

Telegram 294530 From the Department of State to the Consulate in Montreal, January 1, 1969, 0202Z

A message from Deputy Assistant Secretary of State Loy to IATA Director-General Knut Hammarskjold expressing U.S. concern about recent hijackings. Loy condemned Israel for the attack on Khaldeh Airport in Lebanon and noted that the U.S. had registered disapproval of the Athens hijacking of an El Al aircraft.

Telegram 6001 From the Department of State to the Embassy in Israel, January 14, 1969, 1924Z

Counselor Raviv of the Israeli Embassy called on the Department to discuss the upcoming ICAO meeting to consider the Lebanese complaint about Israel's Beirut airport raid and Israel's counter-complaint about the Athens hijacking of an El Al aircraft. The U.S. position was that the UN Security Council should deal with the political aspects of the problem, while the ICAO concentrated on safeguarding international civil aviation.

Telegram 8296 From the Department of State to the Consulate in Montreal, January 17, 1969, 2011Z

The Department informed posts that at the ICAO meeting Lebanon would seek sanctions against Israel for the Beirut airport raid and gave details of Israel's counter-complaint on the Athens El Al hijacking. The Department stressed its position that the ICAO should avoid political debate and concern itself with the technical aspects of aviation security.

Telegram 9888 From the Department of State to the Embassies in Lebanon and Israel, January 21, 1969, 2342Z

The Department informed the Embassies that the ICAO Council voted to consider the Lebanese complaint on the Beirut airport raid but to exclude the Israeli counter-complaint on the Athens El Al hijacking. Australia, Canada, the United Kingdom, and the U.S. began to draft a resolution on prevention of violence against international civil aviation.

Telegram 16529 From the Department of State to the Embassies in Lebanon and Israel, February 1, 1969, 0025Z
Embassies Beirut and Tel Aviv were informed that ICAO President Binaghi announced that the ICAO Council had adjourned its extraordinary session to discuss the Beirut airport raid without reaching agreement on a course of action.

Memorandum from Acting Secretary of State Richardson to President Nixon, Washington, February 19, 1969

Richardson reported that the Department of State had taken action in response to the Zurich El Al attack, and that a discussion had taken place between Israeli Minister Argov and Assistant Secretary of State Sisco. Sisco informed Argov that the U.S. was sending a letter of protest to the UN Security Council and urged France and the UK to do the same. The matter would also be placed on the ICAO Council agenda.

Telegram 146454 From the Department of State to the Embassy in Lebanon, August 29, 1969, 1544Z

The Israeli Embassy reported that TWA Flight 840 from Rome to Tel Aviv had been hijacked and was presumed en route to Lebanon. Instructions to Embassy Beirut stressed U.S. insistence that all passengers be treated as a single group.

Telegram 147491 From the Department of State to the Embassy in Italy, August 30, 1969, 2153Z

The Syrian Government hinted that the release of TWA Flight 840 passengers might be tied to the release of Syrian military pilots held by the Israelis. The Israeli Government told Syria and the United States that this would not happen.

Telegram 147505 From the Department of State to the Representative to the International Civilian Aviation Organization (Butler), Montreal, Canada, August 31, 1969, 0251Z

Butler was instructed to deliver an enclosed letter concerning TWA Flight 840 to the ICAO. The text includes details of the hijacking incident.

Memorandum of Conversation, Washington, August 31, 1969

Davies and Williams discussed the Flight 840 hijacking situation. Williams reported that the Israeli Consulate in New York was harassing TWA, and that there was an organized effort to dictate TWA's actions in connection with the hijacking. Davies said that the U.S. Government had urged the Israelis to cool the situation down, and that the U.S. would not allow the commercial considerations of one of its flag carriers to be damaged.

Telegram 147525 From the Department of State to the Embassy in Israel and the Consulate in Jerusalem, August 31, 1969, 1331Z

The Department endorsed the positions taken by Chargé Zurhellen in conversations with the Israelis over TWA Flight 840 and defended the actions taken by TWA.

