

Mardian, the Team Player, The Loyalist in Hiding

By Sally Quinn

"Mardian was 'the ours not to reason why, ours but to do or die' type. If he felt he was part of the big action he would follow through on anything."



"It was in Mardian's Internal Security Division that the Intelligence Evaluation Committee was created in March, 1971."

"Bob Mardian has a very high degree of loyalty. Bob didn't even need to know somebody very well at all to be loyal. He would defend somebody to the end without really knowing everything about the situation. You could do damn near anything and Bob would be loyal."

—Harry Fleming,
former CREEP official and
co-worker with Robert Mardian.

Robert Mardian is a very patriotic American. Everybody who knows him says so. His older brother Sam, twice elected mayor of Phoenix, Ariz., explains why:

"Our father was an Armenian immigrant who came to this country after going through massacres by the Turks and imprisonment for religious and political differences. Because of this he always impressed upon us that he sought this freedom and understood what it was like not to have it. He never wanted us to take it for granted."

Sam insists that his father never overdid the patriotic bit. "There are some people who go around all the time waving the flag and things like that," he said.

"But we never did that. We just believe that it's a wonderful thing to be living in this country and we're very proud to be Americans . . . We've never been the type to shout Americanism. We've always believed in the quiet, dignified type of patriotism."

Yet one of Mardian's former colleagues at the Department of Justice was moved to say of him, "You talk about wearing flags in lapels—this guy would have sewn a flag on his back if they'd let him."

And with their patriotism, the Mardians tended to be ideological conservatives. In fact, his political conservatism was a point of pride with Bob Mardian during his years in Washington.

Whether working on Barry Goldwater's presidential campaign, Ronald Reagan's California gubernatorial campaign, Richard Nixon's presidential campaign or in his appointive offices as general counsel of HEW under Robert H. Finch; as White House consultant on school desegregation; as head of the Internal Security Division under John Mitchell at the Department of Justice or as a political coordinator at the Committee for the Re-election of the President, Robert C. Mardian, 51, put his country and his superiors before himself. (Though sometimes the two didn't exactly coincide, as he was to find out.)

That's why, according to Mardian's friends, this whole Watergate thing is so unfortunate. Especially since he is becoming more implicated all the time. Jeb

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Drawing by John Twohey

Stuart Magruder, former deputy Nixon campaign manager and no friend of Mardian's, told the Senate Watergate Committee on June 14 that Mardian knew of the break-in and knew of the coverup. "I think Mr. Mardian was to some extent involved," said Magruder.

According to the testimony of John Dean, it was Robert Mardian who got the transcripts of conversations of reporters and White House aides who had been tapped secretly by the FBI, and gave them to John D. Ehrlichman. Ehrlichman locked the transcripts in his safe where they remained undisclosed until after the Ellsberg trial had ended. One of the transcripts was of a conversation between Daniel Ellsberg and Morton Halperin, former Ellsberg associate, former aide to Henry Kissinger and now an associate at the Brookings Institution.

"My brother has served his country," said Sam. "And we've always been proud of everything he's done. Nobody went to Washington with a greater desire to serve his country. Bob's never had any political ambitions. Going to Washington was the most unselfish thing anybody's ever done. He sacrificed himself and his family because of his great desire to serve.

"When you work hard for something and then have it fall apart in front of you, like this whole thing did, when you believe strongly not only in your country but a political philosophy and in your President, as we all do, then a thing like this is very, very disappointing."

Mardian's not too keen on talking to anyone about anything these days, and he hides out in his house in Phoenix, disguising his name and pretending not to be there to callers. Recently when the Mardian residence was called a man answered the phone. "No," he said, "Robert Mardian's not here. Who's calling?"

"This is Sally Quinn."

"Well, I'm Robert Mardian and I don't want to talk to Sally Quinn."

"How do you know who I am?"

"I don't," he replied.

