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FILE LOCATION

Buchen Files box 62      folder: Supreme Court - Stevens

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*DRH*



THE ATTORNEY GENERAL



November 26, 1975

Philip Buchen,

Late yesterday afternoon I was informed in a second call from Warren Christopher that the ABA Committee has moved to the second stage on Arlin Adams and has satisfied itself to place him in the first category.

At this point, then, there are three candidates in the first category: Adams, Tone, and Stevens.

You will note in the Stevens' file that there is a suggestion of a "feeling" from an older senior federal district judge that Stevens might be soft on crime cases; the opinions do not substantiate this, nor do the remarks of Skinner, the U. S. Atty. You will also note a criticism of Stevens because of his dissent in the long hair case. The case is included. I like the dissent, as I believe you will. The statement by Chief Judge Fairchild on page 5 of the second division of the FBI report is perhaps significant, since in some ways it compares Stevens with Tone. I assume the statement by Bane in the Tone file may be the other way.

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THE ATTORNEY GENERAL



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I am sending along the FBI recent file and summary of prior files. We have clipped various pages for your notice.

For Stevens and Tone, it is not necessary to read all the past files if you do not wish to, since they are summarized. There is an anonymous letter about Stevens in one of them.

I am also attaching the McKusick FBI file.

We are awaiting FBI and ABA reports on Webster, Clark, and Wallace. The FBI reports won't be in until Friday evening. The ABA says it will have a report this evening.

*Σ 112*





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# AMERICAN BAR ASSOCIATION

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Confidential

July 1, 1970

Richard G. Kleindienst, Esq.  
Deputy Attorney General  
U. S. Department of Justice  
Washington, D. C. 20530

Re: John Paul Stevens, Esq.  
Chicago, Illinois  
USCA - Seventh Circuit

Dear Dick:

This is to acknowledge your letter of June 25 to Ed Walsh requesting an Informal Report on the qualifications of John Paul Stevens of Chicago, Illinois, to serve as Circuit Judge for the Seventh Circuit.

In Ed's absence, I have written Miles G. Seeley authorizing and directing him to proceed with the investigation.

Sincerely yours,



Robert B. Fiske, Jr.

RBF/dmg



November 28, 1975

*Stevens*  
*John Paul*

REPRESENTATIVE OPINIONS OF JUDGE JOHN PAUL STEVENS

Kirby v. Sturges, 510 F 2d 397 (1975)

U. S. v. Ramsey 503 F 2d 524 (1973)

U. S. ex rel Allum v. Toomey 484 F 2d 740 (1973)

U. S. v. Smith 440 F 2d 521 (1971) (dissent)

Buforg v. Southeast Dubois County School Corp. 472 F 2d 890 (1973)

Cousins v. City Council of Chicago 466 F 2d 830 (dissent)

Cohen v. Illinois Institute of Technology 74-1930 (decided October 28, 1975)

U. S. v. Staszczuk #73-1869 (decided May 16, 1975)

Arnold v. Carpenter 459 F 2d 939 (1972) (dissent)

Dyer v. Blair 390 F. Supp. 1291 (1975)

ESKRA v. Morton (September 29, 1975)





RESUME

JOHN PAUL STEVENS

Residence: 9260 South Bell Avenue  
Chicago, Illinois 60620  
Phone: PR.9-1845

Office: 105 South La Salle Street  
Chicago, Illinois 60603  
Phone: FR.2-2345

Education:

A.B., University of Chicago, 1941 (Phi Beta Kappa;  
Student Head Marshall; Chairman, Daily Maroon).  
J.D., Northwestern University School of Law, 1947  
(Order of Coif, Co-editor, Illinois Law Review).

Employment:

1947-1948 Law clerk to Mr. Justice Wiley Rutledge,  
U. S. Supreme Court;  
1948-1950 Associate, Poppenhusen, Johnston, Thompson  
and Raymond, Chicago, Illinois;  
1951 Associate Counsel, Sub-Committee on Study  
of Monopoly Power, Committee on the  
Judiciary, U. S. House of Representatives;  
1952-1970 Member of firm of Rothschild, Stevens &  
Barry (1952-1955), Rothschild, Hart,  
Stevens & Barry (1955-1969), Rothschild,  
Stevens, Barry & Myers (1969-1970);  
1952-1956 Part-time member of faculty of North-  
western Law School and also University  
of Chicago Law School, teaching antitrust  
law and certain other courses.

Bar Associations:

Member of Chicago, Illinois, Federal and American  
Bar Associations. Served on Board of Managers and  
as Chairman of Committee on Antitrust Law, Chairman  
of Committee on Judicial Candidates, and presently  
serving as Chairman of the Judiciary Committee of  
The Chicago Bar Association.

Born: Apr 20, 1920 - Chic. Ill



Public Service Matters:

- 1) Member, Attorney General's National Committee to Study the Antitrust Laws, 1953-1955;
- 2) Appointed counsel, serving without compensation in:
  - a) People v. La Frana, 4 Ill.2d 261, 122 N.E.2d 583;
  - b) People ex rel. Christiansen v. Connell, 2 Ill.2d 332, 118 N.E.2d 262;
  - c) General Counsel to Special Commission appointed to investigate the integrity of the judgment of the Supreme Court of Illinois in People v. Isaacs.

Legal Writing:

- 1) "Mr. Justice Rutledge" by John Paul Stevens, Chapter in book entitled "Mr. Justice" edited by Dunham and Kurland;
- 2) "Monopoly or Monopolization - A Reply to Professor Rostow" by Edward R. Johnston and John Paul Stevens,, 44 Ill. L. Rev. 269;
- 3) "Defense of Meeting the Lower Price of a Competitor" by John Paul Stevens, 1953 Summer Institute on Federal Antitrust Laws, University of Michigan Law School;
- 4) "Tying Arrangements" by John Paul Stevens, Conference on the Antitrust Laws and the Attorney General's Committee Report, p. 135;
- 5) "The Regulation of Railroads" by John Paul Stevens, Vol. 19, p. 355, Proceedings of A.B.A. Section of Antitrust Law;
- 6) "'Effect on Competition' Under the Robinson Patman Act" by John Paul Stevens, Proceedings of The Fifth Annual Corporate Counsel Institute, p. 31;
- 7) Contributor to "Antitrust Developments - 1955-1968," a Supplement to Report of the Attorney General's National Committee to Study the Antitrust Laws.





References:

Henry L. Pitts, President, Illinois State Bar Assn.  
Hackbert, Rooks, Pitts, Fullagar & Poust  
208 South La Salle Street  
Chicago, Illinois 60604

Frank Greenberg, President, Chicago Bar Association,  
Peebles, Greenberg, Keele, Lunn & Ford  
One North La Salle Street  
Chicago, Illinois 60602

Edward H. Levi, President, University of Chicago  
Chicago, Illinois

Edwin C. Austin,  
Sidley & Austin  
11 South La Salle Street  
Chicago, Illinois 60603

Edward R. Johnston,  
Jenner & Block  
135 South La Salle Street  
Chicago, Illinois

Richard McLaren, Assistant Attorney General,  
in Charge of the Antitrust Division,  
Department of Justice  
Washington, D. C.

Hammond E. Chaffetz  
Kirkland, Ellis, Hodson, Chaffetz & Masters  
2900 Prudential Plaza  
Chicago, Illinois 60601

Daniel M. Schuyler  
Schuyler, Stough & Morris  
100 W. Monroe Street  
Chicago, Illinois 60603



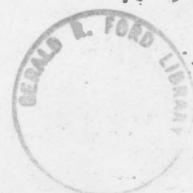
References (Continued)

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Mayer, Friedlich, Spiess,  
Tierney, Brown & Platt  
231 South La Salle Street  
Chicago, Illinois 60604

Morris I. Leibman  
Leibman, Williams, Bennett, Baird & Minnow  
One First National Plaza  
Chicago, Illinois 60670

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ROTHSCHILD, STEVENS, BARRY & MYERS

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CHICAGO, ILLINOIS

60603

FRANKLIN 2-2345  
AREA CODE 312

ISAAC S. ROTHSCHILD  
L. EDWARD HART (1904-1968)  
JOHN PAUL STEVENS  
NORMAN J. BARRY  
EDWARD I. ROTHSCHILD  
WILLIAM G. MYERS  
MELVIN I. MISHKIN  
DONALD E. EGAN  
JOHN J. COFFEY III  
JEROME M. DEVANE  
ALAN L. UNIKEL

July 14, 1970

Honorable Richard G. Kleindienst  
Deputy Attorney General  
Department of Justice  
Washington, D. C. 20530

Dear Sir:

On July 1, 1970, I responded to the Personal Data Questionnaire enclosed in your letter of June 25, 1970. I have just now realized that I was a party to litigation which I inadvertently failed to identify in my response to question No. 27.

