

Mardian Denies He Tried to Get Watergate Burglars

By LESLEY OELSNER
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WASHINGTON, Dec. 13—Former Assistant Attorney General Robert C. Mardian denied on the witness stand today the allegations that had been made against him at the Watergate cover-up trial.

Mr. Mardian, one of five defendants, told the jury that he had not told G. Gordon Liddy, the man who devised and organized the Watergate break-in, to ask the then Attorney General, Richard G. Kleindienst, to get the five men who had been arrested at the break-in out of jail.

He denied that former Attorney General John N. Mitchell—another of the defendants—had directed him to tell Mr. Liddy to make the request to Mr. Kleindienst.

He said that he had never read confidential F.B.I. reports about the Watergate break-in, had never suggested that the C.I.A. put up covert funds for the Watergate burglars and had not heard Mr. Mitchell order the destruction of Watergate documents.

Mr. Mardian thus denied each of the specific "overt acts" that the conspiracy charge of the Watergate indictment—the only charge he faces at the trial—says that he committed.

His Voice Is Firm

He made his denials in a firm and confident voice, under questioning by his attorney, Thomas C. Green.

And under questioning by both Mr. Green and Judge John J. Sirica—he suggested that the Watergate break-in on June 17, 1972, had occurred because a group of "amateur politicians" had been allowed to run the 1972 Nixon campaign.

Judge Sirica appeared to agree.

"Isn't it a fact that a lot of amateur politicians got mixed up in CREEP [the Committee for the Re-election of the President]?" the judge said to Mr. Mardian. "You collect all this money, you get a lot of amateur politicians running things, and this is the result, right?"

Judge Sirica spoke in an exchange with Mr. Mardian this afternoon, out of the presence of the jury. The jury heard testimony by seven other witnesses in Mr. Mardian's behalf—including his wife, Dorothy, and Mr. Kleindienst's wife, Margaret.

An Irony of Trial

The chief prosecutor in the case, James F. Neal, suggested to Judge Sirica that final arguments in the trial would begin "perhaps" next Thursday but "probably" on Friday.

Mr. Mardian, baldish and bespectacled, was Assistant Attorney General in charge of internal security in the winter of 1972, when Mr. Mitchell was Attorney General.

In that role, he was responsible for some of the Justice Department's more controversial conspiracy prosecutions, a fact that has been cited by commentators and spectators, and even by some of the people involved in the case, as



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Judge John J. Sirica at the Watergate trial yesterday

one of the ironies of the cover-up trial.

Mr. Mardian joined the Committee for the Re-election of the President in May 1972, at the urging of Mr. Mitchell. He told the jury today that he had quickly become disenchanted with the committee. He said that he had written two memorandums to Mr. Mitchell about his dissatisfaction and had planned to resign three times.

It was this testimony that prompted the questioning by Judge Sirica.

Mr. Green, a 33-year-old former Federal prosecutor, took over Mr. Mardian's defense after Mr. Mardian's chief counsel, David G. Bress, became seriously ill shortly after the trial began. He asked the defendant to explain his attitude toward the committee.

"Who was in reality running the affairs of the Committee to Re-Elect the President?" he asked.

"When I first arrived, I thought Mr. Mitchell was," Mr. Mardian replied. "After I'd been there for some time, I concluded it was someone else." "Well, who, for instance?" he asked.

Mr. Mardian asked if the judge wanted his opinion.

The judge repeated his question.

Mr. Mardian gave his answer

—"President Nixon."

There was a brief interruption, in which Judge Sirica told the jury that he was allowing "considerable latitude" in testimony relevant to the issue of the defendant's "intent," and then Mr. Mardian gave his explanation.

He began to realize, he said, that certain decisions made by Mr. Mitchell, who was then the campaign director, were being overruled.

"I didn't know anyone in the Government who was in a position to overrule Mr. Mitchell, except President Nixon," he said. "Based on that, I could only conclude that the President was taking a very active interest in his own campaign."

Worked at White House

Mr. Mardian, in response to questions from Mr. Green, also told the jury that nearly all the main officials at the campaign committee had previously worked at the White House.

When the jury was sent out for the next recess, Judge Sirica returned to the point.

"The Republican National Committee was in existence for many years," he said. The purpose of the committee, he added, was to back candidates.

"That's why the Watergate break-in didn't make any sense," Mr. Mardian interjected.

"What is the genesis," the

judge asked, "who were the persons who thought up this idea of setting up CREEP rather than working through the regular Republican National Committee?"

Mr. Mardian beamed, obviously eager to explain. "I'm an expert on that," he said.

Judge Sirica had not quite finished his question. He said, "This is where a lot of the trouble started."

The defendant gave the judge a short history of Republican national politics beginning in 1952, when, he said, a dispute at the convention had led Dwight D. Eisenhower to set up an Eisenhower-Nixon committee separate from the regular party.

He told the judge that there were separate organizations in the 1956 campaign, too, and in the 1960 campaign. Then he got to the 1964 campaign and began to describe in detail Senator Barry Goldwater's approach.

Judge Sirica interrupted.

"Isn't it a fact that a lot of amateur politicians got mixed up in CREEP?" he asked. "You collect all this money, you get a lot of amateur politicians running things, and this is the result, right?"

Mr. Mardian smiled even say in here," he said, holding up one of the memorandums he had written to Mr. Mitchell in mid-June, 1972, just before the break-in. The memo predicted that campaign workers might get the committee into trouble if they were not controlled better.

Judge to Read Memo

"If they had stayed with the Republican National Committee and let the Republican National Committee run the election," Judge Sirica asked, "you wouldn't have had CREEP, isn't that right?"

Mr. Mardian agreed. He added, "To be fair, the way things stand in national politics, it's hard to get a consensus to support a candidate."

Then, again holding up his memorandum, he said, "I'd appreciate it if you would read it."

The judge said that he would. The prosecution's evidence against Mr. Mardian was incriminating. However, it was far less extensive than that against the three better known defendants in the case—Mr. Mitchell, John D. Ehrlichman, once President Nixon's chief domestic adviser, and H. R. Haldeman, who was Mr. Nixon's chief of staff at the White House.

Mr. Mardian, like the fifth defendant, Kenneth Wells Parkinson, a lawyer hired by the Nixon election committee after the Watergate break-in, was not even mentioned in much of the prosecution's testimony.

The Mardian defense is co-

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centrating on the few major allegations that have been made against the defendant, rather than on the over-all theory of the prosecution's case.

The testimony of the seven other witnesses today, like the testimony of Mr. Kleindienst yesterday, related to one of those allegations — that Mr. Mardian, at the behest of Mr. Mitchell, had told Mr. Liddy in a telephone call from California on the day of the break-in to ask Mr. Kleindienst to have the Watergate burglars released from jail.

It is not disputed that Mr. Liddy made such a request to the then Attorney General. What is in dispute is whether Mr. Mitchell and Mr. Mardian were responsible for it.

The testimony today would, if believed, show that Mr. Mardian, at least, was not responsible.

Basically, the various witnesses testified that Mr. Mardian had not heard about the Watergate break-in until after Mr. Liddy left the campaign committee office in Washington to go to the golf club where Mr. Kleindienst was playing in a tournament.

Mr. Mardian will resume testifying on Monday.