

From general story on Supreme Court actions:

..... Justice Rehnquist noted in orders released today that he would not take part in the upcoming decision on the Justice Department's contention that it can legally wiretap "dangerous" radicals without court approval.

The new Justice had said during his Senate hearings that he would probably do this, because he helped frame the Government's arguments when he was an Assistant Attorney General.

Justice Powell, who wrote a newspaper article last year [NYTimes 3 Nov 71, this file] terming the "outcry against wiretapping" a "tempest in a teapot," stayed in the case.