In June, 1961, I was named as one of several defendants in the case entitled Frances Orzeck, Plaintiff, vs. Otto T. Englehart, et al., Defendants, filed in the Court of Chancery of the State of Delaware In and For New Castle County as Civil Action No. 1484. The action was brought derivatively by a minority shareholder of Bellanca Corporation for the purpose of setting aside the acquisition by Bellanca of the assets and stock of certain egg companies collectively referred to as "the Olson Companies." As one of the directors who had unani- mously voted in favor of the transaction, I was joined as a de- fendant. Plaintiff's principal contention was that the acquisition was a "de facto merger" which could not be consummated without shareholder approval. Plaintiff's motion for summary judgment was denied, Orzeck v. Englehart, 192 A.2d 36; the denial was affirmed by the Delaware Supreme Court, 195 A.2d 375; thereafter the plaintiff failed to offer any evidence in support of her charges and the complaint was dismissed.



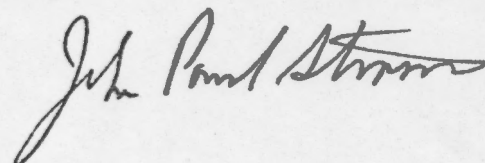
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Honorable Richard G. Kleindienst

July 14, 1970

I am sorry if my failure to mention this case in my original response has caused any inconvenience to your office or to the American Bar Association's Standing Committee on the Federal Judiciary.

Respectfully yours,



JPS:fl

cc- Honorable Lawrence E. Walsh  
One Chase Manhattan Plaza  
New York, New York 10005

Miles G. Seeley, Esquire  
231 South La Salle Street  
Chicago, Illinois 60604





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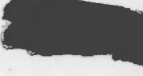
ISAAC S. ROTHSCHILD  
L. EDWARD HART (1904-1969)  
JOHN PAUL STEVENS  
NORMAN J. BARRY  
EDWARD I. ROTHSCHILD  
WILLIAM G. MYERS  
MELVIN I. MISHKIN  
DONALD E. EGAN  
JOHN J. COFFEY III  
JEROME M. DEVANE  
ALAN L. UNIKEL

July 1, 1970

Honorable Richard G. Kleindienst  
Deputy Attorney General  
Department of Justice  
Washington, D. C. 20530

Dear Sir:

In response to the Personal Data Questionnaire enclosed in your letter of June 25, 1970, I am pleased to submit the following information:

1. Name: John Paul Stevens                      Social Security No. 
2. Office Address: 105 South La Salle Street,  
Chicago, Illinois 60603  
Phone: Franklin 2-2345  
  
Home Address: 9260 South Bell Avenue  
Chicago, Illinois 60620  
Phone: Prospect 9-1845
3. Date of Birth: April 20, 1920  
Place of Birth: Chicago, Illinois
4. If you are a naturalized citizen, please give the date and place of naturalization.  
  
Not applicable.
5. Indicate your marital status; if married, the maiden name of your wife; and the names of your children.



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Honorable Richard G. Kleindienst

July 1, 1970

Married Elizabeth Jane Sheeren on June 7, 1942.

Children: John Joseph Stevens  
Mrs. Edward Joseph (Kathryn) Jedlicka  
Elizabeth Jane Stevens  
Susan Roberta Stevens

6. Indicate the periods of your military service, including the dates, and the branch in which you served, your rank or rate, and your serial number.

Period of active duty in United States Navy: From March 30, 1942 to November 22, 1945 (including about two months of terminal leave). Commissioned as an Ensign in February, 1942, and separated from active duty as full Lieutenant. Thereafter remained in Naval Reserve for approximately five years, with temporary rank of Lieutenant Commander, Serial No. 131765.

7. List each college and law school you attended, including the dates of attendance, the degree awarded, and your reason for leaving each school if no degree from that institution was awarded.

College: University of Chicago.  
Entered October, 1937.  
Bachelor of Arts, June, 1941.  
Commenced graduate work in English Department in 1941; applied for Commission in United States Navy on December 6, 1941, and left graduate school to enter service.

Law School: Northwestern School of Law.  
September, 1945 to September 1947.  
Juris Doctor.

8. List all courts in which you are presently admitted to practice, including the dates of admission in each case. Give the same information for administrative bodies having special admission requirements.



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Honorable Richard G. Kleindienst

July 1, 1970

Supreme Court of Illinois	January 17, 1949
United States Supreme Court	April 26, 1954
United States Court of Appeals Seventh Circuit	November 28, 1950
United States District Court for the Northern District of Illinois	February 14, 1949
United States District Court for the Southern District of Indiana	September 24, 1959
United States District Court for the Western District of New York	February 26, 1968

9. Are you actively engaged in the practice of law at the present time? If you are connected with a firm, please state its name and indicate the nature and duration of your relationship.

Yes, partner in firm of Rothschild, Stevens, Barry & Myers since formation of firm on July 1, 1952 under the name of Rothschild, Stevens & Barry.

10. If in the past you have practiced in other localities or have been connected with other firms, please give the particulars, including the locations, the names of the firms and your relationships thereto, and the relevant dates. Indicate also any period in the past during which you practiced alone.
- (a) From September, 1947, to August, 1948, I served as a law clerk to Mr. Justice Wiley Rutledge at the United States Supreme Court in Washington, D. C.
- (b) From September, 1948, until March, 1951, and again from January to June, 1952, I was associated with the firm of Poppenhusen, Johnston, Thompson and Raymond in Chicago, Illinois, working primarily for Edward R. Johnston.



Honorable Richard G. Kleindienst

July 1, 1970

- (c) For approximately 9 or 10 months, commencing in March or April, 1951, I served as 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. (Appointed by Congressman Chauncey W. Reed, Ranking Minority Member of the Committee.)
- (d) The firm of Rothschild, Stevens & Barry, which was organized on July 1, 1952, changed its name to Rothschild, Hart, Stevens & Barry on May 1, 1955, and to Rothschild, Stevens, Barry & Myers on July 1, 1969.

11. What is the general character of your practice? Indicate the character of your typical clients and mention any legal specialities which you possess. If the nature of your practice has been substantially different at any time in the past, give the details, including the character of such and the periods involved.

My practice has been fairly diversified, with primary emphasis on litigation, antitrust law, and advice and negotiation in connection with commercial transactions.

My clients include individuals, small family owned businesses, and certain large corporations. With few exceptions, my employment has been on specific assignments, rather than continuing representations. Companies for which I have performed services in recent years include:

The Cuneo Press, Inc.,  
Chicago, Illinois

Foster Wheeler Corporation  
Livingston, New Jersey

Hawthorn Melody, Inc.,  
Chicago, Illinois

Oakland Athletics American League Baseball Team,  
Oakland, California





Honorable Richard G. Kleindienst

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Kaiser Aluminum and Chemical Corporation,  
Oakland, California

Heat Exchange Institute,  
New York, New York

Rahr Malting Co.,  
Manitowoc, Wisconsin

The Wichita Eagle,  
Wichita, Kansas

Anheuser Busch, Inc.,  
St. Louis, Missouri

Associated Milk Dealers,  
Chicago, Illinois

Ekco Products, Inc.,  
(A subsidiary of American Home Products Corp.)  
Wheeling, Illinois

Coca-Cola Bottling Company of Chicago,  
Chicago, Illinois

12. a) Do you regularly appear in court?

Yes.

b) What percentage of your appearances in the last five years was in

1) federal courts?	90%
2) state courts of record?	10%
3) other courts?	None

c) What percentage of your litigation in the last five years was

1) civil?	90%
2) criminal?	10%



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Honorable Richard G. Kleindienst

July 1, 1970

- d) What percentage of your trials in the last five years was
- |              |      |
|--------------|------|
| 1) jury?     | 0    |
| 2) non-jury? | 100% |

- e) State the number of cases you have tried to conclusion in courts of record during each of the past five years, indicating whether you were sole, associate, or chief counsel.

During the past five years about two-thirds of my time has been devoted to litigated matters in which I served as chief counsel or chief trial counsel. Most of these matters involved protracted discovery and pretrial proceedings, and all but a few were settled in advance of trial (or are not yet ready for trial). I concluded only four trials in this period, one in 1966, two in 1967, and one in 1968.

- f) Describe ten of the more significant litigated matters which you have handled and give the citations if the cases were reported.

- (1) United States v. The Borden Co., et al., 370 U.S. 460 (1962).

Handled the Robinson-Patman Act phase of the litigation on behalf of the defendant Bowman Dairy Company, including District Court proceedings and argument of the cost justification issue in the Supreme Court, and the subsequent negotiation of a Consent Decree.

- (2) Bankers Life & Casualty Co. v. Bellanca Corporation, 288 F.2d 784 (7th Cir., 1961), cert. denied 368 U.S. 827 (1961).

