

U.S. Says Pact With Cuba To Curb Hijacking Is Near

Accord Is Reported to Provide for the Punishment or Extradition of Persons Who Divert Aircraft or Ships

NYTimes By BERNARD GWERTZMAN FEB 14 1973
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WASHINGTON, Feb. 13—The United States has virtually concluded an agreement with Cuba aimed at curbing the hijacking of aircraft and ships between the two countries, Nixon Administration officials said today.

Substantive issues have been resolved, and only a few procedural details — such as the time and place of signing the accord—remain to be worked out, the State Department said this afternoon.

The State Department would not provide details of the agreement in advance of the release of the complete accord. But a well-placed Administration official said that it provided for the punishment or extradition of hijackers.

Confirmation of the accord followed an unusual offhand disclosure by President Nixon this morning that three months of indirect Havana-Washington

negotiations on an agreement to combat hijacking had been concluded successfully.

[In the latest move by Washington against hijacking, the Federal Aviation Administration ordered United States airports to station armed police officers at airline boarding gates before every scheduled flight, starting at 12:01 Friday. Page 6.]

Mr. Nixon, talking with a few newsmen in the Rose Garden of the White House, said he had just been speaking on the phone with Secretary of State William P. Rogers about "the hijacking agreement with Cuba."

He added that Mr. Rogers "will be able to fill you in at the appropriate time."

This was the first indication that the talks had been concluded and Mr. Nixon's remarks

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caught the State Department by surprise.

The department had not planned an announcement until all details were worked out, but Mr. Nixon's "leak" prompted Charles W. Bray 3d, the department spokesman, to say that a final agreement was possible in "the next few days."

Negotiations in Havana

Negotiations for the agreement have been held in Havana, with the Swiss Embassy representing the United States in talks with the Cuban Foreign Ministry. The United States broke diplomatic relations with Cuba in 1961 and has been represented in Havana by the Swiss since then.

The two sides exchanged draft agreements in November and each has proposed changes and offered new ideas in the intervening three months. A note from the Cuban Government received here on Satur-

day night "made clear that only procedural details need to be worked out," Mr. Bray said.

Administration officials said it was expected that Mr. Rogers would sign the agreement in Washington and that Foreign Minister Raúl Roa García of Cuba would probably sign in Havana.

Throughout the negotiations—the first significant dialogue between the two sides in many years—the Administration insisted that it did not intend to seek a broader improvement in Cuban-American relations. It has said that the talks were limited to the hijacking issue and that conclusion of an agreement should not be interpreted as anything more than that.

Hard Line by Nixon

Mr. Bray Referred newsmen today to a statement by Mr. Nixon on relations with Cuba published on Nov. 9 in an interview with The Washington Star-News. Taking a hard line toward Havana, Mr. Nixon said:

"There will be no change, no change whatever, in our policy toward Cuba unless and until—

and I do not anticipate this will happen—Castro changes his policy toward Latin America and the United States."

During the negotiations, the two sides were known to have disagreed on the definition of what should constitute a crime under terms of the agreement.

The United States, not wanting to turn away legitimate political refugees who might make their way to Florida, sought to limit punishment to those who seized a boat or plane by "an act of force."

The Cubans wanted the agreement to include all those who "illegally" made their way to this country, including such individuals as a fisherman who might steal a boat and escape to Florida.

Language Is Ambiguous

According to an Administration official, the agreement as worked out is "conveniently ambiguous."

It does not include language limiting the coverage to "acts of force," as sought by the United States, but it asserts that "minor violations" would not come under its terms. Thus, the official said, a fisherman who stole a boat would not have to be prosecuted or sent back to Cuba.

The negotiations began in November after two sensational hijackings of American aircraft to Cuba.

The first, on Oct. 29, involved an Eastern Air Lines jet plane seized by four men in Houston. The four were charged later with the slaying of a bank official and a police officer during an attempted bank holdup in Arlington, Va., and with the killing of an Eastern Air Lines ticket agent before the Houston hijacking.

The second, on Nov. 11 and 12, involved a Southern Airways jet, seized in flight by three men and taken to Canada, then to various points in the United States, and twice to Cuba before the 29-hour ordeal ended for the 31 passengers and crew. Those hijackers had a \$2-million ransom with them when the plane landed in Havana.

Following those hijackings, the 100th and 101st incidents involving attempts to divert a plane to Cuba over the years, Havana issued a statement asserting that it wanted to negotiate "without delay" if Washington "showed equal willingness and interest."

'Criminal Acts' Disavowed

"The Cuban Government affirms that it has absolutely no interest, nor does it desire in any way, that Cuban territory be used as a refuge by persons responsible for common criminal acts that occur in any part of the United States territory," the statement said. "The Cuban Government has no interest whatever in promoting hijack-

ings of airplanes or snips, or illegal entries and exits between the two countries."

The Cuban statement was quickly reciprocated by the State Department and the talks began through the Swiss on Nov. 25.

Robert A. Hurwitch, Deputy Assistant Secretary of State for Inter-American Affairs, who has directed the American efforts, met with Swiss Embassy officials at the State Department today to discuss the final details, the department said.