Telegram 147543 From the Department of State to the Embassy in Israel, August 31 1969, 1934Z

The Department of State reported a frank conversation between Acting Assistant Secretary of State for Near Eastern and South Asian Affairs Davies and Israeli Chargé Argov on the hijacking of TWA Flight 840. Davies observed that he thought Syria might be looking for a way out of the situation.

Telegram 7222 From the Embassy in Lebanon to the Department of State, September 1, 1969, 1233Z

Embassy Beirut expressed reluctance to use PanAm's overflight issue as a way to pressure Syria over TWA Flight 840, and confessed that the Embassy could not think of any levers to secure the release of the

remaining Israeli passengers. While deploring the PFLP hijacking, Embassy Beirut opined that Syria had handled the matter correctly.

Telegram 55177 From the Embassy in Rome to the Department of State, September 1, 1969, 0830Z

The Italian Foreign Office noted that the Syrians were again suggesting the swap of the Israeli passengers of TWA Flight 840 for imprisoned Syrian pilots; Embassy Rome commented that there was virtually no chance the Israelis would agree to this scheme.

Memorandum From Secretary of State Rogers to President Nixon, Washington, September 2, 1969

Rogers briefed the President on the status of TWA Flight 840, detailed the action taken by the airline and the U.S. Government, and noted the arrival in Damascus of two representatives from the International Committee for the Red Cross.

Memorandum of Conversation, Washington, September 3, 1969

TWA Chairman Tillinghast reported to Deputy Assistant Secretary for Transportation and Telecommunications Loy conversations that had taken place between TWA executives and General Akil in Syria on the status of TWA Flight 840. The Syrians clearly stated their intention to hold the two remaining passengers until the Israeli Government freed their pilots. Akil also said that the PFLP would not benefit from the hijacking.

Letter from Israeli Minister for Foreign Affairs Eban to Secretary of State Rogers, Washington, September 3, 1969

Eban requested that the U.S. Government spare no efforts to free the two Israeli passengers of TWA Flight 840 in light of the worsening situation.

Information Memorandum from the Assistant Secretary of State for Near Eastern and South Asian Affairs (Sisco) to Secretary of State Rogers, Washington, September 5, 1969
Sisco provided Rogers with a status report on TWA Flight 840, noting action taken by the ICAO and the NATO Advisory Committee. Sisco highlighted the current efforts taken by the ICRC, World Health Organization, and the Governments of Italy and the USSR. He reported that the U.S. would ask the Israelis to consider the proposed Syrian pilot swap.

Memorandum From the Executive Secretary of the Department of State (Eliot) to the President's Assistant for National Security Affairs (Kissinger), Washington, September 10, 1969

The Department of State provided a follow-up report on TWA Flight 840 that noted on-going contacts with Italy and the USSR, a request for assistance to UN Secretary-General U Thant, emergency sessions of the ICAO, contact with Director-General of IATA Hammerskjold, and contacts with the ICRC.

Memorandum From Secretary of State Rogers to President Nixon, Washington, September 17, 1969

Rogers updated the President on efforts to resolve the TWA Flight 840 hijacking and free the remaining Israeli hostages. Rogers cited U.S. activity to gain adherence to the Tokyo Convention, efforts to resolve the Cuban hijacking situation, and work in the UN Security Council and the ICAO.

Telegram 159327 From the Department of State to the Embassy in Israel, September 19, 1969, 0004Z

Acting Secretary of State Richardson informed Embassy Tel Aviv that Israeli Counselor Raviv had been told that third-party efforts to secure the release of the passengers of TWA Flight 840 had been exhausted. In the Department's estimation, Syria would not agree to release the passengers without a face-saving quid-pro-quo. Raviv said the Israelis could not agree to any trade-off.

Memorandum From the Executive Secretary of the Department of State (Eliot) to the President's Assistant for National Security Affairs (Kissinger), Washington, September 19, 1969

The Department of State updated on-going efforts to resolve the TWA Flight 840 hijacking and noted that the Syrians had imprisoned the PFLP hijackers. The memorandum discussed the Syrian position on the Tokyo Convention, as relayed through IATA. Efforts also continued through Italy, the USSR, and the ICAO.