Recovered \$1,250,000, plus interest, on behalf of Bellanca; case involved interpretation of Section 16(c)



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of the Securities Act of 1934. See, also, Bankers Life & Casualty Co. v. Bellanca Corporation, 308 F.2d 757 (7th Cir., 1962), related appeal on question of allowance of interest.

- (3) Hearst Corporation v. Cuneo Press, Inc., 291 F.2d 714 (7th Cir., 1961).

Jury trial of subrogation claim arising out of a substantial fire loss at the Cuneo printing plant in Kokomo, Indiana. Issues included negligence, interpretation of insurance policies, and accord and satisfaction.

- (4) Laundry Equipment Sales Corp. v. Borg-Warner Corp., et al., 334 F.2d 788 (7th Cir., 1964).

Represented distributor defendants in successful defense of antitrust conspiracy charge; issues involved alleged tolling of Clayton Act statute of limitations and effect of general release. Also represented national distributor and several regional distributors in prosecuting related claims against Norge Sales Corporation and others (Zeolux Corporation v. Borg-Warner Corp., et al., No. 61 C 570, United States District Court, Northern District of Illinois) which was settled in advance of trial.

- (5) Treble damage litigation arising out of charges of price fixing in electrical equipment industry. (See, e.g., Commonwealth Edison Company, et al. v. Allis-Chalmers Manufacturing Company, et al., 323 F.2d 412 (C.A.7, 1963); 315 F.2d 558 (C.A.7, 1963).

- (a) Originally retained by Foster Wheeler Corporation to serve as local counsel in litigation filed in the Northern District of Illinois, Commonwealth



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Edison Company v. Foster Wheeler Corporation, No. 61 C 1282, and related cases; subsequently handled national depositions and other discovery in condenser cases on behalf of Foster Wheeler;

- (b) Represented A. B. Chance Company as Chicago counsel in certain product lines;
  - (c) Represented Schwager Wood Corporation in successful presentation of motion to dismiss Chicago complaints on grounds of improper venue.
- (6) United States v. Parents Magazine Enterprises, Inc., 1962 CCH Trade Cases (70,437); 1963 CCH Trade Cases (70,649).

Handled trial of preliminary injunction hearing and related proceedings on behalf of defendant A. C. McClurg & Company.

- (7) Federal Trade Commission v. Dean Foods, 356 F.2d 481 (7th Cir., 1966).

Represented Bowman Dairy Company in emergency proceedings before Court of Appeals for the 7th Circuit, on special application to Mr. Justice Clark in the Supreme Court, and in trial before Federal Trade Commission Hearing Examiner and argument before Federal Trade Commission. Although relief was granted against respondent Dean, respondent Bowman Dairy Company was dismissed from both the FTC and judicial proceedings.

- (8) People v. LaFrana, 4 Ill.2d 261, 122 N.E. 2d 583 (1954).

Appointed counsel to represent indigent defendant sentenced to life imprisonment. Investigation, trial and appeal to the Illinois Supreme Court resulted in exoneration and release of defendant on murder charge.





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- (9) People ex rel. Christiansen v. Connell, 2 Ill.2d 332, 118 N.E.2d 262 (1954).

Appointed counsel to test constitutionality of divorce statute providing for "cooling off" in advance of filing; statute held unconstitutional.

- (10) United States v. Anheuser-Busch, et al., United States District Court, Eastern District of Missouri, No. 62 C 45(3).

Represented defendant Rahr Malting Co. in pretrial proceedings, including presentation of argument that Section 7 of the Clayton Act is inapplicable to the selling corporation. Case was settled by consent decree, but no relief was awarded against Rahr.

13. Summarize your experience in court prior to the last five years. If during any prior period you appeared in court with greater frequency than during the last five years, indicate the periods during which this was so and give for such prior periods the same data which was requested in Question 12.

Generally speaking, my experience in the last five years has been similar to that in earlier years.

14. Have you ever been engaged in any occupation, business, or profession other than the practice of law? If so, please give the details, including dates.
- (a) Summer and part-time work (e.g., bellboy, laundry assistant, golf course caretaker, etc.).
- (b) Teaching as part-time member of faculty at Northwestern Law School (1952-1954) and University of Chicago Law School (approximately 1955-1956), teaching antitrust law and related courses.



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Honorable Richard G. Kleindienst

July 1, 1970

15. If you are now an officer or director of any business organization or otherwise engaged in the management of any business enterprise, please give details, including the name of the enterprise, the nature of the business, the title of your position, the nature of your duties, and the term of your service. If it is not your intention to resign such positions and give up any other participation in the management of any of the foregoing enterprises, please so state, giving reasons.

Blue Bird Coal Company

Family owned company in coal business.  
Treasurer and Secretary

Ender Coal and Coke Company

Family owned company in coal business.  
Director and Secretary

Cuneo Eastern Press, Inc.

Subsidiary of printing company.  
Assistant Secretary

In each of the above companies, the duties are nominal and I will promptly resign from all such positions.

16. Have you ever held judicial office, or have you ever been a candidate for such an office? If so, give the details, including the courts involved, whether elected or appointed, and the periods of service.

No (unless position as law clerk referred to in answer No. 10 (a) is considered a judicial office).

17. Have you ever held public office other than a judicial office, or have you ever been a candidate for such an office? If so, give the details, including the offices involved, whether elected or appointed, and the length of your service.

No (unless employment referred to in 10 (a), 10 (c) or 28 (b) is considered a public office).



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Honorable Richard G. Kleindienst

July 1, 1970

18. Have you ever been arrested, charged, or held by federal, state, or other law-enforcement authorities for violation of any federal law, state law, county or municipal law, regulation or ordinance? If so, please give details. Do not include traffic violations for which a fine of \$25.00 or less was imposed.

No.

19. Are you currently under Federal, State or local investigation for a possible violation of a criminal statute?

No.

20. Has a tax lien or other collection procedure ever been instituted against you by Federal, State or local authorities? If so, please give details.

No.

21. Have you ever been sued by a client? If so, please give particulars.

Yes. In December, 1961, Olson Brothers, Inc., formerly known as Bellanca Corporation, commenced a declaratory judgment action against nine former Directors of the corporation (including myself) to obtain a determination as to the validity of stock options granted to the defendants. The court of chancery sustained the options and the Supreme Court of Delaware affirmed. The facts are stated in the opinion of Vice Chancellor Short and of the Supreme Court of Delaware, copies of which are enclosed herewith. Further details may be obtained from Irving Morris, Esquire, Cohen, Morris and Rosenthal, 1101 Market Tower, Wilmington, Delaware 19801, who represented seven of the defendants, or from Rodney M. Layton, Esquire, 4072 DuPont Building, Wilmington, Delaware, who represented the plaintiff.



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Honorable Richard G. Kleindienst

July 1, 1970

22. Have you ever been a party or otherwise involved in any other legal proceedings? If so, give the particulars. Do not list proceedings in which you were merely a guardian ad litem or stake-holder. Include all legal proceedings in which you were a party in interest, a material witness, were named as a co-conspirator or a co-respondent and any grand jury investigation in which you figured as a subject, or in which you appeared as a witness.

As a Trustee of a Trust established by John F. Cuneo under date of August 12, 1935, as amended, I have been named as a defendant in litigation in which I had no beneficial interest and in which I did not appear as counsel.

My deposition was taken by the defendant in the case entitled Norman Niemi, et al. v. Control Systems, Inc., et al., No. 59 C 182, in the United States District Court for the Northern District of Illinois (involving the negotiation of an office equipment distribution contract with an English company), and also in the case entitled Hawthorn-Mellody, Inc., v. Henry Soldwedel, et al., No. 65 L. 27593 (involving an alleged tortious interference with a contractual relation.)

Apart from the above matters, the answer is negative.

23. Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, bar association, disciplinary committee, or other professional group? If so, please give the particulars.

No.

24. a) What is the present state of your health?  
b) If you have ever been hospitalized or prevented from working due to injury or illness or otherwise incapacitated for a period in excess of ten days, please give the particulars, including the causes, the dates, the places





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Honorable Richard G. Kleindienst

July 1, 1970

of confinement, and the present status of the conditions which caused the confinement or incapacitation.

- c) Do you suffer from any impairment of eyesight or hearing or any other physical handicap? If so, please give details.
- a) Excellent.
- b) No.
- c) I wear glasses, but have no other physical handicap.