"Every one of those guys had crew cuts and American flags. His group was the antithesis of everything the Department of Justice stood for over the last 20 years. They were almost heel-clicking, really dangerous, with appalling physical expressions of law and order."

"How do you know I'm not a friend of a good friend of yours who was told to call and say hello?"

Long Pause. "Are you?"

"No."

"Well, who are you?"

"A Washington Post reporter."

"Ah ha! Well, I'm not supposed to talk to anyone. I've been given instructions. I really can't talk about my testimony. I've already testified, you know.

"I really don't want to be rude. Please don't make me be rude. I have my instructions. I can't talk to anybody. They've told me that. I have to get off the phone now. I hope there are no hard feelings. No hard feelings. OK? I have my instructions. . . ." click.

Mardian, one of a family of four boys and one girl, comes from Nixon country, Pasadena, Calif., as so many of the original administration appointees did. He went to John Muir High School and Pasadena Junior College, the University of California at Santa Barbara, then into the Navy during World War II and finally to University of Southern California Law School where, he likes to tell friends, he graduated at the top of his class as opposed to schoolmate Robert Finch who was somewhere in the middle.

After law school Mardian worked in the savings and loan business, dealing occasionally with Robert Finch. He married a quiet woman, the former Dorothy Denniss, a year younger than he, who still likes to remain in the background.

His brothers, meanwhile, had left California and moved to Phoenix, where they set up a construction company. They began to try to persuade Mardian to join them there. It was through his brothers that Bob Mardian first met Richard G. Kleindienst, now former Attorney General, then an attorney for the construction industry in Arizona.

Kleindienst would later

describe to friends his relationship with Mardian as "just two guys who drank booze together and played gin rummy."

It was in the 1964 Goldwater campaign that Mardian first became heavily involved in politics, acting as director of field operations and staying with the candidate after the convention in San Francisco. He returned to the Mutual Savings and Loan office in Pasadena after Goldwater was defeated, only to return in 1966 to help with the gubernatorial campaign of Ronald Reagan. In 1968 Mardian was called to the Nixon campaign by Kleindienst to help get delegates in the Western states as the Western regional chairman for the Nixon for President Committee.

His friends continue to insist that Robert Mardian had never really been interested in politics. But he was persuaded, again by Kleindienst, to come to Washington after Nixon won the election, to work for the transition office, helping to staff the new administration. He lived with Kleindienst during that period and was offered a job as general counsel of the Department of the Treasury, which he turned down.

He turned it down to accept a job as general counsel of Health, Education and Welfare, under Robert Finch and almost over his new chief's dead body. There are several different versions.

(Very few people who really knew Mardian well or worked with him are willing to talk about him for attribution, mostly for three stated reasons: They don't like him, they are afraid to talk or their lawyers have told them not to.)

"Bob Mardian wasn't too excited to go to HEW because it was a bag of worms," said a very high-up former friend and colleague. "But it was also a good opportunity for a lawyer."

It may have been that, but it raised havoc at HEW.

"Poor old Finch just hated him," said a former civil rights lawyer, "because he was a Kleindienst man and was imposed on Finch as the price he had to pay for the rest of his liberal staff."

"Finch was 'encouraged' to take Mardian," said another former high level HEW official, "by H. R. Haldeman and Ehrlichman. He was part of the old Mid-western conservative team. He was a very intense aggressive guy. So aggressive, in fact, that before Bob Finch had agreed to take him, while he was still fighting the appointment, Mardian had a going away party for himself in California with publicity announcing his new appointment."

Finch is more circumspect. "We had a liberal shop at HEW," he said. "Mardian was far more conservative than everyone else there. We felt it would be a good idea to have a conservative point of view."

It seems, however, that Mardian's conservative point of view caused two problems. First, most of the people at HEW couldn't stand it. Second, Mardian, who kept himself apart from the department anyway, was thought to have been placed at HEW as a spy for the White House, for Kleindienst, or both. Kleindienst was still his best friend with whom he rode to work every morning.