Telegram 3119 From the U.S. Mission to the United Nations to the Department of State, September 20, 1969, 1902Z

UN Ambassador Yost noted that he had urged the Syrians to take early action to resolve the TWA Flight 840 situation. Syrian Ambassador to the UN Tomeh urged the U.S. to continue "quiet diplomacy" and suggested that Israel release the captured Syrian pilots a few weeks after the release of the Israeli passengers.

Telegram 160323 From the Department of State to the Embassy in Israel, September 20, 1969, 1646Z

While sharing Embassy Tel Aviv's concern that the Israelis might be losing patience over TWA Flight 840, the Department of State emphasized that it had little leverage to use with the Syrians. The Department rejected suggestions to be more aggressive with Syria by attempting to prevent its election to the UN Security Council, concluding that the prisoner/hostage swap would be the best way to end the crisis.

Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon, Washington, September 21, 1969

Kissinger summarized Embassy Tel Aviv's assessment of the TWA Flight 840 hijacking in telegram 35088 and attached to the memorandum a retyped copy of the telegram.

Memorandum of Conversation Between Secretary of State Rogers and Israeli Foreign Minister Eban, New York, September 23, 1969

On September 20 Rogers and Eban discussed the Israeli passengers on TWA Flight 840 still held by Syrian hijackers. Eban said that the idea of linking the release of the passengers to the release of captured Syrian pilots was "intolerable." Rogers agreed that the two cases could not be equated. Eban commended Italy's efforts and said there was little more UN Secretary-General U Thant could do.

Action Memorandum From the Deputy Assistant Secretary of State for Near Eastern and South Asian Affairs (Davies) to Secretary of State Rogers, Washington, September 25, 1969

Davies recommended that Rogers send an oral message to Syrian President Nur al-Din al-Atasi on the TWA Flight 840 hostage situation. Attached was a telegram containing Rogers' message to al-Atasi urging the Syrian Government to release the two remaining passengers.

Memorandum From the Executive Secretary of the Department of State (Eliot) to the President's Assistant for National Security Affairs (Kissinger), Washington, September 28, 1969

Eliot updated Kissinger on the status of TWA Flight 840. He noted that the Syrians were no longer afraid of Israeli reprisals, explained that the Italian Ambassador was highly critical of Israeli Government maneuvering, and informed Kissinger that the Department of State had sent Rogers' message to Syrian President al-Atasi.

Telegram 662 From the Consulate in Jerusalem to the Department of State, October 2, 1969, 1318Z

Consulate staff reported on a U.S. démarche to Israel on the proposed pilot-hostage exchange in the matter of TWA Flight 840. Rafael said that Israel would reject an out-right swap, but suggested a way in which the United

States could be seen to pressure Israel and bring about a conclusion without an advance deal.

Memorandum From the Acting Secretary of State Richardson) to President Nixon, Washington, October 2, 1969

Richardson updated the President on diplomatic attempts to resolve the TWA Flight 840 incident.

Memorandum From the Executive Secretary of the Department of State (Eliot) to the President's Assistant for National Security Affairs (Kissinger), Washington, October 21, 1969

Eliot provided a status report on the TWA Flight 840 hostages. According to confirmed reports, the Syrian Government had released the hijackers and requested outside mediation to bring the hostage situation to an end.

Telegram 4196 From the Embassy in Israel to the Department of State, November 6, 1969, 1320Z

The Embassy reported that Rafael had told the DCM that Israel would participate in a three-way exchange with Syria and Egypt, conducted through the ICRC, to resolve the TWA Flight 840 hostage incident. He stressed the need for secrecy to avoid public debate in Israel.

Telegram 4348 From the Embassy in Israel to the Department of State, November 20, 1969, 1302Z

The Embassy reported that the three-way hostage exchange designed to resolve the TWA Flight 840 hostage incident appeared to have fallen through because of difficulties between the ICRC and the Syrian Government. Rafael renewed Israel's threat to take action and asked the U.S. to try to get the ICRC mission moving forward.

