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HLS ADVISER

Cox Named Watergate Prosecutor

By Daniel M. Taubman

Professor Archibald Cox, selected yesterday by Attorney General Elliot Richardson as special prosecutor for the Watergate scandals, pledged yesterday to help "restore confidence in the honor, integrity, and decency of government."

The newly-appointed prosecutor, a Democrat, spoke at a press conference yesterday afternoon at Holyoke Center.

Cox said he expected to take a leave of absence for at least a year from the Law School, assuming his nomination is approved by the Senate. He will appear before that body on Monday.

Dean Albert M. Sacks said yesterday afternoon that he had been informed of Cox's decision "a short time ago" and that the Law School would immediately begin a search for a "substitute or substitutes" for the holder of the Samuel Williston Professor of Law chair. Cox had been scheduled to teach Labor Law, Constitutional Law, and Advanced Constitutional Law in the coming year.

Cox's nomination yesterday came as a surprise to many, and followed the rejection by at least two people, both judges, of offers for the same position.

At the press conference, Cox said: "I'm not sure anybody can do the job the way it ought to be done. All I can do is pledge my best."



Professor Archibald Cox

FACULTY TO SEEK FORD FOUNDATION GRANT

The Law School Faculty voted yesterday to seek a grant from the Ford Foundation to enable Faculty members to conduct long-term research programs they are now unable to undertake.

The motion was carried by a vote of 20 to 5, and came after a year of vigorous discussion among the Faculty. Many Faculty members were absent from yesterday's meeting, in part because of an American Law Institute conference in Washington, D.C.

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ARCHIBALD COX, FORMER SOLICITOR GENERAL, JOINED FACULTY IN 1945

By Kermit Kubitz

Professor Archibald Cox, nominated as special prosecutor in the Watergate affair, will probably pursue his duties with the same spirit he expressed in 1971 regarding free speech in the University: "Our commitment to search for truth rests on a belief that men are endowed with a divine capacity as rational beings to choose between good and evil. The only way to use that capacity is to pursue the search while allowing others to pursue that same search."

Cox was Royall Professor of Law from 1958 to 1961, when he left the Faculty to become Solicitor General of the United States. Cox represented the United States before the Supreme Court under Presidents Kennedy and Johnson. In 1965 he returned to Harvard as Williston Professor of Law. At Harvard he teaches courses on Constitutional Law and Labor Law. Of finals in these courses, "Students will have to take the exams," Cox said yesterday, "and I will have to grade them."

Born in Plainfield, New Jersey, in 1912, Cox was 61 on May 17. After graduation from the Law School in 1937, Cox clerked for Judge Learned Hand of the United States Circuit Court of Appeals and was associated with the Boston firm of Ropes, Gray, Best, Coolidge & Rugg from 1938 to 1941.

He joined the Harvard Faculty in 1945 after serving as Chairman of the Wage Stabilization Board under President Truman. Harvard alumni elected Cox to the University's Board of Overseers in 1962, but Cox resigned before returning to the Faculty in 1965.

Speaking to the American Judicature Society in 1961, Cox expressed his feelings about the role of law in American Society as follows: "It is

our common devotion to the process of decision according to law that binds together the legal profession. And it is the community's deep and common devotion to the rule of law that supports our process of constitutional decision. More than anything else it binds us all together."

In 1968 Cox served as chairman of a commission which investigated the disorders at Columbia University and published a book-length report on the origins of the disturbances. In the fall of 1969, the President and Fellows of Harvard College delegated to Cox the authority to determine how Harvard would respond to similar disorders, a responsibility he fulfilled when anti-war demonstrators disrupted a pro-war meeting in April 1971. In 1972, Cox served as counsel to the Massachusetts Legislature's Joint Special Committee Established to Study and Investigate the Matter of Justices DeSaulnier and Brogna.

He co-authored with Professor (now President) Derek C. Bok Cases in Labor Law. The book, now in its sixth edition, is considered one of the standard texts in its field. His most recent book, published in 1968, was The Warren Court: Constitutional Decision as an Instrument of Reform.

In his 1961 remarks, Cox stated: "The essential difference between the western world and the Communist dictatorships is expressed in the ancient words of Bracton--"Non sub homine sed sub Deo et lege"--"Not under men but under God and law." Those words might well be the motto of the Watergate investigation.

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Staff for Special Issue: Daniel M. Taubman, Kermit Kubitz, David J. Cocks, Paul J. Weiner and Mark McNeill

SACKS, BOK, NESSON, AND VORENBERG PRAISE NEW PROSECUTOR

By Paul Weiner

Faculty members reached yesterday evening were unanimous in praising Cox's integrity, impartiality, experience, and persistence.

"I think the government and the country are very lucky," said Dean Albert M. Sacks, "to find someone who not only has enormous talent but who has the trust of people in Congress and people in the executive branch."

