

Foreign Relations Group Yields Ellsberg Seminar Paper to F.B.I.

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The Council on Foreign Relations, a study group of prominent Americans who analyze international issues under strict rules of confidentiality, has responded to a subpoena by turning over to the Federal Bureau of Investigation a seminar paper delivered last year by Dr. Daniel Ellsberg.

John T. Swing, associate executive director, said the council surrendered the paper two weeks ago "when advised by our counsel that there were no grounds under which the subpoena could be successfully resisted."

Dr. Ellsberg, once a Pentagon employe and now a research associate at the Massachusetts Institute of Technology, has said that he gave the Pentagon papers on the Vietnam war to the press.

The subject of the seminar contribution was "Escalation as a Military Strategy in Limited War." It was delivered last November—seven months be-

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fore publication of the Pentagon papers by The New York Times and other newspapers—in a study group that included William P. Bundy, former Assistant Secretary of State for Far Eastern Affairs, and Helmut Sonnenfeldt, who is on the staff of the National Security Council.

Under the aegis of the council, which has its headquarters at Pratt House, 58 West 68th Street, discussion groups, scholarly papers and studies laid the foundation for the Marshall Plan for European recovery and set policy guidelines for the North Atlantic Treaty Organization.

Humphrey and Westmoreland

Its list of 1,500 active members includes more prominent names than any similar group. Among them are Senator Hubert H. Humphrey, Gen. William C. Westmoreland, former Supreme Court Justice Arthur J. Goldberg, David Rockefeller, and Kingman Brewster Jr., president of Yale.

Since its founding 50 years ago the council has emphasized privacy to give members an opportunity to speak freely. An indiscretion by a member can be grounds for "termination or suspension."

As a result the council is host weekly to heads of state, diplomats, high United States officials, political leaders and experts in all fields. Almost all the meetings are off the record.

Discussing the subpoena, Mr. Swing said it was signed by the clerk of the Federal District Court in Boston. A Federal grand jury there has been conducting an investigation since last August on how the secret Pentagon study reached the press.

Mr. Swing said the F.B.I. agents asked the council for a copy of the paper a month ago. "We did not turn it over to them then because we have a council rule on confidentiality which extends to the Government and which we take very seriously," he said.

On the Advice of Counsel

The agents came back with a subpoena two weeks later, he said, "and the decision was made to comply following the advice of our counsel."

He would not say who had participated in the decision. David Rockefeller is chairman of the council's board of directors and Bayless Manning is its president. Mr. Rockefeller, chairman of the Chase Manhattan Bank, is on a trip to Africa and Mr. Manning could not be reached for comment.

After the decision was made and the paper was turned over to the F.B.I., Mr. Swing said, a letter was sent to Dr. Ellsberg telling him what had happened.

Asked why Dr. Ellsberg was not told about it earlier, Mr. Swing said that "it had something to do with legal reasons, I believe."

The council is represented by the law firm of Debevoise, Plimpton, Lyons & Gates. Oscar Ruebhausen, the member in charge of council matters, said it would be inappropriate to discuss the advice he gave his client.

Friends of Dr. Ellsberg, who is a nonresident member of the council, said that he was angry that he was not told anything until after his paper had been turned over to the F.B.I. He could not be reached yesterday.

Most Unaware of Step

A sampling of council members yesterday showed that most were not aware of the action on the Ellsberg paper and most declined to comment until they could learn more about it.

Dr. Stanley Hoffman of Harvard, a nonresident member who said he learned about the action "a few days ago," said he was upset.

"What's upsetting is that the council did not see fit to inform its members and did not even make a fuss about turning over the papers," he explained. "I find it appalling that one can't even give a paper before a study group without having it subpoenaed."

George W. Ball, former Under Secretary of State, did not take issue with the council's action. "Any organization of this kind must have trust and confidence in its directors and executive staff," he said. "If they make a decision, we ought to abide by it."