

Legal Help for Hostages Is Lacking

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WASHINGTON, Sept. 7—In the view of legal experts, the United States appeared powerless today to obtain the release of some 150 airline passengers and crew members held hostage by Arab guerrillas in Jordan.

"I think of the law as simply having a hole here," said Frank E. Loy, a vice president of Pan American World Airways who was, until this year, a State Department legal expert on air piracy.

The chief concern of the United States was for the safety of the Americans aboard the Trans World Airlines and Swissair jets hijacked yesterday over Europe.

Short of armed intervention in Jordan, which the State Department said was not being contemplated, there was little the United States could do except continue to resort to diplomacy.

Limitations Underscored

"We are responsible for them, to the degree we can be of help to them," a State Department spokesman said. His comment underscored the limitations on the amount of American help that could be made available.

Among the guerrilla demands is the release of an unspecified number of commandos held in Israeli prisons. But Itzhak Rabin, Israel's Ambassador to the United States, indicated following a meeting with Secretary of State William P. Rogers that

his Government would not accede to the demand.

"No one should submit to blackmail," said Mr. Rabin. "We look upon governments whose carriers were hijacked for the release of all passengers."

The State Department thus appeared to have been placed in a dilemma similar to that posed by the kidnapping of two Americans, Dan A. Mitrione and Dr. Claude L. Fly, by Uruguayan rebels last month.

In that instance, the United States response was limited to diplomatic overtures toward the Uruguayan Government, which refused to meet a guerrilla demand for the release of political prisoners. Mr. Mitrione was killed and Dr. Fly is believed to be held still by the rebels.

The United States did nothing to discourage two other Latin-American governments from meeting the demands of kidnapers in earlier cases involving capture of American officials.

C. Burke Elbrick, the American Ambassador to Brazil, was released after 78 hours of captivity in exchange for the freedom of 15 political prisoners. An Air Force attaché in Santo Domingo, Lieut. Col. Donald J. Crowley, was freed in March after the Dominican Republic released 19 political prisoners.

The only direct American alternative when another government refuses to meet demands of rebels, or, in the case of the airplane hijackers, Arab

guerrillas, would be to send United States troops to guarantee the safety of citizens or secure their release.

President Johnson sent troops to the Dominican Republic in 1965, after civil turmoil broke out, on the ground that they would be used to protect Americans.

But in the airline hijacking the State Department is said to believe that it would not help to send troops to the rescue.

Jordan Not in Control

The situation is complicated by the apparent inability of the Jordanian Government to control the Palestinian guerrillas.

The Tokyo convention covering air piracy, which went into effect last year, stipulates that a nation in which a hijacked plane lands must permit passengers and crew to continue their journey as soon as practicable.

The United States is a party to the international agreement, but Jordan is not, and the guerrillas have no legal standing internationally.

Mr. Rabin called again for some sort of new international compact under which airlines would agree to boycott those countries that failed to deal firmly with hijackers.

For the present, however, the safety of the captured passengers in Jordan appeared to depend largely upon the guerrillas and Israeli responses to their demands.

"The dilemma is clear," said a State Department official. "Either surrender to their terms or don't. Hopefully, we can find some options in between."