

2 Coast Charges Dropped For Ehrlichman and Aides

California Agrees to Yield Priority to Federal Indictments in Break-in at Ellsberg Psychiatrist's

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WASHINGTON, March 11 —

The Los Angeles County District Attorney, Joseph Busch, agreed today to seek dismissal of burglary and conspiracy charges against John D. Ehrlichman and two others arising from the break-in at the office of Dr. Adriel Ellsberg's former psychiatrist.

Mr. Busch and Leon Jaworski, the special Watergate prosecutor, met here for an hour this morning. They announced jointly later that, in light of Federal grand jury action in Washington based on the same allegations, efforts would be made to drop the California case.

Not included in the arrangement, however, is a perjury charge against Mr. Ehrlichman resulting from his appearance before a grand jury in Los Angeles.

20 There Indicted

Also indicted with Mr. Ehrlichman—and now to be cleared in California if the Court there approves of the arrangement—are David R. Young Jr. and G. Gordon Liddy.

Mr. Young, a former member of the National Security Council, and a co-leader of the White House secret investigation unit called "the plumbers," would be cleared of the only outstanding criminal charges against him.

In last Thursday's indictment by a Federal grand jury that looked into the so-called Ellsberg burglary, Mr. Ehrlichman, Mr. Liddy and four others were indicted on Federal conspiracy charges. Mr. Young, however, was listed as one of three unindicted co-conspirators.

In today's joint statement, Mr. Jaworski and Mr. Busch said in part:

"Among the reasons given for seeking to dismiss are that many of these issues involve matters of national interest, and, therefore, would best be decided in the Federal court system.

"Also, the two indictments would be exposing defendants to trials in two different jurisdictions and in fairness to those defendants, and in the interests of justice, they should be tried in one jurisdiction."

Perjury Charge to Remain

The statement said the perjury charge against Mr. Ehrlichman would remain because it goes "solely to a state interest" as opposed to a Federal interest.

The California case and last week's Watergate indictment both resulted from the burglary Sept. 3, 1971, of Dr. Lewis J. Fielding's office in Beverly Hills, Calif.

The burglary was a project of the plumbers and was designed to try to discover information on the background of

Dr. Ellsberg, a key figure in the Pentagon papers case. He was charged in connection with the release of the Government documents about United States' involvement in Vietnam.

The plumbers were headed by Mr. Young and Egil Krogh Jr., a former White House staffer who is serving a six-month sentence in Federal prison. Mr. Liddy and E. Howard Hunt Jr., both convicted in a separate burglary—that of Democratic national headquarters at the Watergate office building here—were the other members of the four-man plumbers team.

Nixon Witness Issue

The California burglary case was already tangled by efforts of Mr. Ehrlichman to have President Nixon appear as a defense witness. The President refused, thus raising legal questions about whether the case against Mr. Ehrlichman should be dismissed because he was denied the constitutional right to have a witness in his favor.

With dismissal of the California charges, that question would also be dismissed, though it could be revived in Federal courts.

The California perjury charge against Mr. Ehrlichman comes from his denial before a state grand jury that he had any prior knowledge of the burglary at Dr. Fielding's office. The California penalty for conviction is one to 14 years in prison.

In last Thursday's indictment in Washington, Mr. Ehrlichman was charged with three counts of making a false declaration before a grand jury, a charge under the perjury section of the United States Criminal Code. The same denial of prior knowledge of the burglary was involved in the Federal charge.

Matter of Duplicate Charges

The special prosecutor's office had no explanation beyond the joint statement today as to why seemingly duplicate perjury charges would be allowed to stand.

In past cases handled by the special prosecutor, a great deal of attention has been paid to the threat of perjury charges brought against lawyers. Perjury usually brings an almost automatic disbarment for a lawyer.

In Mr. Krogh's case, for example, he was originally charged with perjury, but the Government accepted a negotiated plea to a lesser charge. The arrangement gave Mr. Krogh better footing on which to fight possible disbarment action. According to sources at the special prosecutor's office.

The special prosecutor attempted to negotiate a plea from Mr. Ehrlichman on the same basis as it did with Mr. Krogh but the offer was refused, one of Mr. Ehrlichman's lawyers later reported.