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6-7-73

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## U.S. Won't Appeal Ellsberg Case

Washington

The Nixon administration will not appeal the dismissal of charges against Daniel Ellsberg and Anthony J. Russo in the Pentagon Papers case, the Justice Department announced yesterday.

U.S. District Judge W. Matt Byrne Jr. in Los Angeles declared a mistrial and

dismissed all charges against Ellsberg and Russo, saying the totality of government actions "offend a sense of justice."

Byrne said at the time that "bizarre events," ranging from a special CIA-aided investigation of Ellsberg to burglary and wiretapping, have "incurably infected the prosecution of this case."

*Associated Press*

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