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MEMORANDUM FOR THE PRESIDENT

Subject: Aircraft Hijacking

There are a number of steps which this Department and others are taking or considering to try to stop aircraft hijacking. In some cases we will not want to initiate these steps until the two remaining TWA passengers held by the Syrians are released (or possibly until it may become evident our present efforts will not succeed), because we obviously do not want to prejudice these present efforts.

Our two main goals are (1) to gain wide international acceptance of the concepts that the plane, crew, and passengers must always be returned and that the hijacker must be punished for the crime, and (2) to find ways to bring effective international pressure on countries which do not abide by these norms.

To this end, the following steps are already in progress:

1. Various efforts to obtain widespread adherence to the Tokyo Convention, which requires the return of plane, crew and passengers. The Convention will come into force on December 4, but only among the 13 or so States which have so far ratified it. Among other things, we are seeking the agreement of the other countries which have ratified the Convention to a joint approach urging all others to become parties to the Convention promptly.

2. Adoption of a supplementary convention requiring that the hijacker be returned or prosecuted in the

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country where the aircraft lands. A committee of the International Civil Aviation Organization (ICAO) began its second meeting on this on September 23 and we are pressing for an international conference on the supplementary convention in the fall of 1970, which is probably the earliest date this could be done. In addition to this multilateral effort, we are including provisions making hijacking an extraditable offense in bilateral extradition treaties which we are negotiating or amending.

3. Continuing our stepped-up efforts to return to the United States for prosecution various hijackers in Cuba or third countries. There has been some evidence that Cuba is quietly sending a few selected hijackers to third countries or encouraging them to leave. Five such hijackers of US aircraft have so far returned and been arrested. On September 13, Cuba announced a hijacking decree which may provide a basis for the direct return of hijackers, except for Cuban nationals and political asylum cases. The decree calls for reciprocal agreements and also covers persons diverting ships, as well as aircraft. The quid pro quo which Castro presumably intends to exact is not clear and may give us trouble. However, we believe the Cuban decree could represent a significant step and are considering how best to respond to it. Meanwhile, we are emphasizing Castro's apparent intent to prosecute hijackers in order to maximize the deterrent effect on potential hijackers.

4. The FAA is working on a system for detecting and apprehending possible hijackers. This involves identifying suspicious individuals by certain characteristics and then running these persons by a detection machine. There are both legal and technical problems still to be resolved.

5. We are consulting with the Finnish, Dutch and other interested UN delegations in New York regarding a possible UN General Assembly resolution urging States to take measures internationally and domestically to curb hijacking and similar acts against civil aviation. The Soviets have reacted negatively to an informal Finnish suggestion that the Security Council take up the question. As a result the Finnish Representative is now disinclined to press his suggestion. The Dutch are

however, anxious to cooperate in a General Assembly initiative and have given us for consideration a draft resolution which is drawn in large part from ideas we passed to them some days ago. In our view, the Assembly provides a better opportunity than the Council to engage a large number of countries in consideration of a problem with which many are directly concerned, with greater prospects for a widespread effect. We believe that affirmative action by the General Assembly could encourage further accessions to the Tokyo Convention and help mobilize support for our efforts to achieve a multilateral convention requiring that a hijacker be returned to the country of the aircraft's registry, or prosecuted in the country where the aircraft lands.

Other steps under active consideration are:

1. Expanding the terms of reference of the ICAO hijacking committee to permit it to seek invitations to send fact-finding teams to countries which have not returned the plane, crew and all passengers. Although this would be done under the guise of fact-finding, the real purpose would be to exert international pressure. For the latter reason, other members of ICAO may not agree to such a proposal.
2. In a related area, we are considering whether to propose that the ICAO Committee on Unlawful Interference seek an invitation for a fact-finding team to visit Cuba. The main purpose would be to find out whether Cuba would be receptive to some "neutral" way to dispose of the problem of hijackers still in Cuba, such as by sending them to third countries which would be willing to return them to the country of the airline hijacked for prosecution. In light of the new Cuban hijacking decree, stating a definite preference for bilateral solutions, we are holding this proposal temporarily in abeyance until we see whether the new Cuban decree can be exploited to achieve the direct return of hijackers.
3. Hijacking is a danger to air safety in all cases, but it can also lead to international political incidents and pose a threat to peace and security when it is politically motivated and when the country receiving

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the aircraft does not act promptly to return the plane, crew and passengers and when it does not take effective action against the hijackers. To deal with this growing problem, we are now considering asking for an unpublicized meeting with major aviation countries to propose a joint announcement that, when a country does not act responsibly in a political hijacking incident, such countries will suspend all air services to and from that country. There are some pitfalls in this idea and it must be considered very carefully, but in principle we think it has merit.

We would not favor at this time private boycotts such as the strike proposed by the International Airline Pilots Association, IFALPA. We believe that it is the governments and not private organizations which should act on this problem.



Acting Secretary

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