Finch admits that as Secretary of HEW he was "constantly having to balance disputes, trying to arbitrate between Bob and the heads of the Office of Civil Rights. Mardian had come to me highly recommended by the people in the White House and John Mitchell. My idea was to use him in an honest broker's role with the conservatives. Without faulting him, we didn't get the results we expected."

Conservative friends of Finch's credit him with the graceful desegregation of the South. Says Finch, "I disagree."

Another high level official

directly under Finch at HEW had this complaint about Mardian: He "tended to inject a political philosophy into his legal advice. His advice on civil rights was always 'go slow, don't shake up the Southerners' as opposed to complying with the law." This official feels that Mardian's conservatism got in the way of his effectiveness as a lawyer.

"He has a tendency to overstatement. His mind gets cluttered in an effort to read the law and what it says, in an effort to see his own philosophy. The law always seemed to come out the way he believed politically. I think he was convinced the administration was successful in pulling the Southern and conservative factions in the United States together.

"Mardian always went to Mitchell and leaned on him for political counsel," the official noted. "Mitchell was Mardian's angel and kept him close to the top. Bob wasn't politically ambitious for elective office but he like to be close to the throne."

Mardian, the official went on, was "the 'ours not to reason why, ours but to do or die' type. If he felt he was part of the big action he would follow through on anything. He wanted to be involved in the big issues, to be in the middle of things. He was clubby, cliquish, and retained close relationships with the White House and Justice people. He was the jolly fellow, the back patter always, but always very intense about it. He got involved in the Reagan campaign, got in trouble because he wasn't close enough to the throne, and finally left because he felt they weren't listening enough to his ideas and advice."

A former civil rights lawyer at HEW has even less affection for what he considers Mardian's attempts at desegregation. "One of the first things he did," says the lawyer, "was send a legal memo to Finch suggesting that HEW return to freedom of choice in the face of two Supreme Court decisions. It was in the spring of 1969. It wasn't even a legal memorandum. No responsible lawyer would have written it."

Many of those who worked with him agree with

See MARDIAN, K3, Col. 1

MARDIAN, From K2

the civil rights lawyer who said that Mardian felt alienated at HEW. "He thought the whole department was packed with commies, that HEW was essentially the enemy, that everyone there was subversive and on the phone with Teddy Kennedy all the time. He was hostile to the whole department, much more conservative than anyone there. He was politically linked to the Southerners on the Republican National Committee who thought HEW was a conspiracy against the South."

Mardian left HEW when Robert Finch went to the White House. Those who know Mardian felt he did not want to leave HEW then, but that Finch had refused to leave him behind and had made a deal with the White House, tying Mardian's departure to his own. Mardian went from there to a transitional job on a Cabinet committee on education, then to the Justice Department. It was there that his political career began to deteriorate.

The Internal Security Division which Mardian headed had been formed as a separate division out of the criminal division in 1953, at the height of the Cold War and the communism scare. It remained a separate division through Mardian's term and was only reabsorbed by the criminal division this past March. That, according to the Justice Department, is because the case loads were going down. There were fewer terrorist bombings and virtually no selective service cases.

It was in Mardian's Security Division that the Intelligence Evaluation Committee was created in March, 1971. This committee was formed after several months of discussions ostensibly to analyze and evaluate intelligence gathered by other federal agencies relating to domestic disturbances and civil disorders. The original idea was to use the committee to evaluate the potential for terrorist hijackings and funding of radical subversives, but there was room for expansion, and critics have indicated that it may have engaged in other surreptitious activities.

The committee has since been disbanded by Henry Peterson, the present Assistant Attorney General in Charge of the Criminal Division, because, according to Justice Department spokesman John W. Hushan, "they didn't feel there was a need for it any more. The situation today is different than it was in 1971 when there were political bombings and assassinations."

