

Ruth Drops Action Against Ehrlichman On a Lying Charge

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WASHINGTON, Jan. 15. (UPI)—The special Watergate prosecutor said today he would not pursue the appeal of a charge—dismissed by a Federal district judge—that John D. Ehrlichman lied to the Federal Bureau of Investigation in the “plumbers” case.

Henry S. Ruth, the special prosecutor, filed without comment, a stipulation of dismissal of his appeal in the Federal Court of Appeals for the District of Columbia.

Mr. Ehrlichman, chief domestic affairs adviser in the Nixon Administration and head of the special White House investigative unit known as the “plumbers,” was convicted of the charge last summer.

Judge Gerhard A. Gesell of Federal District Court had expressed doubts about the constitutionality of the law covering the alleged offense. But he permitted the case to go to the jury, which convicted Mr. Ehrlichman.

Judge Gesell said the law was questionable because the defendants were prosecuted on the basis of summaries that F.B.I. agents had written from notes after their interviews.

Later Judge Gesell dismissed

that part of Mr. Ehrlichman's conviction, and the special prosecution appealed.

Mr. Ehrlichman was also convicted of conspiracy in connection with a burglary at the office of a West Coast psychiatrist who had treated Dr. Daniel J. Ellsberg: At the time of the break-in, Dr. Ellsberg faced Federal indictments stemming from the role he claimed in providing to the press the so-called Pentagon papers, which explained the United States' involvement in the war in Vietnam.

During the Watergate cover-up trial, Judge John J. Sirica of Federal District Court dismissed similar charges against Mr. Ehrlichman and former Attorney General John N. Mitchell for lack of solid evidence. Mr. Ehrlichman is appealing his convictions in both the plumbers and Watergate cover-up cases.