

Court Blames F.B.I. In Plane Hijacking; Awards \$388,530

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CINCINNATI, Aug. 8 (AP)—The United States Court of Appeals for the Sixth Circuit has ruled that the Federal Bureau of Investigation was negligent in handling a 1971 airplane hijacking in which three persons died and has entered a judgment of \$388,530.98 against the Federal Government.

The court yesterday reversed a lower court's ruling that actions of the F.B.I. were immune from civil action. The appellate court said that immunity could only be applied if the Government agents involved acted reasonably and within the guidelines of the law.

The decision said that James O'Connor, special agent in the Jacksonville, Fla., F.B.I. office, was negligent in his handling of the Oct. 4, 1971 hijacking of a charter airplane from Nashville. *

It said that Mr. O'Connor had violated the F.B.I. handbook on hijackings by failing to consider the safety of passengers ahead of action against the hijacker. There were five persons on the plane. The court awarded \$269,441 to the estate of the pilot, Quinton Downs of Nashville; \$56,958 to the estate of Susan Germaine Giffe, wife of the hijacker, and \$62,131.98 to the owner of the plane, Big Brother Aircraft, Inc.

When the F.B.I. opened fire at the tires and engine of the plane, Mr. Downs and Mrs. Giffe were shot to death in the cockpit by her estranged husband, George Giffe, 25 years old, a former nightclub owner. Mr. Giffe then shot and killed himself.

Mr. Giffe had forced his wife to accompany him to the airport at gunpoint where he chartered the plane saying he was flying his wife to a hospital in Atlanta. In the plane he pulled the gun again and forced the pilot to fly to Jacksonville, Fla., for refueling for further flight to the Bahamas.

Before the shootings took place two persons were allowed off the plane to negotiate with the F.B.I.

The court concluded that Mr. Giffe "had decided to participate in the 'waiting game,' and there was no reason to suppose that the plane was about to depart when O'Connor ordered the aircraft forcibly disabled."

The court said that Mr. O'Connor had made little effort to obtain information from the co-pilot, Randall Crump, when Mr. Crump was allowed to leave the plane for negotiations. Mr. Crump testified in the original trial that F.B.I. agents had refused to talk to him.

* Not in file.