. They reflect very high degrees of scholarship, discipline, open mindedness, and a studied effort to do justice to all parties within the framework of the law.

### II. JUDGES IN THE SEVENTH CIRCUIT

Judge Stevens has been unanimously endorsed by all of his colleagues on the Seventh Circuit to sit on the United States Supreme Court; several of his colleagues described him as one of the best Circuit Judges in the United States. The judges of the Seventh Circuit, in evaluating him, have used such terms as "spectacular", "outstanding", "excellent", and "tops".

Our Committee also interviewed other federal district judges in the Seventh Circuit and state court judges in the Circuit. All of the judges interviewed expressed professional praise and admiration for Judge Stevens, his ability, and his integrity. It is noteworthy that the federal district judges in the Seventh Circuit know him not only by reading his opinions but as the judge of the Seventh Circuit often designated to make presentations to all the judges of the Seventh Circuit at their conferences concerning recent landmark decisions.

### III. LAWYERS

Most of the lawyers interviewed practice in and around Chicago where Judge Stevens is best known. Those interviewed included a wide spectrum of lawyers, among them lawyers who represent minority groups, labor unions, large corpora-

tions, plaintiffs and defendants in personal injury work, and persons charged with crimes. Some were United States Attorneys and others were engaged in civil rights cases. Without exception, the lawyers describe Judge Stevens as being fair-minded and compassionate, as having perception of legal and factual issues, and as having judicial temperament. All praise his legal ability. Our Committee received no adverse opinion about Judge Stevens in connection with any of its inquiries from practicing lawyers although some of them have had cases decided against them by the Judge.

#### IV. DEANS AND PROFESSORS OF LAW

Our Committee spoke to either the deans or members of the faculty of the major law schools in the Chicago area and to deans and professors on faculties throughout the country who might know Judge Stevens or his work. Many of those we spoke to knew Judge Stevens personally because of his past service as a law school lecturer on the antitrust laws. All those interviewed spoke in high terms concerning Judge Stevens' accomplishments, ability, and integrity, and all indicate that he has excellent qualifications for appointment to the Supreme Court.

#### V. JUDGES AND LAWYERS OUTSIDE THE SEVENTH CIRCUIT

While Judge Stevens is not so well known outside the Seventh Circuit, a number of judges and lawyers contacted by the Committee either know him or are familiar with his work. The uniform reaction of those who have a basis for opinion is highly favorable. It is undoubted that Judge Stevens has made an affirmative impression on those who have become acquainted with him or his work.

#### VI. INTERVIEW WITH JUDGE STEVENS

Judge Stevens was interviewed by a member of our Committee. Judge Stevens is a modest, friendly and even-tempered man, devoted to his family, the law, and to judicial excellence. He is thorough and fair-minded, and looks to his new position, if confirmed, with dedication, humility and enthusiasm.

During the course of inquiries concerning Judge Stevens, the Committee learned that in 1974 he underwent open heart surgery. During our interview with Judge Stevens, he was asked about his physical condition. He reported that he had made a complete recovery from his heart surgery and that he is in excellent health. His Seventh Circuit colleagues confirm that he has enjoyed a full recovery, that his health appears excellent, and that he carries a normal workload. Judge Stevens gives every appearance of being alert, vigorous, and without physical impediment. (We also understand that Judge Stevens has cooperated fully with Administration officials in enabling them to obtain a medical evaluation of his physical condition.) Based upon the information supplied to us by Judge Stevens and his colleagues, we believe that he has the health and stamina necessary to discharge the duties of a Justice of the Supreme Court.

In the personal interview with Judge Stevens, our Committee inquired about his financial holdings and off-bench activities. While he was a practicing lawyer, Judge Stevens served as a director or officer of several companies but he resigned all such positions when he was appointed to the bench in 1970. He has held no such position since he has been a member of the United States Court of Appeals for the Seventh Circuit.

Judge Stevens has filed statements of interest required of him as a federal judge and he advises us that his answers to questions concerning possible conflict of interest were all negative. He also states that he has sold most of his securities during the time he has served as a circuit judge.

Four speeches given by Judge Stevens subsequent to the time he became a sitting judge have been examined and none of them expresses an opinion on matters that were either before Judge Stevens or might come before him as a sitting judge.

#### CONCLUSION

During the course of our investigation (which was necessarily compressed into a relatively short period of time), our Committee attempted to inquire into all facets of Judge Stevens' career which would be relevant from a professional standpoint. Based upon this inquiry, a restudy of our Committee's 1970 report concerning Judge Stevens, the examination of his judicial opinions, and a personal interview with him, our Committee is unanimously of the view that Judge Stevens meets high standards of professional competence, judicial tempera-

ment and integrity—the Committee's highest evaluation. To repeat, this means to the Committee that from the viewpoint of professional qualifications, Judge Stevens is one of the best persons available for appointment to the Supreme Court.

This report is being filed at the commencement of the Committee's hearings. We will, as a matter of routine, review our report at the conclusion of the hearings and notify the Committee if any circumstance has developed to require a modification of our views.

Respectfully submitted.

WARREN CHRISTOPHER, *Chairman.*

Mr. CHRISTOPHER. I would like, however, to comment upon one aspect of our investigation, and that is our survey of Judge Stevens' opinions.

As you have heard earlier this morning, Judge Stevens has written more than 215 opinions since he went on the Federal bench in 1970. All of these opinions were examined for and by our committee by a group of practicing lawyers. In addition, six professors at the Harvard Law School each examined between 30 and 35 of Judge Stevens' opinions. Those opinions by Judge Stevens cover almost every field of Federal law, criminal law, securities law, tax law, civil rights law, antitrust law, labor law, patent law, administrative law, and Federal jurisdiction.

The striking fact that comes through from a survey of the opinions is their consistently high quality, regardless of the substantive area involved. Several of the law school professors who, I might say, are not an uncritical audience, noted excellence in these opinions in the particular areas in which they teach. One professor characterized an opinion on Federal jurisdiction as being a model of analysis. One professor observed that Judge Stevens' opinions in complicated statutory interpretation cases are excellent, often brilliant. An antitrust teacher pointed to a very thoughtful, sound, and creative antitrust opinion, and this was echoed with respect to other opinions. Another professor called his tax opinions very good.

This consistent excellence, Mr. Chairman and members of the committee, in opinions ranging across a broad spectrum of Federal law, gives high promise that Judge Stevens will be able to deal with the very complex issues that are before the Supreme Court at almost every argument session.

Overall, the view of our committee is that Judge Stevens' opinions are well written, highly analytical, closely researched, and meticulously prepared. They reflect a very high degree of scholarship, discipline, open mindedness, and a full effort to do justice to all the parties within the framework of the law.

In summary, Mr. Chairman, and to try to abbreviate my testimony, during the course of our committee's investigation, which was necessarily abbreviated because of the relatively short period of time, our committee attempted to inquire into all facets of Judge Stevens' career, which would be relevant from a professional standpoint.

Based upon this inquiry, a restudy of our committee's evaluation in 1970, an examination of his judicial opinions, and a personal interview with him, our committee is unanimously of the opinion that Judge Stevens meets high standards of professional competence, judicial temperament, and integrity, and that is our committee's highest evaluation. To our committee this means that from the standpoint of professional qualification, Judge Stevens is one of the best persons available for appointment to the Supreme Court of the United States.