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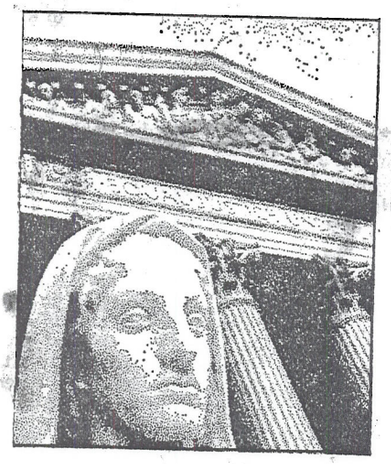
Rehnquist's Objectivity

To the Editor:

Since William Rehnquist participated closely in the formulation of the Justice Department's wiretapping policies, Tom Wicker in his column of Oct. 26, rightly questioned Mr. Rehnquist's



ability to decide objectively cases testing these policies.

The real question, however, is whether—if confirmed—Mr. Rehnquist should even take part in the Court's resolution of the important Fourth Amendment issues involved. It would appear to us that the Canons of Judicial Ethics, which require the appearance as well as the fact of judicial propriety, would answer this question in the negative.

It would thus be highly desirable for the Senate Judiciary Committee to ask Mr. Rehnquist whether he intends to absent himself from the Court's resolution of impending wiretap cases. A response which indicates a failure by Mr. Rehnquist to appreciate his ethical responsibility should weigh heavily against his confirmation by the Senate.

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