

## Head of F.B.I. Says He Ordered Tires of Hijacked Jet Shot Out

NYTimes

By RICHARD WITKIN

NOV 15 1972

The acting director of the F.B.I. said yesterday that he and Southern Airways officials had jointly decided to immobilize the hijacked jet in Orlando, Fla., Saturday. But he added that he personally had ordered that it be done by shooting out the tires.

L. Patrick Gray 3d, who took over the Federal Bureau of Investigation after the death of J. Edgar Hoover, said that executives of the airline had assured him that the twin-jet DC-9 could not take off with its tires flattened.

The head of the nation's airline pilots, Capt. J. J. O'Donnell, complained in a letter to President Nixon that the tire-shooting was a violation of a Government agreement not to disable an airliner without approval of the pilot in charge.

"There can be no circumstances," Captain O'Donnell said, "in which the pilot in command is excluded from participation in any actions affecting the safety of his passengers and crew."

The pilots' chief said it was "imperative" that Mr. Nixon participate "in insuring that the principle of 'pilot in command' authority is respected."

Mr. Gray in effect anticipated this complaint when he said that the Southern Airways pilot, Capt. William R. Haas, did not know of the F.B.I. plan to shoot out the tires because "he was standing there with the hijacker holding a gun at his head."

Speaking at a news confer-

Continued From Page 1, Col. 2

ence in St. Louis, the F.B.I. director conceded that the attempt to abort the flight did not totally succeed because the plane was able to take off even with its tires damaged. But he added that the F.B.I. had been successful in assuring that the marathon hijacking came to an end in Havana—the hijackers had threatened to fly to Europe—and in indirectly bringing about the apprehension of the three gunmen by the Cuban authorities.

### Shooting Criticized

The statement of Mr. Gray, who was in St. Louis for a speech last night, was the first from the F.B.I. on the circumstances of the tire-shooting in Orlando, the eighth and next-to-last stop in a terrifying 29-hour melodrama.

The shooting has drawn criticism from many quarters and on various grounds. Some of the 27 passengers, saying that the incident had driven the hijackers into a frenzy, voiced the conclusion that it almost "got us all killed." It did impel one of the gunmen to shoot the co-pilot, Billy Harloyd Johnson, in the left shoulder.

However, other passengers concluded in retrospect that the tire-shooting might have been a good idea because it insured the end of the flight and avoided a dangerous attempt to fly the small airliner to Europe, perhaps by way of Greenland and Iceland. Once it was damaged by landing with flattened

tires, it certainly could not take off again.

Captain Haas, who was still in seclusion yesterday after his exhausting 29 hours at the controls, complained about the tire-shooting in a radio transmission right after the takeoff from Orlando. And his union colleagues reflected his viewpoint in their letter to Mr. Nixon insisting that pilots always be consulted before such drastic moves.

### Viewed as Bungled

Many aviation officials not only agreed with the pilots but also went an important step further. They tended to agree that it might have been a good idea to cripple the plane in Orlando, especially with the gunmen threatening a dangerous effort to make it to Europe. But they thought that the attempt had been bungled. Said one Government official:

"Shooting a plane is as specialized a job as shooting a bull elephant. You either hit him in the right place or you don't shoot."

The implication was that it might have been smarter to shoot out one of the engines. Others suggested the best expedient would have been to ram a truck into the nose gear.

The Air Line Pilots Association, in the letter to Mr. Nixon, said the Justice Department, the F.B.I. and the Federal Aviation Administration were all parties to the agreement that a hijacked plane must not be intentionally disabled without consulting the pilot.

The letter quoted from the

"policy" established by the late Mr. Hoover, as follows:

"The captain of an aircraft is by far the most qualified to make an on-the-spot determination as to the dangerousness of a hijacker; and he should be the one to recommend that action be taken to disable an aircraft or to board it in order to apprehend the hijacker. Our experience has shown that without prior knowledge and complete cooperation of the captain and his crew, any action by outside

initiative in an attempt to "directly" negotiate an accord" with the Cuban Government against hijacking. It said, "Such an agreement should provide at least for the mandatory extradition of those persons who utilize force."

There was no further word from Cuba yesterday on the United States request that the three hijackers be sent back here and that \$2-million in extortion money be returned.

Mr. Gray saw potential disaster in an attempt to fly the plane across the Atlantic.

The pilots' association raised two other points with Mr. Nixon.

It asked that he "immediately provide airports with Federal officers to be utilized during the boarding of all commercial airliners." Up to now, the union has taken the position that any trained policeman would do.

Continued on Page 32, Column 3.