

# Cox Talks of Fairness In Speech at Stanford

Archibald Cox advised Stanford's graduating seniors yesterday to apply perspective, fairness and "the spirit of learning" to the conflicts shaking their world — for instance, the impeachment issue.

The Harvard law professor, fired as special Watergate prosecutor by President Nixon when he demanded White House tapes last October, said:

"The manner in which the (impeachment) proceedings are conducted — the role of reason, the degree of impartiality, the degree of effort to achieve justice — will affect our self-confidence more than will the vote."

Though he said his views remain aligned with the prosecution, he warned, "Procedural fairness does not depend on whose ox is gored." He went on:

"In the heyday of Joseph McCarthy, the intellectual world, including the press, was properly outspoken about the danger of ex parte (one-sided) accusation — about the unfairness of planting of stories in the press without adequate opportunity for denial — and about the lack of true adversary proceedings.

"Last Wednesday morning, the newspapers told of an interview with a member — Representative Joshua Eilberg (Dem.-Pa.) — of the House Judiciary Committee, in which he asserted that the committee had 'proof positive' that Secretary of State Kissinger ordered wire-taps on the members of the staff of the National Security Council — but when asked to reveal the proof, he replied that to give out the proof would be improper.

"Several weeks earlier, someone on the staff — or a member — of the Ervin committee gave the press proposed findings of guilt upon men under indictment and awaiting trial.

"The similar incidents have been too numerous to excuse them as careless slips of the tongue alone. Still we read no editorials condemning ex parte accusations, 'leaks' to the press, and judgment without true adversary proceedings.

"Are they now any less unfair than they were 20 years ago?"

Fairness and the other virtues of "the spirit of learning" were the tools Cox commended to the graduating students — to cope with the mixed blessings history has in store for any generation.

He compared the present era with past eras, both dark and golden, and found all wanting in a number of respects, but amenable to "a sense of methods . . . the long view . . . perspective . . . a sense of proportion."

Watergate, he remarked, "It proved the conscience of the nation, and roused that conscience . . . It is more important that our idealism is a live and vital force, than that some men have proved

untrustworthy."

Handling its consequences fairly, he said, will help to clarify "the moral limitations (on power) whose observance is essential to the long-run legitimacy of political power."

He noted the decline of

laissez-faire and the rise of civil rights both occurred in the 40 years since his own graduation, and he observed:

"May we not have some confidence in a system that can peacefully produce two great egalitarian revolutions within 40 years?"

Complimenting the present imperfect age as one which still is less enthusiastic than were the great Elizabethans about seeing its petty thieves "burned, spitted alive, or drawn and quartered," he added:

"You will say that we kill on a larger scale now, but at least we have grown squeamish and we kill from a distance — and we do it only when we call it a war."

Cox quoted the dryly stated affirmation of passionate belief that he enunciated when President Nixon fired him last October. "Besides, I have a sort of naive belief that the right will prevail in the end."

To that he added, "By reason, mutual trust and forbearance . . . even if you cannot bring about the millennium, still we can help each other to suffer a little less, and to walk a little straighter."

Cox spoke to the first Stanford graduation in a decade that filled Frost Amphitheater to overflowing, with 10,000 guests watching 2000 seniors — all but a few wearing the optional and until recently scorned black caps and gowns.

Two thousand more diplomas were sent to those who graduated in the year's earlier quarters.

Faculty observers credited the turnout both to Cox's immense popularity and a cooling of the 60s' detesta-



**ARCHIBALD COX AT STANFORD**  
**He stressed the 'spirit of learning'**

tion of traditional ceremonies, such as this 83rd Stanford commencement, under uneven cloud cover, in the glade of sycamore and oak, olive and pine.

University President Richard W. Lyman bestowed Lloyd W. Dinkelspiel Awards on faculty members Sandor Salgo and George H. Brown and students Beth Garfield and Michael Kast. Walter J. Gores Awards for teaching excellence went to

Alexander L. Fetter, Susan J. Henning and Anne M. McMahon.