## NYTimes JAN 1 6 1975THE NEW YORK TIMES,

## Ruth Drops Action

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 perm¶tted the case to go to the

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Later Judge Gesell dismissed completed by mid-1978.

that part of Mr. Ehrlichman's conviction, and the special conviction, and the prosecutio nappealed.

Against Ehrlichman
On a Lying Charge

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 Secretaria of Investigation in the special prosecution nappealed.

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 semming 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

bers' case.

Henry S. Ruth, the special prosecutor, filed without comment, a stipulation of dismissal of his appeal lh the Federal District Court dismissed similar charges against Mr. Ehrlichman and former Attrict of Columbia for lack of solid evidence. Mr. Ehrlichman is appealing his convictions in both the plumbers and Watergate cover-up

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der construction here.

Jury, which convicted Mr. Ehrichman.

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 completed by mid-1978 The vast complex of buildings