

Washington Post
Mardian's Request to Stay Mum
Before Watergate Jury Rejected
 MAY 8 1973
 5-8-73

By Lawrence Meyer
 Washington Post Staff Writer

Former Assistant Attorney General Robert C. Mardian testified before the Watergate grand jury yesterday after a federal judge ordered him to disclose what G. Gordon Liddy told him three days after the Watergate arrests last June 17.

Chief U.S. District Judge John J. Sirica rejected arguments by Mardian's lawyer that the conversation on June 20 between Mardian and convicted Watergate conspirator Liddy was a privileged communication

between a lawyer (Mardian) and his client (Liddy).

In a related matter, CBS News reported last night that the prosecution has refused immunity from prosecution to former White House counsel John W. Dean III. Dean has told investigators and White House aides that he can implicate former top White House aides H. R. (Bob) Haldeman and John D. Ehrlichman in a cover-up of the Watergate scandal. Dean is also reportedly prepared to assert that he believes President Nixon had knowledge last year of the cover-up.

CBS said that Dean's lawyer, Charles N. Shaffer, reportedly told the prosecution that Dean has "an obsessive fear of going to prison because his boyish appearance" might make him a "target for molestation."

Government prosecutors, CBS said, believe they have enough evidence from former deputy Nixon campaign director Jeb Stuart Magruder to implicate higher officials and that the time to bargain with Dean is after he is convicted. After a con-

See PROBE, A10, Col. 1

PROBE, From A1

viction, CBS said, the prosecution could bargain over Dean's sentence.

Mardian, who followed former Attorney General John N. Mitchell from the Justice Department to the Nixon re-election committee, was questioned by the grand jury for several hours.

Mardian, according to an outline made to Sirica by principal Assistant United

States Attorney Earl J. Silbert, was assigned to investigate the Watergate break-in for the re-election committee by Mitchell, who was then the Nixon Campaign Chief.

Mardian returned from California with Frederick C. LaRue, also a committee official, on June 19 to proceed with his investigation, Silbert said.

Mardian and LaRue, according to informed sources,

participated in a "house-cleaning" of committee documents that included the destruction of numerous records. Mardian also sat in on FBI interviews with committee employes and, with LaRue, reportedly advised some persons to "stay away from certain areas" in their discussions with investigators.

On June 20, Silbert said, LaRue advised Mardian that Liddy wanted to talk to

Mardian away from the committee offices. Liddy, LaRue and Mardian met at LaRue's apartment, where Liddy first "turned on a radio" before speaking, Silbert said.

Silbert said Liddy then asked Mardian to represent him as a personal attorney as well as the committee. Mardian replied that he already represented the committee and would keep confidential whatever Liddy told him—except to report it

to Mitchell—but if what Liddy had to say involved complicity in a crime, Liddy would have to get his own attorney, according to Silbert.

Liddy then gave information to Mardian, Silbert said. LaRue already has given an account of the meeting, Silbert said, and Mitchell—as Mardian's employer at the committee—has not invoked privilege to keep communications be-

tween a lawyer and his client confidential.

Silbert, pointing out that Liddy had retained two other lawyers in three days immediately following the break-in, said that from Mr. Liddy's point of view, the request that Mardian represent him was a "sham transaction." Mardian's testimony was needed, Silbert said, because "We're not sure we have the full story."

After hearing arguments

from Mardian's lawyer, former U. S. Attorney David Bress, Sirica ruled that "no bona fide lawyer-client relationship existed" between Mardian and Liddy, that the communication was not privileged and that Mardian had to disclose it.

Mardian, who was interviewed at length by the prosecution team on Friday and Saturday, was assistant attorney general in charge

of the Justice Department's Internal Security Division.

While in the Justice Department, Mardian reportedly supervised the activities of a "vigilante squad" that tapped the telephones of two reporters for The New York Times. The vigilante squad included among its members Liddy and E. Howard Hunt Jr., another Watergate conspirator.