

I will put to you the affidavit of Anthony Robert Martin-Trigona, which makes certain allegations about previous conduct on your part, and I will ask for your comment on that when I return.

[The affidavit referred to follows:]

AFFIDAVIT OF ANTHONY ROBERT MARTIN-TRIGONA

Anthony Robert Martin-Trigona, being first duly sworn, states and deposes as follows:

1. He maintains a business office address at One IBM Plaza Suite 2910A, Chicago, Illinois and is a resident of the City of Chicago, Illinois.

2. For the reasons which he sets out in greater detail in this affidavit he believes there are certain prior activities of John Stevens, Esq. which raise possible doubts as to his fitness to serve as a Justice of the United States Supreme Court.

3. He believes there is a basis to conclude an extensive investigation is warranted to examine Mr. Stevens' prior activities with particular regard to his actions while serving as Chief Counsel to a special commission of the Illinois Supreme Court.

4. That in 1969, in Chicago, certain allegations appeared in various news media concerning unlawful and improper activities of some Illinois Supreme Court judges, charging in substance that sitting judges had accepted bank stock to influence their decisions on the Illinois Supreme Court.

5. In response to the public accusations and discussions, the Illinois Supreme Court appointed what it called the Special Commission in Relation to Docket Number 39797 (hereafter in this affidavit referred to as "Special Commission").

6. The Special Commission was charged with investigating the public charges and accusations which were being made and had been made concerning sitting justices of the Illinois Supreme Court.

7. John Stevens, Esq. acted as Counsel to the Special Commission and personally conducted and supervised substantially all of the investigatory activities of the Special Commission.

8. Jerome Torshen, Esq. served as Assistant Counsel to Mr. Stevens and participated in substantially all of the same investigatory activities of the Special Commission with Mr. Stevens.

9. On numerous occasions I discussed Mr. Torshen's work and role within the Special Commission with him and his working relationship with Mr. Stevens.

10. My discussions with Mr. Torshen as per paragraph (9) above took place in Mr. Torshen's office at 11 S. La Salle Street, Chicago, where we were meeting in connection with his service as my attorney.

11. Mr. Torshen was representing me in connection with my efforts to secure admission to the Illinois bar. I had received a Juris Doctor degree from the University of Illinois in 1969 and passed the Illinois Bar Examination in 1970.

12. Because Mr. Torshen viewed me as a future lawyer, we developed a close working relationship, more in the nature of lawyer to lawyer than attorney/client: for example, on at least one occasion he entertained me in his home for dinner with his family. Our discussions frequently ranged over a variety of topics completely unrelated to my bar admission case.

13. Mr. Torshen had hanging on one wall of his office a reproduction of the front page of one of the Chicago Newspapers (I believe it was the Chicago Daily News) announcing the report of the Special Commission and the resignation of the justices. My prior knowledge of the case and its novel aspects prompted me to question Mr. Torshen about the front page on the wall and this led to a series of discussions which Mr. Torshen and I had over a period of time relating to his service on the Special Commission.

14. Mr. Torshen and I discussed his work as Assistant Counsel to the Special Commission on numerous occasions. One of the reasons I repeatedly broached the topic was that I was frustrated that my bar admission had been inexplicably delayed, while Justice Solfsburg who had resigned in disgrace had not been disciplined and was again practicing law. We also discussed Mr. Torshen's work on the Special Commission because of the impact which it would or could have on the ultimate decision by the Illinois Supreme Court in my case.

15. Mr. Torshen assured me I would be admitted to the Illinois Bar because of his special influence with certain members of the Illinois Supreme Court. On one occasion I kidded Mr. Torshen that his claim of special influence was

no more than lawyer's bragging of a type that is characteristic of Washington lawyers claiming special influence.

16. Mr. Torshen assured me that his claims were in no way bragging and revolved around his knowledge of damaging evidence concerning some of the Illinois Supreme Court justices who were still on the Court, which knowledge and information he had gained as a result of his service as Assistant Counsel on the Special Commission.

17. Mr. Torshen assured me on numerous occasions that if the full and complete record of investigatory materials which had been assembled by himself and Mr. Stevens had been released, at least two additional judges (in addition to the two who did in fact resign) would have been forced to resign from the Illinois Supreme Court.

18. Mr. Torshen mentioned the specific name of one judge and stated in words to the substance of "He would be off the Court today if it were not for the fact that we restricted the scope of our report and limited the findings to the specific area of our mandate, and kept our mouths shut about other information which we developed as a result of our investigatory activities." Mr. Torshen also referred me to the actual report of the Special Commission to note the careful manner in which key passages of the report had been drafted to limit the scope of the disclosure being made. Mr. Torshen did not direct me to any specific sections of the Report of the Special Commission, but I did read the Report and formed at that time my own views as to areas of the Report which were in conformity with his claims.

19. Mr. Torshen also gave strong indications as to the identity of the second sitting Judge who would have been removed if the full record of the investigation had become public.

20. During the scope of our conversations Mr. Torshen repeatedly referred to Mr. Stevens and discussed the investigations the two men had jointly conducted.

21. I was particularly interested in Mr. Stevens' role and informally probed his role because a member of Mr. Stevens' law firm, Mr. Donald Egan, was serving on a committee or sub-committee of the Bar which was investigating my own application for admission to the bar.