25. Have you published any legal books or articles? If so, please list them, giving the citation and dates.

- (1) Contributor to "Report of the Attorney General's National Committee to Study the Antitrust Laws." (1955)
- (2) "Mr. Justice Rutledge" by John Paul Stevens, Chapter in book entitled "Mr. Justice," edited by Dunham and Kurland. (1956)
- (3) "Monopoly or Monopolization - A Reply to Professor Rostow" by Edward R. Johnston and John Paul Stevens, 44 Ill. L. Rev. 269. (1949)
- (4) "Defense of Meeting the Lower Price of a Competitor" by John Paul Stevens, 1953 Summer Institute on Federal Antitrust Laws, University of Michigan Law School.
- (5) "Tying Arrangements" by John Paul Stevens, Conference on the Antitrust Laws and the Attorney General's Committee Report, p. 135. (1955)
- (6) "The Regulation of Railroads" by John Paul Stevens, Vol. 19, p. 355, Proceedings of A.B.A. Section of Antitrust Law. (1961)
- (7) "'Effect on Competition' Under the Robinson Patman Act" by John Paul Stevens, Proceedings of The Fifth Annual Corporate Counsel Institute, p. 31. (1966)



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Honorable Richard G. Kleindienst

July 1, 1970

- (8) Contributor to "Antitrust Developments - 1955-1968," a Supplement to Report of the Attorney General's National Committee to Study the Antitrust Laws.
- (9) "Exemptions From Antitrust Coverage," Antitrust Law Journal, Vol. 37, Issue 4, p. 706. (1968)
26. List any honors, prizes, awards, or other forms of recognition which you have received.
- a) University of Chicago, 1941  
Phi Beta Kappa;  
Student Head Marshal;  
Chairman, Daily Maroon (student newspaper).
- b) Bronze Star Medal.
- c) Northwestern Law School, 1947  
Order of the Coif;  
Graduated first in class;  
Co-editor Illinois Law Review (now known as Northwestern Law Review).
- d) Member Attorney General's Committee to Study Antitrust Laws. Appointed by Attorney General Brownell in 1952.
27. List all bar associations and professional societies of which you are a member and give the titles and dates of any offices which you have held in such groups. List also chairmanships of any committees in bar associations and professional societies, and memberships on any committees which you believe to be of particular significance (e.g., judicial selection committee, committee of censors, grievance committee).
- a) Chicago Bar Association  
(Presently serving as Second Vice President; formerly served as a member of the Board of Managers, Chairman of Committee on Antitrust Law, Chairman of Committee on Judicial Candidates, and Chairman of Committee on the Judiciary.)



Honorable Richard G. Kleindienst

July 1, 1970

- b) American Bar Association  
(Member Antitrust Section; formerly served as Chairman  
Antitrust Exemptions Committee of the Antitrust Section.)
- c) Illinois Bar Association  
(Member)
- d) Federal Bar Association  
(Member)

28. State any other information which you regard as pertinent.

- a) In view of the limited number of cases that I have  
tried to a conclusion in recent years, you may wish  
to make further inquiry about my experience in litigated  
matters from counsel who have opposed me (or who are now  
opposing me) in contested litigation. Such counsel  
include:

Earl A. Jinkinson, Esquire  
Winston, Strawn, Smith & Patterson  
One First National Plaza  
Chicago, Illinois 60670

W. Donald McSweeney, Esquire  
Shiff, Hardin, Waite, Dorschel & Britton  
231 South La Salle Street  
Chicago, Illinois 60604

Philip W. Tone, Esquire  
Jenner & Block  
135 South La Salle Street  
Chicago, Illinois 60603

Lee A. Freeman, Esquire  
One North La Salle Street  
Chicago, Illinois 60602

Frederick P. Furth, Esquire  
Russ Building  
San Francisco, California 94104



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Honorable Richard G. Kleindienst

July 1, 1970

Arnold I. Shure, Esquire  
11 South La Salle Street  
Chicago, Illinois 60603

Narcisse A. Brown, Esquire  
Noble & Brown  
30 North La Salle Street  
Chicago, Illinois 60602

John Carroll, Esquire  
Nottingham, Carroll, Paltz, Coughlin & Conan  
621 Onondaga County Savings Bank Building  
Syracuse, New York 13202

Daniel M. Schuyler, Jr., Esquire  
Schuyler, Stough & Morris  
100 West Monroe Street  
Chicago, Illinois 60603

Leo H. Arnstein, Esquire  
Arnstein, Gluck, Weitzenfeld & Minow  
120 South La Salle Street  
Chicago, Illinois 60603

Hugh Reynolds, Jr., Esquire  
Locke, Reynolds, Boyd & Weisell  
10th Floor Consolidated Building  
Indianapolis, Indiana 46204

Peter A. Tomei, Esquire  
Isham, Lincoln & Beale  
One First National Plaza  
Chicago, Illinois 60670

- b) In 1969 I served as General Counsel to the Special Commission appointed by the Supreme Court of Illinois to investigate the integrity of the judgment of that Court





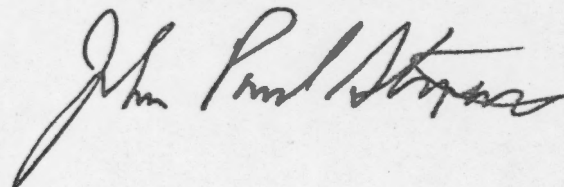
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Honorable Richard G. Kleindienst

July 1, 1970

in People v. Isaacs. The work involved investigation and presentation of evidence and argument related to allegations of impropriety or the appearance thereof on the part of certain members of the Court.

Respectfully yours,



JPS:fl  
Enclosures

cc- Honorable Lawrence E. Walsh  
One Chase Manhattan Plaza  
New York, New York 10005

Miles G. Seeley, Esquire  
231 South La Salle Street  
Chicago, Illinois 60604



THE WHITE HOUSE  
WASHINGTON

November 28, 1975



MEMORANDUM FOR THE PRESIDENT

FROM: MAX L. FRIEDERSDORF *M.L.F.*  
SUBJECT: Judge John Paul Stevens/Congressional Reaction

While having some difficulty reaching Members, we have the following comments concerning the President's announcement today about the Supreme Court vacancy:

Chuck Wiggins - "Would have been my first guess. He is an excellent choice and should have no trouble being confirmed."

Bob Michel - Pleased with nominee being from the 7th Circuit.

John McFall - Should be easy to confirm. Sounds like a good fella with a good legal background.

Ed Hutchinson - Very pleased with the President's selection, applauded the abilities of Stevens and commented about the fine job Stevens had done while being a member of the House Judiciary Committee staff.

Bob McClory - In route home from West Virginia, was not able to personally contact him. Talked to Martha Morrison of his Washington, D. C. staff who said she recognized Stevens' name and said she would get word to the Congressman as soon as he arrived.

John Rhodes - Left word, unable to reach him

The Speaker - Left word with Mike Reed. He hoped there would be no trouble on confirmation.

Peter Rodino - Not available, left word with staff.

John Anderson - Left word, unable to reach.

Tip O'Neill - "Who?" "I never heard of him -- who is he?" Read biography to him and he said, "Good luck."

Ed Derwinski - Didn't know him, but pleased to be notified in advance

Morgan Murphy - Unable to reach, left word. He and Stevens live a few blocks apart on the same street in South Chicago.

REACTIONS ON  
JOHN PAUL STEVENS

(Calls made November 28, 1975, between  
3:15 and 4:00 p.m.)

SCOTT, H. Did not know him. Thought it was the Levi-Rumsfeld influence. "Probably a fraternity brother of Don's."

THURMOND "Is he a strict constructionist?"

PERCY Knows him well, of course, and says he is an "exceptional jurist". He said he told the FBI when they called that his health might be a problem. Was a classmate of his.

MANSFIELD Never heard of him. Will he cause trouble with the Reagan people?

HART, P. Unreachable. Left word with Sid Woolner.

BAYH Left word with L.A. --he is trying to reach Senator.

TUNNEY No answer at office, home or district office.



REACTIONS ON  
JOHN PAUL STEVENS

(Calls made November 28, 1975, between  
3:15 and 4:00 p.m.)

FONG	Thank you.
MATHIAS	Out of pocket; left word with David Winstead.
R. BYRD	Left word.
McCLELLAN	Left word.
KENNEDY	Thank you. Good to learn that it is a Federal judge. They do not get enough recognition and are well trained for the position.
BURDICK	Thanks for the courtesy.
ABOUREZK	Thanks but what happened to the plans to name a woman? Too bad for you guys that Nancy Reagan isn't an attorney.
STEVENSON	Out of pocket -- left word with Les Goldman.
W. SCOTT	Thanks.





{Dec. 1975?}

94th CONGRESS )  
1st Session )

SENATE

( REPORT  
( No. 94 -----

NOMINATION OF JOHN PAUL STEVENS

\_\_\_\_\_. -- Ordered to be printed.  
Filed under authority of the order of the Senate  
of \_\_\_\_\_.

MR. EASTLAND, from the Committee on the Judiciary,  
submitted the following

R E P O R T

[To accompany the nomination of John Paul Stevens]

The Committee on the Judiciary, to which was referred the nomination of John Paul Stevens to be an Associate Justice of the Supreme Court of the United States, vice Associate Justice William O. Douglas, having considered the same, reports favorably thereon and recommends Senate confirmation of the nomination.