University President and Professor of Law Derek C. Bok stated that "like most Americans, I feel it is important that the facts be developed in an atmosphere that is completely free of bias and susceptibility to political pressure. Mr. Cox fits my criteria perfectly. I have known him intimately for 20 years as a student, a colleague, and co-author of a book." Bok himself was earlier recommended for the post, but the job was never formally offered to him.

"I think his appointment guarantees that there will be a complete investigation with total integrity and without any risk of people being injured by cheap shots," commented Professor Charles R. Nesson.

"I suggested to several people that he would be an ideal candidate." Nesson added that he did not know whether his suggestions had had any effect.

Nesson characterized the revelations of government wiretapping and breaking in, which recently ended the trial of Daniel Ellsberg and Anthony Russo, in which he served as a defense lawyer, as "one page in what will probably turn out to be a whole chapter of government misconduct. I'm sure Archie will reveal the whole picture."

Asked whether he was surprised that the government had picked a liberal Democrat, Nesson replied, "No....He's generally regarded as the most effective Solicitor General that the government has had in recent times. He's old enough...so that he's seen it all from one point of view or another. He's tough as nails." Nesson thought that Cox, more than anyone else, "can assemble an absolutely first-rate staff."

"He's absolutely square and straight," said Professor James Vorenberg, director of the Law School's Center for Criminal Justice. "He's a very broad-gauged guy--as honorable and demanding of himself and of other people as anyone I know."

DRAMATIS PERSONAE IN VERITAS

Many of the leading characters in the investigation of the Watergate affair are graduates of the Law School. Chairman of the Senate Select Committee holding the Watergate hearings is Samuel Ervin, Jr. '22 (Dem.-N.C.), and one of the committee members is Edward J. Gurney '38 (Rep.-Fla.).

Chief counsel to Senator Ervin's Committee is Samuel Dash '50. The original Watergate prosecutor was U.S. Attorney for the District of Columbia Earl J. Silbert '60.

He is being replaced by Archibald Cox '37 who was appointed by Secretary of Defense Elliot M. Richardson '47, who is expected to replace recently resigned Attorney General Richard G. Kleindienst '50.

COX NAMED WATERGATE PROSECUTOR

BY SECRETARY OF DEFENSE

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"I am confident that whatever else I shall be I shall be independent," he added.

Cox said he had worked out guidelines with Richardson, and he would have broad authority to act under them. Richardson, however, will retain ultimate authority to fire the independent prosecutor.

Cox said he would oversee the various grand jury investigations, now under way, which center about the Watergate affair. He said that one of his "primary goals" would be to appoint an assistant with "more prosecutorial and investigatory experience than I have."

Following the press conference, Cox said that notwithstanding his appointment, he planned to grade his exams for Constitutional Law and Labor Law. Exams in those courses are scheduled for Tuesday, Wednesday, and a week from Thursday.

Cox recalled that he had taught Richardson Labor Law in 1946 or 1947, shortly after he had joined the faculty. When at Harvard, Richardson was President of the Law Review.

Cox also recalled that he had taught Samuel Dash '50, chief counsel to the special Senate committee investigating the Watergate affair.

FACULTY TO SEEK FORD FOUNDATION GRANT

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The proposal, as explained by Professor Laurence H. Tribe, would initially run for a period of three years, but might ultimately be extended to five years.

According to Dean Albert M. Sacks, there is a "pretty substantial hope" that the Law School's application for a grant will be approved by the Foundation.

"I hope we could get started this coming school year if Ford approves," Sacks said. One Faculty member said, however, that he didn't expect Foundation approval until this fall or possibly next winter.

Sacks said it would be possible to conduct analytical, philosophical, doctrinal, statistical, or comparative research under the grant, assuming it is approved.

"The single most important use of the funds will be to relieve Faculty members of the teaching responsibility for at least part of the time they are engaged in research," Sacks added.

He said that he didn't expect the increase in research among the professors to necessitate an expansion of the Law School Faculty at the present time, but conceded that such a need might arise if the program is "highly successful."

VOTE ON COHEN COMMITTEE REPORT

SET FOR NEXT THURSDAY

Following two lengthy meetings to discuss the grading reform proposals of the Committee on the First Year and Related Matters, the Faculty is expected to take a final vote on the committee recommendations--or variant thereof--next Thursday.

The group's wide-ranging proposals on grading reform, including the institution of pass-fail grading during the first semester, were submitted to the Faculty late last month by committee chairman Professor Jerome A. Cohen.

At the Faculty meeting May 4, after Cohen and other members of the committee outlined the group's recommendations, the Faculty debated the desirability of the pass-fail proposal for more than two and a half hours. At the end of the discussion the Faculty approved in principle, by a 16 to 14 straw vote, the implementation of some form of pass-fail grading system during the first semester. The vote came after some 15 Faculty members had left.

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