Telegram 195790 From the Department of State to the Mission in Geneva, Switzerland, and the Embassy in Israel, November 21, 1969, 0107Z

The Department of State instructed the Mission in Geneva to approach the ICRC as soon as possible to restore the

swap agreement and bring the TWA Flight 840 incident to an end. Embassy Tel Aviv was asked to inform Rafael that the U.S. Government was approaching the ICRC and the UAR.

Telegram 7660 from the Embassy in Italy to the Department of State, November 26, 1969, 1740Z

According to information from the Italian Foreign Ministry, the TWA Flight 840 three-way exchange had resumed. ICRC Representative Renard told the Italian Ambassador that the Israelis had accepted the Syrian request and would release the 2 pilots plus 11 other Syrians detainees if the Israelis were released in advance.

Telegram 203374 From the Department of State to Secretary of State Rogers in Bonn, December 5, 1969, 2331Z

The Department of State informed Rogers that the Syrians had permitted TWA Flight 840 and its two remaining passengers to leave Damascus. Israel had released 13 prisoners to Syria and 50 detainees to the UAR, in exchange for 2 Israeli pilots.

Telegram 10203 From the Embassy in the Federal Republic of Germany to the Department of State, September 6, 1970, 1628Z

The Embassy reported that TWA Flight 741, Swissair Flight 100, and PanAm Clipper 93 had been hijacked, and that Pan Am Clipper 03 was presumed hijacked. An El Al flight had landed in London with three dead passengers and another three taken hostage by hijackers.

Memorandum From the President's Deputy Assistant for National Security Affairs (Haig) to President Nixon, Washington, September 7, 1970

Haig provided the President with a status report on diplomatic efforts to deal with the demands of the hijackers.

Memorandum From Secretary of State Rogers to President Nixon, Washington, September 8, 1970

Rogers told Nixon that he had made a humanitarian appeal to the Arab chiefs of mission for the safety of the hijacking hostages held in Jordan by the Popular Front for the Liberation of Palestine.

Telegram 147006 From the Department of State to the Embassy in Jordan, September 8, 1970, 2336Z

The Department of State communicated to the Embassy that it would be desirable for the Jordanian forces to warn the PFLP that if it blew up the aircraft and killed the passengers, Jordanian forces would assure that no PFLP members would survive.

Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon, Washington, September 8, 1970

Kissinger provided the President with a situation report on the hijackings and noted that he had met with Secretary of State Rogers, Under Secretary of State for Political Affairs Johnson, Assistant Secretary of State for Near East and South Asian Affairs Sisco, Secretary of Defense Laird, and Director of Central Intelligence Helms that morning to discuss possible actions related to the hijackings.

Telegram 147018 From the Department of State to the Embassy in the United Kingdom, September 9, 1970, 0126Z

The Department instructed Deputy Assistant Secretary of State for Transportation and Telecommunications Rein to discuss at the Regional Civil Air Attaché meeting the question of international sanctions against nations assisting hijackers.

Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon, Washington, September 9, 1970

Kissinger provided the President with a midday situation report on the hijacked airliners and events in Amman.

Telegram 4495 From the Embassy in Jordan to the
Department of State, September 9, 1970, 1305Z

The Chargé in Amman recommended against asking Jordanian
King Hussein to issue a warning to the PFLP at this time.

Memorandum From the President's Assistant for National
Security Affairs (Kissinger) to President Nixon,
Washington, September 9, 1970

Kissinger provided the President with a status report on
the hijacked airliners, attendant diplomatic
negotiations, and possible contingency actions.

Memorandum From the President's Assistant for National
Security Affairs (Kissinger) to President Nixon,
Washington, September 9, 1970

Kissinger provided the President with an evening status
report on the hijacking situation.

Memorandum For the President, Washington, September 10,
1970

A proposal for the President's approval for a program to
deter future hijacking of U.S. aircraft approved by the
FAA, the airline industry, the appropriate departments
and agencies—including State—and domestic and
international airline organizations.

Memorandum From the President's Assistant for National
Security Affairs (Kissinger) to President Nixon,
Washington, September 10, 1970

Kissinger reported that the hijackers' deadline had been
extended by 72 hours and the situation in Amman was
becoming very tense.