22. During the spring of 1972 Mr. Torshen and I disagreed concerning a number of issues relating to his representation of my interests. In particular, he made certain demands concerning payment of fees which I was not in a position to meet, since I had already paid him several thousand dollars in legal fees as per a modification of our earlier and initial agreement that no fees were to be due until the end of the case.

23. As a result, Mr. Torshen and I terminated our attorney/client relationship and our contacts generally ceased. Mr. Torshen refused to return to me my files. During subsequent hearings relating to my admission to the bar, Mr. Torshen testified in a manner which I would characterize as adverse-to-ambiguous concerning my interests. Mr. Torshen also sent a letter to the Chief Judge of the Illinois Supreme Court and did not advise me of the fact that he had sent such a letter although the letter arose out of our attorney/client relationship.

24. In the spring and summer of 1972 I began my own investigatory efforts into the work of the Special Commission.

25. As a result of my investigations I became convinced that Mr. Torshen had told me the truth, and that the complete truth concerning the discoveries of the Special Commission had not reached the public. In addition, neither of the judges who had been found to have committed "positive acts of impropriety" by the Special Commission had returned the stock profits to the State of Illinois.

26. On September 14, 1972, I filed in the United States District Court for the Northern District of Illinois a complaint against the sitting and former justices of the Illinois Supreme Court and John Stevens, Esq. docketed as case number 72 C 2290. A copy of the complaint is attached to this affidavit as Exhibit A.

27. The case was assigned to Judge Richard McLaren, who had been appointed a federal judge while serving as Assistant Attorney General in the Nixon Administration under circumstances that later prompted the Judge to admit he had participated in certain activities relating to ITT. Judge McLaren apparently was a friend of Mr. Stevens as both had been prominent antitrust lawyers in the City of Chicago.

28. Judge McLaren dismissed the case without even allowing the summons to be issued. His action was appealed to the United States Court of Appeals for the Seventh Circuit and docketed as Appeal Number 73-1527. The case was argued before the Court of Appeals on December 4, 1973, and the action of

Judge McLaren was immediately reversed from the bench and the Court of Appeals on the same day entered its order reversing and remanding the case for further proceedings; a copy of the order is attached as Exhibit B.

29. The case was subsequently assigned to District Judge Richard Austin after strenuous efforts to remove Judge McLaren from the case were successful.

30. After receiving briefs from the parties, Judge Austin dismissed the case on August 6, 1974 and it was again appealed to the United States Court of Appeals for the Seventh Circuit.

31. On October 31, 1975, the Seventh Circuit affirmed Judge Austin's dismissal of the case in an order pursuant to (Local) Circuit Rule 28 which is unpublished and which cannot, by rule, be cited as precedent in any other case; a copy is attached hereto as Exhibit C. At no time did the Court of Appeals reach the merits of the controversy and at all times the Court ruled on preliminary procedural matters in sustaining a dismissal of the action.

32. Mr. Stevens had defended against the action on the grounds that he was immune from suit because of the duties he had performed for the Illinois Supreme Court.

33. I believe that Mr. Stevens concealed from the people of the State of Illinois, information which he assembled as a result of duties which he himself characterized as quasi-judicial, and which would have caused, if released to the public, the resignations of two additional members of the Illinois Supreme Court. Mr. Stevens apparently did so with the purpose and intent of restricting the scope of disclosures generated by the Court scandal and with the knowledge that he was restricting from disclosure information which tended to cast doubts on the legality and propriety of actions of certain members of the Illinois Supreme Court in addition to those who had been accused of unlawful conduct in news media reports. In acting as he did, it is my opinion that Mr. Stevens deprived the citizens of the State of Illinois of the loyal, honest and complete services of an individual (Stevens) who claimed that he was acting in an official, quasi-judicial capacity.

34. I believe the record in case number 72 C 2290 and related appeals will fully establish that I bear no personal animus against Mr. Stevens. Indeed, both my original complaint and subsequent briefs carefully circumscribed the allegations made against Judge Stevens (see page four of Appellant's Brief in case number 74-2042 reproduced as Exhibit D). I have never met Mr. Stevens.

35. I respectfully request that using the resources and subpoena powers available to it, the Committee on the Judiciary of the United States Senate conduct a full and complete investigation of the allegations and matters contained in this affidavit with particular respect to receiving all materials still existing relating to other investigatory efforts of the Special Commission so that the truth of my allegations can be established with reference to the actual documentary materials.

36. I respectfully request that I be called as a witness in any hearings conducted on the nomination of Mr. Stevens to be a Justice of the Supreme Court of the United States Supreme Court and affirm my willingness to assist the Committee on the Judiciary in any way in which I am able to do so.

37. For the record, I served as a temporary employee of the United States Senate in 1966 when I was on the staff of United States Senator Paul H. Douglas.

38. I have read the foregoing affidavit and the same is true and correct to the best of my knowledge, information and belief.

ANTHONY R. MARTIN-TRIGONA,

One IBM Plaza Suite 2910A,

Chicago, Ill.

ACKNOWLEDGEMENT

STATE OF ILLINOIS,
County of Cook, ss:

Dorothy Gannaway, a Notary Public in and for the County and State aforesaid, hereby certifies that Anthony Robert Martin-Trigona appeared personally before her and stated that the foregoing affidavit is true and correct to the best of her knowledge, information and belief, for the uses and purposes therein set forth.

DOROTHY GANNAWAY,
Notary Public.

[SEAL]