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# Nixon Aide Charge Is Dropped

United Press International

Former White House aide John D. Ehrlichman will not be prosecuted on a charge of lying to the FBI in the "plumbers" case, the government has revealed.

Watergate Special Prosecutor Henry S. Ruth Jr. filed without comment Wednesday a dismissal of his appeal in U.S. Court of Appeals.

Ehrlichman, chief domestic affairs adviser in President Nixon's administration, who had overall responsibility for the special investigative unit known as the "plumbers," was convicted of the charge last summer in U.S. District Court.

Judge Gerhard A. Gesell expressed doubts about the constitutionality of the law covering the alleged offense. He permitted the entire case to go to the jury, which convicted Ehrlichman, then dismissed that part of Ehrlichman's conviction. The prosecutor appealed that dismissal but dropped the appeal Wednesday.

Ehrlichman has been convicted in the "plumbers" case of conspiracy to violate the civil liberties of Pentagon Papers defendant Daniel Ellsberg's psychiatrist by breaking into his office.

He was convicted of conspiracy, obstruction of justice and perjury in the cover-up trial. Ehrlichman is appealing both convictions.