

NYTimes

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## William H. Rehnquist's Record

In your Nov. 15 editorial, you chose to label William H. Rehnquist a "radical rightist" and opposed his Supreme Court nomination on that basis, although you recognize he is "a capable lawyer of impressive academic and intellectual attainment."

If The Times had a factual case against Mr. Rehnquist, it should have been stated. Instead you relied upon journalistic shorthand to characterize a number of issues on which Mr. Rehnquist, as Assistant Attorney General, made public statements in support of the Administration's position. For example, you refer to "no-knock" entry and "preventive detention."

What you describe as "no-knock" is a procedure whereby a police officer, in obtaining a search warrant, can secure further permission from the court to enter a dwelling without announcing himself, but only under certain limited circumstances.

Mr. Rehnquist was hardly alone in believing that this procedure is reasonable. This doctrine and procedure has long been practiced and declared constitutional in many states—32 at last count. A majority of both houses of Congress voted it into law twice last year.

What you describe as "preventive detention" is a procedure designed to protect the public in situations where the evidence convinces a judge that one or more serious crimes will be committed by the arrestee if he is released on bail.

Mr. Rehnquist's views on the reasonableness of "preventive detention"

were also shared by the majority of both houses of Congress.

You also refer to wiretapping, but fail to point out that in 1968 Congress expressly recognized the propriety and necessity for wiretaps and authorized their use in connection with certain specified types of crime. The enactment by Congress is in full compliance with the 1967 landmark Supreme Court decision on electronic surveillance. (*Berger v. N.Y.*, 388 U.S. 41).

As to the limited use of wiretapping for the purpose of gathering intelligence relating to the national security, this is a practice which has been used and defended by every President and Attorney General since Franklin Roosevelt's Administration.

May I suggest that The Times might well re-read the articles written by your associate editor, Tom Wicker, and by Anthony Lewis, who spent so many years covering the Supreme Court. Both recognize the propriety of confirmation for Mr. Rehnquist, and I don't think The Times overcomes their reasoned arguments simply by coining the label "radical rightist."

In the course of full hearings before the Senate Judiciary Committee, we have seen or heard nothing which would indicate that Mr. Rehnquist's devotion to the Bill of Rights is anything less than total. We believe he is eminently qualified for the Supreme Court, and The Times editorial has pointed to nothing which is inconsistent with that conclusion.

United States Senator from Nebraska

ROMAN L. HRUSKA

Washington, Nov. 17, 1971