Background

On November 12, 1975, Justice William O. Douglas notified President Ford of his retirement from regular active service as an Associate Justice of the Supreme Court of the United States pursuant to the provisions of Title 28, United States Code, Section 371(b). In his letter of resignation, Justice Douglas referred to his health problem " . . . which depletes my energy to the extent that I have been unable to shoulder my full share of the burden." <sup>1/</sup>

<sup>1/</sup> See Weekly Compilation of Presidential Documents, November 12, 1975.



In his response to the letter of resignation, President Ford observed:

\* \* \*

In response to your decision to retire at the close of this day from regular active service as an Associate Justice may I express on behalf of all our countrymen this nation's great gratitude for your more than 36 years as a Member of the Supreme Court. Your distinguished years of service are unequalled in all the history of the Court. Your contributions to the law both as scholar and jurist and your service under President Franklin D. Roosevelt as member and chairman of the Securities and Exchange Commission constitute a lifetime of dedicated public service matched by few Americans. 2/

\* \* \*

Your Committee takes this opportunity to salute the public service of Justice Douglas and to wish him restored good health which would allow for the enjoyment of a well-deserved retirement.

On December 1, 1975, the President forwarded to the Senate the nomination of Judge John Paul Stevens, United States Circuit Judge for the Seventh Circuit Court of Appeals, to fill the vacancy caused by the retirement of Justice Douglas.

Judge Stevens was born in Chicago, Illinois on April 20, 1920. He graduated from the University of Chicago (A. B. 1941) and the Northwestern University School of Law (J. D. 1947), where he was Co-Editor of the Law Review. His academic record was outstanding, both at Chicago where he was Phi Beta Kappa and at Northwestern where he was graduated magna cum laude and first in his class. From 1942 to 1945, Judge Stevens served in the United States Navy and was decorated with the Bronze Star Medal.

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2/  
Ibid.

Following his graduation from law school, Judge Stevens was law clerk to Supreme Court Justice Wiley Rutledge. He then entered private practice, specializing primarily in litigation, antitrust law and commercial law matters, first with the firm of Poppenhusen, Johnston, Thompson and Raymond in Chicago from 1948 until 1951, and again from January 1952 to June 1952, and later as a partner in the firm of Rothschild, Stevens, Barry & Myers in Chicago from 1952 until his appointment to the Seventh Circuit Court of Appeals.

In 1951, Judge Stevens served as Associate Counsel to the Subcommittee on the Study of Monopoly Power of the Committee on the Judiciary of the United States House of Representatives. From 1953 to 1955 he was a member of the Attorney General's National Committee to Study the Antitrust Laws.

From 1952 to 1956, Judge Stevens taught part time, first at Northwestern University Law School and then at the University of Chicago Law School, teaching antitrust law and related courses. He was admitted to the Illinois Bar in 1949 and to the United States Supreme Court in 1954. While in private practice, Judge Stevens authored numerous articles on antitrust matters.

The nomination was thereafter referred to the Committee on the Judiciary which noticed hearings beginning on December 8, 1975. 3/

#### Discussion

Beginning on December 8, 1975, your committee held a total of three days hearings on the nomination of Judge Stevens, receiving testimony from Senators Stevenson and Percy, the Attorney General, Warren Christopher on behalf of the American Bar Association, Margaret Drachler on behalf of the National Organization of Women (NOW), Anthony R. Martin-Trigona, Rocco Ferran on behalf of the Citizens for Legislative Reform, Robert J. Smith and the nominee. 4/

3/ Congressional Record, 94th Cong., 1st Sess., December 1, 1975 (daily edition) at S20809.

4/ See Hearings Before the Committee on the Judiciary, "Nomination of John Paul Stevens", 94th Cong., 1st Sess. Hereinafter cited as Hearings (page references not available).



During his five years service on the United States Court of Appeals for the Seventh Circuit, Judge Stevens has authored over 200 opinions, an unusually high number of them in analytically difficult areas of the law. This body of judicial work has been characterized as consistently excellent and often brilliant. Attorney General Levi considers these opinions to be "gems of perfection" and a "joy to read." 5/

Warren Christopher, Chairman of the American Bar Association Standing Committee on the Federal Judiciary, summed up his testimony with the following:

\* \* \*

"Based upon our investigation, 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." 6/

\* \* \*

Senators Stevenson and Percy were equally lavish in their praise for the nominee. Characterizing the judicial philosophy of the nominee, Senators Stevenson noted ". . . Judge Stevens is not doctrinaire or judicially adventurous. He is a judge. His record on the bench indicates that he sees it as his duty to apply the law and not to make it." 7/

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5/ Hearings, testimony of Attorney General Levi.

6/ Hearings, testimony of Warren Christopher.

7/ Hearings, testimony of the Honorable Charles Percy and the Honorable Adlai Stevenson.



Testimony by Margaret Drachsler, representing the National Organization of Women (NOW), centered on the nominee's alleged lack of sensitivity to women's rights and the perception that his decisions were colored by his own personal philosophy. <sup>8/</sup> Although your Committee is sensitive to the concerns of NOW and sympathetic to the interests of other women's groups in securing the appointment of a woman to the Supreme Court, we conclude that the cases cited as bases of opposition in this instance reflect a commitment to precedent and established procedures rather than any sexual bias. At the same time, we are hopeful that a woman will soon sit in the constitutionally unique position of a United States Supreme Court Justice.

Testimony by Anthony R. Martin-Trigona, and Robert J. Smith presented a series of unsubstantiated allegations of wrongdoing by the nominee which, upon review, proved to be frivolous. Rocco Ferran, testifying on behalf of the Citizens for Legislative Reform, opposed the nomination of a lawyer to the Supreme Court, suggesting that the representation of other disciplines on the high court would be in the best interests of the nation.

During the course of your committee's hearings, the nominee was totally forthcoming in presenting personal information relevant to our inquiry.

Included in the massive bulk of material which the Committee has examined are all of the nominee's Federal and state tax returns for the past ten years, all of his securities transactions while on the bench, all the clients of his former law firm for three years before he went on the bench, all of his published judicial opinions and writings, all places of residence and employment since graduation from law school, all instances in which he recused himself while on the bench, all income received and assets owned by the nominee and members of his family since he became a judge, all relevant medical reports and doctors' statements regarding his health and, finally, a complete FBI investigation. In short, this Committee has thoroughly examined every relevant facet of the nominee's personal, financial, medical, and professional life and sees no basis for

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<sup>8/</sup> Hearings, testimony of Margaret Drachsler.

withholding the advise and consent of the Senate to his nomination. His appointment is distinguished in all respects.

#### Conclusion

For the foregoing reasons, the Committee on the Judiciary recommends Senate confirmation of the nomination of John Paul Stevens to be an Associate Justice of the Supreme Court of the United States.

*Supreme Court*

Monday 12/1/75

Meeting  
12/1/75  
6:00 p. m.

3:25 The meeting for the following people is scheduled  
at 6 o'clock this afternoon (Monday 12/1):

Judge Stevens  
Pat O'Donnell  
William Kendall  
Mike Uhlmann  
Ken Lazarus





Monday 12/1/75

3:10 Mike Smith in Senator Mathias' office said they would like to have whatever we are making available concerning Judge Stevens.

224-4654

Judge Stevens will be meeting with Senator Mathias on Tuesday.

They would like it delivered to Room 358 Russell Building.

4:15 Senator Kennedy's Subcommittee also requested copies of materials

*Pat O'Donnell  
said they are  
taking care  
of it*





Monday 12/1/75

4:15 Caroline Croft in Senator Kennedy's Subcommittee asked us to deliver a set of the papers relevant to Judge Stevens.

224-5617

Room 3216 Dirksen Bldg.

*Pat O'Donnell  
said they  
are taking  
care of it*



Monday 12/1/75

4:15 Pat O'Donnell said Judge Stevens would like very much to have lunch with the Chief Justice tomorrow at noon in his Chambers.

Do you want me to call the Chief Justice's office to confirm?



Monday 12/1/75

*Judge Stevens:*

5:15 We have confirmed your luncheon appointment with the Chief Justice tomorrow (12/2).

They suggest you be there at 10 minutes till 12 -- and have the car take you into the garage of the Supreme Court (Second Street entrance). Someone will meet you there and take you up to the Chief Justice's Chambers.

*You would be free  
by 1 o'clock when  
the Chief Justice  
has to return to  
Chambers.*



THE WHITE HOUSE  
WASHINGTON

EVA -

For the attending

6pm meetg in Mrs.

