

'Nixon Order' on FBI Tape Transfer

Washington

Robert C. Mardian, the former chief of the Justice Department's Internal Security Division, testified yesterday President Nixon had personally asked him two years ago to transfer the logs of telephone wiretaps from the FBI to the White House.

The taps, authorized by the White House, were placed on the telephones of newsmen and employees of the National Security Council from the spring of 1969 to the spring of 1971.

Mardian told the Senate Watergate committee that Mr. Nixon was apparently concerned that the late J. Edgar Hoover would somehow try to use the files against the President in order to maintain his position as director of the FBI.

The wiretap reports were found by FBI agents in the White House safe of John D. Ehrlichman after Ehrlichman resigned on April 30 as the President's chief domestic adviser.

One of the taps accidentally recorded a conversation of Daniel Ellsberg, who was calling from someone else's house. It was the disclosure



AP Wirephoto

ROBERT MARDIAN
Watergate witness

of that tap that caused a mistrial to be ordered in Ellsberg's Pentagon Papers trial.

Mardian, who left the Justice Department in 1972 to join the Nixon re-election committee, continued to maintain that he had not

told authorities what he knew about the Watergate burglary because he had gained that information as an attorney for the Committee to Re-elect the President. His attorney-client responsibilities prohibited him from disclosing information received from G. Gordon Liddy, who was then employed by the committee, he said.

Mardian also made the following points to the committee:

- He did not believe what Liddy told him shortly after the break-in at the Democratic headquarters in the Watergate Hotel about how the burglary had been planned and carried out. Liddy was said to have been the mastermind of the actual burglary.

- He recalled being told by Frederic C. LaRue that John N. Mitchell knew in advance about the Watergate burglary. Mitchell was then the President's campaign director, and LaRue was his close aide. Earlier this week, LaRue denied that Mitchell knew of the break-in ahead of time, and Mardian conceded that his own recollection might have been mistaken.

- He denied that the Jus-

Justice Department had told campaign officials that they might find evidence of subversive activities in the Democratic headquarters. James W. McCord Jr., one of those arrested in the burglary, has told the committee that such information was received from Mardian.

Mardian's testimony provided the first public disclosure that Mr. Nixon had personally ordered wiretap logs delivered to the White House.

In the early summer of 1971, Mardian said he was approached by William C. Sullivan, then associate director of the FBI who told him of the wiretaps. Sullivan said, according to Mardian, that he had the records in his files and that "he felt that the highly sensitive nature of these tapes were such that they should not be kept there, particularly if he were to be removed from office."

Mardian said Sullivan feared that "Hoover might use these tapes for the purpose of preserving his position as director of the FBI."

Mardian said that he passed the information on to Mitchell, who was then attorney general. He never heard from Mitchell but subsequently was called to the Western White House in San Clemente, to meet with Mr. Nixon.

There, according to Mardian, Mr. Nixon instructed him to take the records from Sullivan and deliver them to Ehrlichman. Mardian said that he assumed that Mr. Nixon had the same concern as did Sullivan about how Hoover might use the files.

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