

Own Hijack Rules Broken, FBI Says

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NASHVILLE, Dec. 19 (AP)

The government said today that the FBI admits it failed to follow its own policy on how to deal with hijackings when three persons were shot to death in a hijacked plane at Jacksonville, Fla., a year ago.

But Neil Peterson, assistant U.S. attorney, told U.S. District Court Judge Clure Morton that the security of other airline passengers requires that the FBI not say what the policy is.

The situation prompted Gilbert Merritt Jr., who has filed lawsuits totaling \$2.5 million against the government in connection with the incident, to complain "about this secrecy with which this case has been surrounded." The net effect, he said, is "having the government insulated from embarrassing publicity."

The lawsuits are to go to trial Feb. 6 on behalf of the son of a couple who were shot to death, including the hijacker; the widow of the slain pilot, and the owner of the twin-engine airplane, which was hijacked at Nashville.

The plane had landed at Jacksonville Oct. 4, 1971, to re-

fuel for a trip to Cuba, ordered at gunpoint by George M. Giffe, a former real estate man who had kidnapped his estranged wife, Susan, and commandeered the plane.

As nearly as can be determined, Giffe shot and killed his wife, pilot Brent Q. Downs and then himself when FBI agents at Jacksonville took over the ground-to-air radio frequency and refused Downs' request for more fuel.

The suit accuses the FBI of negligence in disregarding Downs' request for fuel and a signal for the agents not to interfere.

In any case, Peterson said, James J. O'Connor, who was the FBI agent in charge of the airport operation when the plane landed, "admitted that what he had ordered then was a violation of what was instructed."

The comment came as Merritt sought to gain access to the regulation — Peterson called it only a guideline — so he could read for himself what it provides.

The judge agreed to let Peterson provide the document in question to him and let him decide if it should remain secret.