Telegram 1857 From the Mission to the United Nations to
the Department of State, September 10, 1970, 0014Z

The telegram transmitted the text of a UN Security
Council resolution that expressed grave concern about the
hijackings.

Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon, Washington, September 10, 1970

Kissinger provided the President with a midday report on the hijacking/hostage situation, noting that the PFLP was provisionally prepared to release women, children, and the sick in return for fedayeen in British, German, and Swiss custody.

Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon, September 10, 1970

Kissinger provided the President with an evening report on the hijacking situation and provided an analysis of the PFLP's proposal.

Memorandum From the President's Assistant for National Security Council (Kissinger) to President Nixon, September 11, 1970

Kissinger provided the President with a midday report on the hijacking situation suggesting that the negotiations reached a critical stage, and "fantastic tension" existed within the PFLP.

Telegram 4591 From the Embassy in Jordan to the Embassy in Switzerland, September 11, 1970, 1315Z

Chargé O Dell saw no point in approaching Jordanian authorities or Arab League officials for assistance because governments could only minimally influence the hijackers. He recommended against any military action.

Information Memorandum Prepared in the Department of State, September 12, 1970

The memorandum provided a summary of international U.S. anti-hijacking efforts.

Memorandum From the President's Assistant for National Security Council (Kissinger) to President Nixon, September 12, 1970

Kissinger provided the President with an update on the hijackers' demands. He noted that the three hijacked aircraft had been blown up after the removal of all passengers. The hijackers announced that all but 40 hostages had been released and were free to leave Jordan. Kissinger also mentioned that the ICRC was withdrawing from its role as negotiator.

Telegram 149944 From the Department of State to the Embassies in Switzerland, the Federal Republic of Germany, the United Kingdom, Jordan, Lebanon, and Israel, and the Consulate in Geneva, September 13, 1970, 1908Z

The Department encouraged stocktaking of the hijacking situation and provided advice to all recipient posts to continue the "cool, prudent approach" in maintaining the unity of the group negotiating with the PFLP.

Memorandum From the President's Assistant for National Security Council (Kissinger) to President Nixon, September 13, 1970

Kissinger reported to the President that 350 passengers had been removed from Jordan, but that more than 50 hostages, mostly Americans, remained in PFLP hands.

Memorandum From Harold Saunders of the National Security Council Staff to the President's Assistant for National Security Council (Kissinger), September 13, 1970

Saunders reported that the NSC was expecting new information on the hijacking situation since an ICRC representative would soon be meeting with the Bern Group.

Memorandum From the President's Assistant for National Security Council (Kissinger) to President Nixon, September 14, 1970

Kissinger reported on the results of the Bern Group meeting with the ICRC.

Telegram From the Department of State to the Embassies in Jordan and Switzerland, September 14, 1970, 1658Z

The Department agreed with the view that the Jordanian Government should assume a greater role in the hostage crisis.

Memorandum From the Legal Advisor (Stevenson) to Secretary of State Rogers, September 15, 1970

Stevenson briefed Rogers on three anti-hijacking initiatives to be discussed at the ICAO meeting in Montreal on September 18.

Telegram 153122 From the Department of State to the Embassy in Lebanon and Other Posts, September 17, 1970, 2232Z

The telegram consists of excerpts from Secretary of Transportation Volpe's statement that was to be delivered before the ICAO council.

Telegram From the Department of State to the US Mission to NATO, September 17, 1970, 0152Z

The Department outlined a major presentation on anti-hijacking measures scheduled to be presented at the CCMS meeting in October.

Telegram From the Department of State to the Embassies in Jordan, Switzerland, the Federal Republic of Germany, the United Kingdom, and Israel, September 19, 1970, 0311Z

The telegram contained excerpts from Secretary Rogers' discussion with Israeli Prime Minister Meir on the hijacking and hostage problem in Amman.

Memorandum From Robert M. Behr of the National Security Council Staff to the President's Deputy Assistant for National Security Affairs (Haig), September 18, 1970

Moynihan had told interested agencies that the President wanted to use CCMS as a forum to deal with the hijacking problem.

