

FBI, Pilots Negotiate on Hijackings

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It is not often that meetings between a federal law enforcement agency and a powerful American union are called "negotiations."

But that characterization is being used by both the FBI and the Airline Pilots Association to describe their sensitive and emotion-charged discussions over crisis decision-making during airplane hijackings.

The facade of a calm and well-coordinated response to a crisis—by airlines, pilots, police and federal authorities—was shattered two weeks ago during the hijacking of a Southern Airways DC-9 jet that lasted some 29 hours before it ended in Havana.

ALPA is furious over the decision of Acting FBI Director L. Patrick Gray III to have agents shoot out the tires of the plane in Orlando, Fla., in an attempt to abort the flight and capture the three armed hijackers.

Lives Seen Endangered

The pilots' union contends that this action endangered the lives of the passengers and crew, and violated an old agreement by the late J. Edgar Hoover that the

"captain's command" concept would be respected at all times and no action would be taken in such situations without the pilot's consent.

Gray was aware of the agreement, but apparently

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had no notion that it was intended to be an ironclad commitment. And as with many other matters since he took over temporary control of the FBI last May, nobody ever told him that Hoover had set the policy down in a formal written document.

Typically, Gray found out what Hoover had done only in the midst of a crisis. The same thing happened a few weeks earlier, when Gray discovered that for 22 years the FBI had been routinely collecting information on members of Congress and congressional candidates.

Without backing down, losing face or incurring any additional public wrath from ALPA and its well-placed supporters, the FBI now hopes it can develop a more "flexible" policy acceptable to competing interests.

Gray believes, for exam-

ple, for example, that it would have been utterly unfeasible and unrealistic to seek the Southern Airways pilot's advice when a hijacker was holding a gun at his head and monitoring all radio transmissions to the jet.

Not Unanimous

Despite the angry public statements of ALPA officials, the pilots themselves and other airlines personnel are by no means unanimous about what should be done.

One United Airlines pilot phoned Gray last week, according to FBI sources, and said, "If I am ever in a situation like that Southern flight, you come and get me."

What the FBI would like to establish is some means of comparing the judgment of various parties, once the basic facts of hijacking have been determined.

That means, among other things, finding a way for those in control towers, on the ground and in pursuit planes to communicate with the pilot and other crew members without being automatically understood by the hijackers.

The Southern Airways drama showed how little federal anti-hijacking policy has been developed and coordinated, despite all the experience of the past several years.

Tied in Knots

At an early stage of that crisis, for example, when the hijacked flight landed in Detroit, the hands of federal officials were virtually tied in knots because Detroit Mayor Roman Gribbs, sitting in the airport control tower, could not make up his mind whether to help raise the demanded ransom

money from the city treasury.

Later, when the flight went to Toronto, there was more confusion over what to do, because U.S. and Canadian authorities apparently have no established agreement on how to act in such circumstances.

Emergency instructions went out from FBI headquarters here, in fact, warning the agents who were following to Toronto in another plane, to take "no action" north of the border.

White House officials, who were consulted during the Southern Airways incident, have their own ideas about hijacking policy which would probably anger the ALPA more than the FBI has already.

John W. Dean III, counsel to the President, urged at one point that the federal government rethink its tendency to "cater to the views of the airlines."

"No" Rule Proposed

The staff of John D. Erlichmann, President Nixon's chief domestic adviser, reportedly has proposed a flat position of "no ransom" and "no refueling" during all hijackings.

There is also strong sentiment within the Nixon administration for asking Congress to pass new legislation instituting a mandatory death penalty for any federal hijacking conviction.

But some FBI officials doubt that such a law would serve as an adequate deterrent to future hijackings. They point out that experience indicates that few hijackers seem calm or rational enough in crisis moments to consider the potential consequences of their actions.