Bachan's office -

Pathe  
P a/1



THE WHITE HOUSE

WASHINGTON

December 1, 1975

MEMORANDUM FOR: PHILIP BUCHEN  
THRU: MAX FRIEDERSDORF  
FROM: PATRICK O'DONNELL  
SUBJECT: Congressional Calls -- Judge John Paul Stevens

On Monday, December 1, 1975, Judge Stevens met with members of the Senate Judiciary Committee and Senate Leadership as follows:

1:30 p. m.	Strom Thurmond (R-South Carolina)
2:00 p. m.	Robert Byrd (D-West Virginia)
2:30 p. m.	Robert Griffin (R-Michigan)
3:00 p. m.	Hugh Scott (R-Pennsylvania)
3:30 p. m.	Birch Bayh (D-Indiana)
4:00 p. m.	Edward Kennedy (D-Massachusetts)
4:30 p. m.	John McClellan (D-Arkansas)
5:15 p. m.	Philip Hart (D-Michigan)

In addition, to the above meetings, Senator Charles Percy introduced Judge Stevens to the following Senators during lunch today:

Dewey Bartlett (R-Oklahoma)  
William Scott (R-Virginia)  
James Buckley (C-New York)  
Carl Curtis (R-Nebraska)  
Pete Domenici (R-New Mexico)  
Paul Fannin (R-Arizona)  
Clifford Hansen (R-Wyoming)  
Jesse Helms (R-North Carolina)  
Bennett Johnston (D-Louisiana)  
Paul Laxalt (R-Nevada)  
George McGovern (D-South Dakota)  
Richard Schweiker (R-Pennsylvania)



Hugh Scott (R-Pennsylvania)  
Richard Stone (D-Florida)  
Charles Mathias (R-Maryland)  
John McClellan (D-Arkansas)  
William Proxmire (D-Wisconsin)

The morning of Tuesday, December 2, has been set aside for Judge Stevens to meet with members of the House leadership and selected members of the House Judiciary Committee. During Tuesday afternoon, Judge Stevens is scheduled to meet with the following members of the Senate:

3:00 p. m.	William Scott (R-Virginia)
3:30 p. m.	Charles Mathias (R-Maryland)
4:00 p. m.	John Tunney (D-California)
4:30 p. m.	Quentin Burdick (D-North Dakota)
5:00 p. m.	James Abourezk (D-South Dakota)

When Judge Stevens has completed these calls he will have seen all members of the Senate Judiciary Committee excepting Hiram Fong who will be out of town until the week of December 8. Senator Mansfield has been contacted but will not be returning to Washington until the evening of December 2.

THE WHITE HOUSE  
WASHINGTON

COURTESY CALLS FOR JUDGE JOHN PAUL STEVENS  
TUESDAY, DECEMBER 2 -

9:30 a. m.	Rep. Bob Michel	Room 2112
10:00 a. m.	Rep. Tip O'Neill	Room 2231
11:00 a. m.	Rep. John McFall	Room H-107
11:30 a. m.	Rep. John Rhodes	Room H-232
1:30 p. m.	Rep. Ed Hutchinson	Room 2336
2:00 p. m.	Rep. Peter Rodino	Room 2462
2:30 p. m.	Speaker	Room H-209

[Dec. 1975?]

Justice Dept. had loaned us files for Mr. Buchen's review in connection with the vacancy on the Supreme Court.

The following files were delivered to Terry Knowles for return to the Justice Dept.:

Stevens A-D  
Adams A-C  
Tone A-C  
McKusick B





THE WHITE HOUSE  
WASHINGTON

November 29, 1975

EVA:

Per Mr. Marsh - Judge John Paul Stevens will be arriving Monday at 9:20 a.m., via American Flight #312. He has a reservation at the MADISON Hotel. I understand Mr. Buchen was to meet him at the airport.

Thanks.

Connie



[Dec. 1975?]

**10:40 Referred Henry Poole's call (Sen. Morgan's office) requesting copies of opinions of Judge Stevens to Mike Uhlmann.**

**10:50 Mr. Uhlmann's secretary called back to report that Mr. Uhlmann told Mr. Poole they'd be happy to give him a list of the opinions when it is completed provided members of the Judiciary Committee have it first.**

(I asked if that meant he would also be sending copies of the opinions and she indicated she didn't know.)



Tuesday 12/2/75

4:30 Mark Decker was wondering what you want to do with the post-nomination letters.

Jim Holmes has called from Roland Elliott's office twice to see what we want to do about them.



THE WHITE HOUSE

WASHINGTON

December 1, 1975

MEMORANDUM FOR: PHIL BUCHEN

FROM: KEN LAZARUS

Senator Hruska called and indicated that he had spoken with Chairman Eastland and that there was a possibility that hearings would open on the Stevens nomination as early as Thursday or Friday.

The Chairman's inclination is to wait until Judge Stevens has the opportunity to meet with all the Members of the Committee and then to convene an Executive Session of the Committee in order to obtain the views of the membership. Senator Hruska, on the other hand, seemed inclined to get the show on the road a little bit faster.

I indicated to him that it would be best not to attempt to pressure any Members of the Committee into early hearings and that an opening on Monday, December 8, would be completely adequate. He agreed and will get back to us after the Judge has seen all of the Members of the Committee and prior to the Executive Session.





THE WHITE HOUSE

WASHINGTON

December 1, 1975

FILE FOR JUDGE STEVENS

1. Biographical information released by the White House on November 28, 1975.
2. Statement of the President on November 28, 1975
3. List of citations to Opinions which were furnished to the Press Corps on November 28, 1975.
4. Transcript of Hearings held before the Subcommittee on Nominations of the Committee on the Judiciary on October 1, 1970.
5. Correspondence of July 15, 1970 and October 2, 1970 to Chairman Eastland from L. G. Behrend, President, Profit Management Development, Inc.
6. Set of Opinions furnished to Senator Roman Hruska on November 29, 1975.
7. Copies of addresses furnished to Senator Hruska on December 1, 1975.



Wednesday 12/3/75

11:55 We have changed Judge Stevens' reservation for him to leave from National airport at 1:30 p. m. on American 141; arrival in Chicago, 2:25 p. m.



Tuesday 12/2/75

3:58 Rick Graser said Senator Percy wanted to let you know that he had talked with Tunney and Kennedy and neither one was aware of any movement to block or delay the nomination and Tunney is looking forward to his 4 p. m. meeting today with Judge Stevens; and he spoke to Eastland and Kennedy and Tunney and all think the hearings should get underway on Monday -- don't foresee anything that would delay them. 224-6191

Senator Scott of Virginia was very impressed with his meeting so they don't see any problems at this time.



MEMORANDUM  
OF CALL

TO: Bucher

YOU WERE CALLED BY—  YOU WERE VISITED BY—

Glenn Elsasser  
OF (Organization) Chicago Tribune

PLEASE CALL →  IS WAITING TO SEE YOU  
 WILL CALL AGAIN  WISHED AN APPOINTMENT  
 RETURNED YOUR CALL

PHONE/NO.  
CODE/EXT. 785-9432

MESSAGE

did white house  
check judge Stevens  
outside income?

RECEIVED BY Jam | DATE 12 | 1 | TIME 5:20

STANDARD FORM 63  
REVISED AUGUST 1967  
GSA FPMR (41 CFR) 101-11.6

GPO : 1969-O-49-18-00041-1 333-880 63-108



Tuesday 12/2/75

3:10 Glenn Elsasser of the Chicago Tribune had called  
and then called again.

785-9432

Since you were tied up, I checked with Ken to ask  
if he could give me any guidance.

He said to tell Elsasser that you and Judge Stevens  
discussed his entire financial situation in detail.

Mr. Elsasser asked if that meant there was no problem.  
I indicated if there had been I was sure that would have  
been checked into -- Ken advised there was no problem.

(Ken said when he left his law firm they paid him his  
capital account -- which was like turning in stock.)



December 6, 1975

Materials returned to Department of Justice  
re appointment of Justice-Elect Stevens

1. The Criminal Justice Act in the Federal District Courts - Oaks
2. American Law Institute - Program of the 51st Annual Meeting.
3. The Fellows - American Bar Foundation.
4. A Criminal Justice System and the Indigent.
5. The Popular Myth of the Victimless Crime
6. Legal History in the High Court - Habeas Corpus
7. Studying the Exclusionary Rule in Search and Seizure.
8. The "Original" Writ of Habeas Corpus In the Supreme Court.
9. A "Black Binder" with Cases of Adams, Stevens, Wallace, Tone, and Webster.



Monday 12/8/75

11:00 Mr. Buchen advises Judge Stevens will be calling when he is finished on the Hill.

He has his two daughters and a friend with him and they would like to be taken on a tour of the White House.



Monday 12/8/75

W.H. Tour  
12/8/75  
after 1 o'clock

11:00 Rex Scouten advises the decorations will be all finished -- and we could have Judge Stevens' two daughters and friend go on the White House tour -- after 1 o'clock today (Monday 12/8).