Mardian was a little more popular with his superiors (Mitchell and Kleindienst) at the Justice Department than at HEW, but as chief of internal security he managed, there too, to alienate people he worked with

One of his superiors, who was also a friend and fan of Mardian, described the period during which Mardian arrived as "a time of great stress. The Capitol had been bombed; there were the Berrigans, the Vietnam demonstrations, campus riots and intense social disorder. Because of this, the division was expanded and Mardian brought in some of his own people—but that decision was made by Mitchell and the White House. He had nothing to do with it. We set the policy and he responded to our direction."

Mardian's superior was highly complimentary. "Mardian," he said, "did more to get rid of draft dodging cases than anyone who's ever held that job. He was a very effective administrator and worked hard too."

That didn't help Mardian get what he wanted, which was the post of Deputy Attorney General when Mitchell left. Kleindienst left that post to become Attorney General and Mardian had expected it to be handed to him.

"Bob was very disappointed not to get the job, but you can't be Attorney General and have a guy you've almost been a brother to be your assistant," said the superior.

"It was a mutual decision that he not get the job arrived at by the administration and a few at the top of the Justice Department. Being such a good friend of Kleindienst automatically disqualified him. It was too bad because Bob Mardian had a sense of political obligation to his country and his peo-

ple, and wanted to do something for it and them. He had his personal, political and ideological convictions, and he was a loyal, warm and friendly person."

One official who dealt with Mardian in transferring Selective Service cases from one department to the other had another opinion: "He'd go around telling people he was the most conservative person in the administration with a dopey smile like it was something great. He meant reactionary."

About the group of men Mardian brought in, the official, a career Justice employee, was no more enthusiastic. "Every one of those guys had crew cuts and American flags. His group was the antithesis of everything the Department of Justice stood for over the last 20 years.

"They were almost heel-clicking, really dangerous, with appalling physical expressions of law and order. They were very tough with little humanity. They only saw the subversion of laws by other people. When they said they had to beef up the Internal Security Division they meant only with people who were believers."

This official had to turn over the Selective Service or draft dodging cases to Mardian and contends that "there are thousands of cases now pending in courts because of Mardian. These guys went crazy.

"The most important thing to me is prosecutive discretion. If the department wanted to go out and indict on every federal violation they'd be picking up every 16-year-old kid who drove over the state line in somebody else's car. Mardian didn't have any discretion. He would just say 'indict.' The courts became crowded and now they can't move the cases. We were dealing with amateurs."

The official continued, "A lot of people around here were really frightened of him. He would talk disparagingly of anyone who was ideologically against him, and often referred to leaders of the peace movement as homosexuals or to black reporters as members of the Black Panther Party."

At the Committee for the Re-election of the President (CREEP) they liked Mardian better.



The Washington Post

Robert Mardian and John Mitchell in 1970.

He had accepted the appointment as regional political coordinator in charge of the Western states because John Mitchell had gone over to run CREEP and Mardian was still under his wing.

Things didn't exactly pan out there the way he had hoped, either. A very close friend of his and co-worker at CREEP tells what happened.

"It was well known that when Mitchell left Justice to run CREEP it touched off quite a strong and bitter power struggle between Ehrlichman and Kleindienst. It was Ehrlichman who decided that Mardian could not be Kleindienst's assistant. That wounded Mardian deeply, even mortally. He felt betrayed by everyone and also felt that it wasn't fair.

"Bob was fighting for recognition then. It was an ego type thing and he was being cut down. He was so aggressively trying to prove to himself that he was all right.

"When he came over to CREEP he came because Mitchell had promised him he would be his deputy. But they never gave it to him. Jeb Magruder was appointed instead, in disregard of Mitchell's advice. Magruder was Haldeman's fair-haired boy, and Haldeman was the one who said which way it was going to be. Magruder didn't really make sense to anyone, he was a rank amateur and pretty damned hard to stomach.

