

# Rehnquist Says He Persuaded Mitchell to Modify Position on Wiretapping

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WASHINGTON, Nov. 5.—Opinion to the Supreme Court nomination of William H. Rehnquist appeared to dwindle today as the Senate Judiciary Committee finished questioning him.

In his second long day at the witness table, Mr. Rehnquist softened his hard-line law-and-order image by testifying that he worked behind the scenes to persuade the Justice Department to ease rigid positions supporting wiretapping and opposing proposed "speedy trial" legislation.

He also backed away from a strong position in support of police surveillance and denied that he was "an extreme conservative."

Several Senators who had questioned him closely about his controversial statements indicated satisfaction with his answers, and there was no sign that the core of liberals who have questioned his commitment to the Bill of Rights had won over any converts on the committee.

### Powell Session Put Off

The interrogation of President Nixon's other Supreme Court nominee, Lewis F. Powell Jr., which was expected to begin today, was postponed until Monday morning. Mr. Powell was formally presented to the committee this morning because the two Senators from his home state of Virginia, William B. Spong Jr. and Harry F. Byrd

had later appointments elsewhere.

The entire 10-member Virginia delegation from the House of Representatives was also present to support Mr. Powell, including Representative Richard H. Poff, who was initially considered for the nomination by Mr. Nixon but who withdrew to avoid a bitter Senate fight.

There was no sign that any significant opposition was in sight for Mr. Powell. To indicate their support for his nomination, Leon Jaworski, the president of the American Bar Association, nine former professors of the A.B.A. and a half-dozen deans of law schools spent the day in the committee hearing room.

Mr. Rehnquist, who appeared today in a bright pink shirt, seemed less wary of the Senators than he did at yesterday's hearing. At one point the 47-year-old Assistant Attorney General, who has had back trouble, stood up, thrust his hands in his pockets and loosened up by sauntering around the long witness table.

Throughout the early part of the day he fended off the questions of his two most persistent questioners — Edward M. Kennedy of Massachusetts and Birch Bayh of Indiana, both Democrats — by saying that he could not elaborate on statements he had made as a Government official.

He said that the lawyer-client privilege barred him from giving his personal view of positions that he had taken as an advocate, because this might undercut the legal position of his "clients" — Attorney General John N. Mitchell and President Nixon.

### Bayh Writes Mitchell

Senator Bayh complained that while Mr. Rehnquist himself has written that the Senate should delve deeply into a nominee's philosophy before confirming him, his own reluctance to explain his views had thwarted that process.

Pointing out that the attorney-client privilege can be waived by the client, Senator Bayh released the text of a letter he sent today to Attorney General Mitchell, asking him shifted its legal ground.

to release Mr. Rehnquist to answer the questions about his personal views. Mr. Bayh added, however, "I'm not going to hold my breath until we get that waiver."

Under later questioning Mr. Rehnquist began to talk more of his actions as a Justice Department official. He said that he argued in favor of the Justice Department's decision last spring to drop its assertion that it had "inherent power" to wiretap suspected subversives without court permission.

The Government had made that claim in lower court proceedings and had lost. In its appeal to the Supreme Court, which is now pending, it