*Kear took them over  
to meet*





Monday 12/8/75

Luncheon  
12/8/75  
1:30 p. m.

1:45 We have made a reservation for eight at the  
Conference Dining Room about 1:30 today  
(Monday 12/8) for:

Judge John Paul Stevens  
Mrs. Elizabeth Stevens  
Elizabeth Stevens  
Susan Stevens  
Ed Rothschild  
Michael Uhlmann  
Ken Lazarus



Monday 12/8/75

5:55 Jim Costello of the National Catholic News Service said he had just heard that Judge Stevens has four children who have attended Catholic schools.

659-6729

He asked if that background was known when he was being considered for appointment. If known, was it a factor in the decision to nominate him to the Supreme Court.



Tuesday 12/9/75

1:30 Ken Lazarus said nothing eventful happened in the Stevens hearing this morning. Stevens, et al., are having lunch with the Chairman. They go back at 2 o'clock. Tunney and Abourezk are each asking their questions this afternoon. After that, NOW and Bella Absug will testify against him. (He doesn't "love the ladies enough.")

Tomorrow the Subcommittee consisting of Thurmond and Burdick will consider the questions raised by Trigona in closed session.

4:20 Ken called to say the Committee had just recessed. They didn't get to the witnesses against him. Judge Stevens won't be back this evening, but will be town. The NOW witnesses and the others will testify tomorrow. The Judge will come over after that.

*copy sent  
to  
Pat J. Donnell*



THE WHITE HOUSE

WASHINGTON

December 6, 1975

MEMORANDUM FOR: PHILIP MODLIN

FROM: KENNETH LAZARUS *KL*

SUBJECT: Stevens' Nomination

Enclosed are the following:

- (1) A list of citations to all unreported orders entered by the Seventh Circuit during the period 1970-present in cases in which Judge Stevens participated;
- (2) An article from the Chicago Defender;
- (3) A letter to Chairman Eastland and supporting affidavit from Jerome Torshen;
- (4) The affidavit of Frank Greenberg, formerly Chairman of the ad hoc commission to investigate charges against certain justices of the Illinois Supreme Court; and
- (5) The affidavit of Henry Pitts, formerly Vice-Chairman of the Commission.

This completes the materials which have been assembled for the hearing. The Judge has not been able to locate a copy of his 1970 State tax return but a duplicate can be obtained from the State of Illinois (some delay involved) if necessary.

Also, enclosed is a copy of a book written by Senator Thurmond which Judge Stevens would like to review tomorrow night.

I trust you will get it to him upon his arrival. (12/7/75 - AA #352 - Arrive 6:10 p.m., National Airport.) You might also give him a copy of this memo for his information.





Judge Stevens, Mrs. Stevens, their two daughters and Ed Rothchild will be staying at the Sheraton Carlton (638-2626) and plan on remaining in the city at least until Wednesday, later if necessary.

I also mentioned that Senator Hruska will not be able to host a luncheon on Monday. I expect, however, that he will set something up for Tuesday or Wednesday. In the event the Judge and his party would like to have lunch here at the White House on Monday or any other day during the week, please give me a few minutes notice (456-6297) for clearances and a reservation.

In the event Chairman Eastland deems it necessary to require the appearance of Dr. Shumway and/or Dr. Jamplis (a possibility I consider remote), we shall be happy to contact Dr. Jamplis at 415-321-4121.

You might inform Ed Rothchild that I turned over Torshen's material to Jim Michie.

Should Judge Stevens or Ed Rothchild have need for a temporary office, secretarial assistance, etc., just call. Additionally, the Judge indicated that he might like to arrange a White House tour for his wife and children.

I may be reached at my office or home through the White House switchboard (456-1414).

I think that's it.

cc: Phil Buchen (w/enclosures)  
Pat O'Donnell (w/o enclosures)  
Mike Uhlmann (w/o enclosures)



Thursday, December 11

Ken Lazarus called to report that Senator Hruska had informed him that the Judiciary Committee had voted favorably on the nomination of Judge Stevens. He is expected to be confirmed on Monday.

2:45 p.m.

Bill Kendall's office called to give the same report.



THE WHITE HOUSE  
WASHINGTON

12/11/75

Mr. Buchen:

Ken Lazarus is hopeful that there will be a Senate Judiciary Committee Executive Session this afternoon on the Stevens nomination.

He will get back to you if anything happens.

Jane

*Exec Session set for  
2 pm. Ken will  
let you know what  
happens.*



United States Court of Appeals  
For the Seventh Circuit  
219 South Dearborn Street  
Chicago 60604

Chambers of  
Judge John Paul Stevens

December 16, 1975

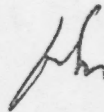
Mr. Philip Buchen  
Counsel to the President  
The White House  
Washington, D. C.

Dear Phil:

There are so many things for which I want to thank you that I hardly know where to begin. Your efficient and understanding supervision of all aspects of the business at hand was of the greatest importance, but I perhaps appreciate even more the gracious hospitality extended to Betty, Liz and Sue, and the exceptionally pleasant dinner with Mrs. Buchen, the Levis and the Percys on the evening of my initiation to the confirmation process.

There is nothing quite as rewarding as making new friends, and I feel that we have managed to do that in a short time.

Sincerely,





United States Court of Appeals  
For the Seventh Circuit  
219 South Dearborn Street  
Chicago 60604

Chambers of  
Judge John Paul Stevens

*Mr. B sent his  
copy to Ken*

December 16, 1975

The President  
The White House  
Washington, D. C.

My Dear Mr. President:

Effective upon my assumption of  
office as an Associate Justice of the Supreme  
Court of the United States, I hereby resign  
my present position as United States Circuit  
Judge for the Seventh Circuit.

Respectfully,

*John Paul Stevens*

Copy to: The Honorable Warren E. Burger  
The Honorable Thomas E. Fairchild  
Mr. Rowland F. Kirks  
Mr. Philip Buchen



*Supreme Ct.*

THE WHITE HOUSE  
WASHINGTON

December 22, 1975

Dear Mr. Seltzner:

The President has asked me to acknowledge and thank you very much for your letter to him concerning Judge John Paul Stevens. He is gratified that you have so enthusiastically commended the selection of Judge Stevens for appointment as Associate Justice of the Supreme Court.

No doubt you are as pleased as we are at the confirmation of Judge Stevens as Associate Justice and his installation in that eminent position.

With best wishes.

Sincerely,

*Philip W. Buchen*  
Philip W. Buchen  
Counsel to the President

Mr. Robert J. Seltzner  
Editor &  
General Manager  
The Daily Calumet  
920 S. Baltimore Avenue  
Chicago, Illinois



NOVEMBER 28, 1975

OFFICE OF THE WHITE HOUSE PRESS SECRETARY

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THE WHITE HOUSE

REMARKS OF THE PRESIDENT  
UPON NOMINATING  
JUDGE JOHN PAUL STEVENS  
TO THE SUPREME COURT

THE BRIEFING ROOM

4:28 P.M. EST

The nomination of a Justice of the United States Supreme Court is one of the most important decisions a President has to make. The opinions of the Court affect the course of our society and the lives of individual citizens for decades to come. The confidence in which the Court is held is the sum of the esteem extended to each of its 9 members and nothing is more essential to our system of liberty under law than the integrity of the Judicial Branch of the Federal Government.

With this burden of responsibility in mind, I have conducted a thorough search and considered an extensive list of distinguished men and women to fill the existing vacancy on the Supreme Court. The views of a wide range of Americans in the legal profession and in both public and private life have been sought and are appreciated.

I have decided to submit to Congress when it returns the name of the person I believe to be best qualified to serve as an Associate Justice of the Supreme Court -- United States Judge John Paul Stevens of the Seventh Circuit of the Court of Appeals in Chicago, Illinois.

Judge Stevens is held in the highest esteem by his colleagues in the legal profession and the Judiciary and has had an outstanding career in the practice and the teaching of law as well as on the Federal Bench. I am confident that he will bring both professional and personal qualities of the highest order to the Supreme Court.

Because of the urgency attached to the earliest consideration of this nomination by the United States Senate in order that the Court may be at full strength in considering its current calendar, I am announcing my choice today and will submit Judge Stevens' name formally on Monday.

I believe the best interests of the Nation will be served by prompt confirmation proceedings in the Senate.

Thank you very much.

END (AT 4:30 P.M. EST)





Office of the White House Press Secretary

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THE WHITE HOUSEBIOGRAPHICAL INFORMATION  
ON  
JUDGE JOHN PAUL STEVENS

Judge John Paul Stevens was appointed United States Circuit Judge for the Seventh Circuit Court of Appeals on October 14, 1970, and has been serving as a Circuit Judge since that date.