"Well," the colleague continued, "Magruder really got to Mardian and he was on a downer from then on out. It became clear that Mitchell did not have full authority

and he was taking orders from Haldeman. The factionalism started getting out of control.

"Ehrlichman started the 'plumbers' squad, trying to get information to hang Ellsberg, so he could beat the Justice Department at its own game. He wanted to do better than Mitchell and Kleindienst and Mardian by going through his own channels.

"The whole problem with the Nixon administration and how it got involved in Watergate is the factions trying to beat each other out. It was all a 'can you top this game between Haldeman and Ehrlichman and everybody else. These guys are just a bunch of zealots.'

After the Watergate break-in Mardian became an in-house lawyer at CREEP and virtually disappeared from sight.

"It is safe to say," said co-worker Harry Flemming, former White House counsel, "that Mardian had had enough. He was a person who wanted to get close to the mountain top.

"I think he would have been persuaded to stay if he had gotten a Cabinet job or something but he was tired of being a helper, a flunkie, a lower level type. He was really disgusted with the whole business and was tired of worrying about other people's trouble. He wanted to go back to Phoenix and worry about his own."

Flemming describes Mardian as a fairly open, outgoing, bright guy with a bit of an ego problem. "He needed success, wanted his opinions heard, and was forceful in talking about something he didn't know anything about. He always had to put in his 2 cents worth. He is a fun-loving guy, the kind of guy who lives tensed up, has a strong desire to win and is highly competitive. Highly competitive."

Mardian's men friends smile when they mention that, he is something of a "ladies man."

"He very much likes and enjoys the opposite sex, I'll have to say that," said Harry Flemming. "His wife, Dorothy, is a very nice gal, much quieter than he is and is content in a background role.

"She doesn't project, is shy and fades into a crowd fast. I don't think she ever got steamed up about Washington. If you're going to play this game as a wife you've got to decide you're going to get involved in it too. If you don't you're riding the caboose of the train all the time. I think Dorothy had had a belly full of Washington. But I don't think that bothered him at all. He just went ahead and did what he wanted to do." The Mardians' three sons, all in their early 20s, live away from home.

Flemming added that Mardian was very close to his brothers and was always asking for favors for them. He succeeded in getting two brothers on presidential commissions, but the White House threw its hands up when he tried for the third.

So now Robert Mardian has returned to Phoenix to join his brothers in the fam-

ily construction business, and has given up law for the time being. No more politics.

"I think he saw himself taking on a series of difficult assignments and doing them well and then being betrayed," said Flemming.

His friends see him staying out of politics from now on. "Some people get involved in political crap who have a great deal of commitment," says a former superior at the Justice Department. "They go ahead and do things though they know it's humiliating, and though there is no applause or pats on the back, because of personal commitment."

"But they should get the hell out. The last thing Bob wants to do now is run for office. He would love to have been a Cabinet or sub-Cabinet officer, Secretary or Under Secretary or Attorney General or Assistant Attorney General. But he didn't make it."

"Mardian has never been politically ambitious," says Sen. Barry Goldwater. "He can't make any money here in the amount he needs, especially a guy like Mardian who's got the world by the tail."

"Giving up politics is like giving up smoking," says Harry Flemming. "It's easier said than done. I think Bob's kind of had it now but it's hard for me to imagine him out of it forever."

Flemming himself is free of any Watergate implications because "I was one of the earliest victims of the Haldeman putsch, thank God."

Does Flemming think Mardian knew about the Watergate coverup?

"Acting as the legal officer it would be natural for Bob to have been in on those meetings and I know he attended a lot of them. But he deserves his day in court.

"He called me recently," Flemming said.

"I asked him if he was in trouble and he said he wasn't, but that he had a story to tell if they'd listen. I don't think he knew about the break-in prior to the event.

"The question is: Do you accept a lawyer-client relationship as an excuse to gather information and then not turn a guy in? If you do, you'd have to say he's uninvolved. If you reject that, well..."