

WALTER BENNETT

## Tough New Man at Justice

To many people, the very idea that antiwar priests and nuns ever plotted to kidnap Presidential Advisor Henry Kissinger still seems utterly improbable. But one thing is certain: the indictments naming six defendants and seven co-conspirators, including Fathers Philip and Daniel Berrigan, were backed by a man who is convinced that he has a solid case. The cool tactician behind the move was Assistant Attorney General Robert Charles Mardian, 47, an outspoken conservative Republican who heads the Justice Department's Internal Security Division. Mardian is going all out for a guilty verdict.

In little more than two months on the job, Mardian's presence has rejuvenated the long moribund division that faded from public view after its heyday hunting Communists during the McCarthy era. With an expanded staff of 49 lawyers, Mardian will prosecute draft resisters and continue to investigate groups ranging from the Weathermen to the Jewish Defense League. According to his close friend, Deputy Attorney General Richard Kleindienst, Mardian is "a prodigious worker, brilliant lawyer and great believer in America. He knows what freedom ain't."

**Political Persecution.** Mardian's attitudes are deeply rooted. His father, Samuel, because of his ardent Armenian nationalism, spent four years in a Turkish dungeon. Once he was granted political asylum in the U.S., Samuel started a construction business in Pasadena. Three sons, Aaron, Dan and Samuel, eventually moved to Phoenix, where the construction firm prospered, and they became close friends and supporters of Barry Goldwater.

Young Robert Mardian stayed in California, studied political science at Santa Barbara State College, joined the Navy shortly after Pearl Harbor, and spent two years as an ensign on a sub chaser in the Aleutians. In 1949, he graduated from the University of Southern California Law School, where he compiled the highest first-year grade average in the school's history to that time.

While becoming a respected corporation lawyer in Pasadena, Mardian entered local politics as a member of the city's school board. In 1960, he met his chief political benefactor, Richard Kleindienst, who engineered Mardian's appointment as Barry Goldwater's Western field representative in 1964 and his similar job for Richard Nixon in 1968. Finally, Kleindienst, with Attorney General John Mitchell, got Mardian appointed general counsel under Secretary Robert Finch in the Department of Health, Education and Welfare.

**Payoff Strategy.** At HEW, Mardian earned a reputation as the conservative heavy in a cast of liberal attorneys intent on enforcing the spirit as well as



ROBERT MARDIAN  
*Going for guilty.*

the letter of federal civil rights laws. One former HEW lawyer says that Mardian "consistently tried to scuttle school desegregation guidelines." Defending his go-slow position, Mardian candidly explained, "Look, you might as well recognize that you're in politics." He told his colleagues: "There are two kinds of people in the world—winners and losers. I knew a loser once and he was a queer." ("That's a joke," he added.) On another occasion he told newsmen in a background briefing that he did not mind if there were Ku Klux Klansmen on the Mississippi desegregation advisory committee. Asked by a reporter if he could print that remark, Mardian nodded: "Yes—if you print that we've got N.A.A.C.P. officials on the committee as well. We need to get people together who don't talk to each other."

Mardian helped draft the Nixon Administration's famous 1969 memo that effectively relaxed desegregation dead-

lines in Southern states. He is convinced that his Southern strategy avoided violence and white flight to the suburbs. The payoff, he argues, is that 92% of the region's black pupils are in desegregated school systems, compared with 6% two years before.

Mardian's political views place him a few paces to the right of John Mitchell, but the boss joins others in regarding Mardian as a first-rate lawyer and tireless prosecutor. Because Mitchell has shifted dozens of key cases to the revived Internal Security Division, Mardian is already considered the Justice Department's No. 3 man behind Mitchell and Kleindienst. One former colleague sums up: "He's remarkable for the clarity with which he thinks, but he's an absolutely cold-blooded political operator."