Judge Stevens was born in Chicago, Illinois, on April 20, 1920. He graduated from the University of Chicago (AB 1941) and the Northwestern University School of Law (JD 1947), where he was Co-Editor of the Law Review. His academic record was outstanding, both at Chicago where he was Phi Beta Kappa and at Northwestern where he was graduated magna cum laude and first in his class. From 1942 to 1945 Judge Stevens served in the United States Navy and was decorated with the Bronze Star Medal.

Following his graduation from law school, Judge Stevens was law clerk to Supreme Court Justice Wiley Rutledge. He then entered private practice, specializing primarily in litigation, antitrust law and commercial law matters, first with the firm of Poppenhusen, Johnston, Thompson and Raymond in Chicago from 1948 until 1951, and again from January 1952 to June 1952, and later as a partner in the firm of Rothschild, Stevens, Barry & Myers in Chicago from 1952 until his appointment to the Seventh Circuit Court of Appeals.

In 1951, Judge Stevens served as Associate Counsel to the Subcommittee on the Study of Monopoly Power of the Committee on the Judiciary of the United States House of Representatives. From 1953 to 1955 he was a member of the Attorney General's National Committee to Study the Antitrust Laws.

From 1952 to 1956, Judge Stevens taught part time, first at Northwestern University Law School and then at the University of Chicago Law School, teaching antitrust law and related courses. He was admitted to the Illinois Bar in 1949 and to the United States Supreme Court in 1954. While in private practice, Judge Stevens authored numerous articles on antitrust matters.

Judge Stevens is married to the former Elizabeth Jane Sheeren. They have four children and reside in Chicago, Illinois.

# # #



THE WHITE HOUSE  
WASHINGTON

November 25, 1975

*Supreme Ct.  
(see  
Schmultz  
file)*

MEMORANDUM FOR: DICK CHENEY

FROM: PHIL BUCHEN *P.*

At our meeting on Saturday, the President asked what Judge Stevens' views were on environmental questions. Attached is a memo from Ed Schmultz to me in regard to this subject.


Attachment



THE WHITE HOUSE

WASHINGTON

November 24, 1975

MEMORANDUM FOR: PHIL BUCHEN  
FROM: ED SCHMULTS   
SUBJECT: Opinions of John Paul Stevens  
on Environmental Questions

Attached are three opinions of Judge Stevens on environmental questions and one opinion on a Motor Vehicle Safety Standard. Brief summaries of the cases are as follows:

Stream Pollution Control Board for the State of Indiana v. U. S. Steel Corp., 512 F.2d 1036 (7th Cir. 1975).

The Indiana Stream Pollution Control Board brought a common law public nuisance action against U. S. Steel to abate pollution of a navigable stream. Appellant, a private citizen, sought to intervene and a motion to do so was denied below. Appellant alleged that his interests in Lake Michigan and the environment of Indiana might be adversely affected by the proceedings and claimed a right to intervene under the Federal Water Pollution Control Act Amendments of 1972. After finding that federal jurisdiction of the State Board's underlying claim could be founded on a federal common law of public nuisance, Stevens held that appellant's motion to intervene was correctly denied. Stevens said that U. S. Steel was in compliance with the federal Act since the effluent standards had not yet become effective. He disagreed with a construction of the Act that would say all effluents are prohibited until limitations thereon are effective.

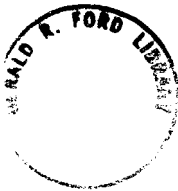


Stearns Electric Paste Co. v. Environmental Protection Agency,  
461 F.2d 293 (7th Cir. 1972).

Under the Federal Insecticide, Fungicide and Rodenticide Act, EPA had determined that Petitioner's rat and roach poison, which had been sold since 1878, was too dangerous for home use except by commercial pest control operators. Under the FIFRA, EPA is authorized to refuse, or to cancel, the registration of any misbranded poison. Stevens said that it was fair to state that the contents of the poisons' labels were largely irrelevant and the real question was whether the FIFRA included a substantive standard of product safety. Evidence was that the product was very effective, but had caused significant mortality and morbidity, largely resulting from suicidal ingestions. Stevens found no statutory support for application of a substantive standard of product safety to misuse of a product. "Without such support, the formulation of substantive standards of product safety by an administrative agency expands the scope of administrative discretion beyond permissible limits." He said that the fact that a legislature may react slowly to obvious dangers cannot justify an agency's policy determinations that are not authorized by statute. The EPA cancellation order was set aside.

U.S. v. Ewig Bros. Co., Inc., 502 F.2d 715 (7th Cir. 1974).

The question was whether DDT and Dieldrin in smoked chubs taken from the Great Lakes are "food additives" within the meaning of the Federal, Food, Drug and Cosmetic Act. If the answer is yes, then presumably all fish in the Great Lakes are "adulterated" within the statutory definition and, therefore, EPA could eliminate all such fish from our food supply. Stevens found that the presence of DDT in fish caused "adulteration" in fish within the meaning of federal law. He found that the government's enforcement guidelines were based on adequate standards of measurement



\* This point was made in the opinion to indicate that the question of statutory interpretation had to be approached with much care, although even a cautious interpretation did lead the Court to conclude in favor of the Government's case.

and the government had proved that those guidelines were exceeded repeatedly and, therefore, the federal law had been violated.

H & H Tire Company v. U.S. Department of Transportation, (7th Cir. 1972).

Under the Nation Traffic and Motor Vehicle Safety Act, DOT had prescribed a standard requiring re-treaded tires to meet the same performance specifications as those established for new tires. The Act stated that all standards should be "reasonable, practical and appropriate." Petitioner alleged that the re-tread standard did not satisfy these criteria. The court found no economic analysis or adequate investigation of practicability by DOT and set aside the re-tread standards. Stevens, in a concurring opinion, said that what the government agency had done, in effect, was to tell car owners that they cannot buy re-treaded tires. He said that the agency should identify the costs associated with the standard and determine whether the costs are overridden by reasonably predictable benefits; since he found no such consideration, Stevens agreed that DOT had failed to perform its statutory duty.





THE WHITE HOUSE

WASHINGTON

December 23, 1975

*Buchen  
12/23/75*

Dear John:


Your kind and thoughtful letter did indeed warm my heart, even though it does overstate the part I played in your confirmation proceedings. Whatever part I did play gave me much satisfaction, but even more satisfying was the opportunity to come to know you and your family.

Both Bunny and I look forward to having you here in Washington where we hope we will have the opportunity of seeing you often.

If you have trouble in finding an immediate place to live, I would be glad to make arrangements for you to stay temporarily at the University Club on 16th Street, N. W. At present, the Club practices discrimination against women in that they are not allowed to enjoy overnight accommodations, but while you are searching for suitable family quarters, this may be an easy solution and not as expensive as a hotel.

Bunny and I send very best wishes to you and your family for the Christmas Season and the New Year.

Sincerely,



Philip W. Buchen  
Counsel to the President

The Honorable John Paul Stevens  
8118 Garfield Street  
Burr Ridge, Illinois 60521



United States Court of Appeals  
For the Seventh Circuit  
219 South Dearborn Street  
Chicago 60604

Chambers of  
Judge John Paul Stevens

December 16, 1975

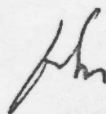
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Counsel to the President  
The White House  
Washington, D. C.

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There is nothing quite as rewarding as making new friends, and I feel that we have managed to do that in a short time.

Sincerely,



LAW OFFICES  
ROTHSCHILD, BARRY & MYERS

TWO FIRST NATIONAL PLAZA

CHICAGO, ILLINOIS 60603

(312) 372-2345

December 23, 1975

EDWARD I. ROTHSCHILD  
NORMAN J. BARRY  
WILLIAM G. MYERS  
MELVIN I. MISHKIN  
JOHN J. COFFEY III  
ALAN L. UNIKEL  
JEROME M. DEVANE  
JOSEPH P. DELLA MARIA, JR.  
ROGER J. GUERIN

PHILIP B. KURLAND  
OF COUNSEL

*Send  
copy to  
Ken, return  
to me for  
acknowledgement.  
sk*

Mr. Philip W. Buchen  
The White House  
Washington, D. C.

Dear Mr. Buchen:

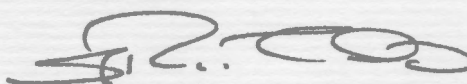
I cannot close my books on the Stevens appointment and confirmation without expressing to you my deep gratitude for your many kindnesses and courtesies, and particularly for your patience. Knowing better than anyone how little I knew about what we were doing, you nevertheless admitted me to full partnership in the effort and made me welcome in the most gracious way.

Also, please give highest marks to Ken Lazarus for his very central role in the affair. He anticipated every need, gave us great direction and helped in so many ways, some invisible and unknown to us.

Again, many thanks.

With kindest regards,

Sincerely,



EIR:cl