Telegram From the Department of State to all Diplomatic Posts except Gaborone, Maseru, Mbabane, and Moscow, September 21, 1970, 2244Z

The Department transmitted information on the special ICAO Council meeting held to consider U.S. proposals on hijacking.

Briefing Memorandum From the Legal Adviser (Stevenson) to Acting Secretary of State Irwin, September 28, 1970

Stevenson prepared the briefing memorandum and the attached talking points in advance of Irwin's meeting with the French and German Ambassadors to discuss the hijacking proposals made in the ICAO Council.

Telegram 5465 From the Embassy in Jordan to the Department of State, September 20, 1970, 1210Z

At the request of the PFLP, the United Arab Republic provided a list of names of the detained fedayeen to be released in exchange for the remaining hostages.

Memorandum From the Deputy Legal Adviser (Rhineland) and Deputy Assistant for Transportation and Telecommunications (Rein) to the President's Assistant (Flanigan), October 9, 1970

Rhineland and Rein communicated to Flanigan the measures proposed by the Department of State to maintain international momentum after adoption of the ICAO resolution.

Memorandum From the President's Assistant for National Security Council (Kissinger) to the President's Assistant (Flanigan), October 31, 1970

Kissinger provided the ideas his staff had generated for leveling possible sanctions on countries that were uncooperative in combating hijacking.

Memorandum From the President's Assistant for National Security Council Kissinger) to the Chairman of the Under Secretaries Committee, October 31, 1970

Kissinger asked the committee to prepare a list of countries that were expected to be uncooperative during hijackings, as well as a list of possible sanctions that could be used against them.

Circular Telegram From the Department of State to the Embassy in Ethiopia and 38 Other Posts, November 2, 1970
Posts were asked to invite host governments to attend the Washington Conference on International Air Transportation Security scheduled for January 1971.

Memorandum From the Chairman of the Under Secretaries Committee (Irwin) to President Nixon, December 7, 1970
In response to Kissinger's request, the committee transmitted a list of possible actions against countries that were uncooperative on hijacking.

Telegram From the Embassy in the Netherlands to the Department of State, December 16, 1970, 1330Z
The telegram communicated the final text of the Convention for the Suppression of Unlawful Seizure of Aircraft agreed upon at the Hague.

Memorandum From the Executive Secretary of the Department of State (Eliot) to the President's Assistant for National Security Affairs (Kissinger), March 24, 1971
The Department of State sent to the President, for submission to the Senate, the Convention for the Suppression of Unlawful Aircraft.

Letter From Under Secretary of State for Political Affairs (Johnson) to Secretary of Transportation Volpe, July 23, 1971

The Departments of State and Transportation agreed upon closer coordination of action in response to hijackings of international commercial aircraft.

Memorandum From the Deputy Under Secretary of State for Administration Macomber) to the Associate Director of the Office of Management and Budget Carlucci), June 10, 1972
Macomber outlined an international action program to deal with failure to punish hijackers or return aircraft, crews, passengers, or property; upgrading the safety of international aviation; and specifically bringing pressure on Algeria to resolve the Western Airlines hijacking. Two Americans had hijacked a Western Airlines aircraft to Algeria with \$500,000 in ransom money.

Memorandum From Melvin Levine of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger), June 13, 1972
Levine updated Kissinger on recent activities generated by new acts of air piracy.

Memorandum From Secretary of State Rogers to President Nixon, June 15, 1972
Rogers reported that the Department of State had introduced a resolution in the ICAO calling for a resumption of work on an international convention to provide sanctions against governments that aided hijackers.

Airgram A-6325 From the Department of State to All Diplomatic Missions, June 23, 1972
The Department of State provided the text of the resolution on aircraft hijacking and violence against civil aviation adopted by the ICAO Council and the text of a statement incorporating the UN Security Council's consensus on hijacking.

Telegram 294530 From the Department of State to the
Consulate in Montreal, January 1, 1969, 0202Z

A message from Deputy Assistant Secretary of State Loy to IATA Director-General Knut Hammarskjold expressing U.S. concern about recent hijackings. Loy condemned Israel for the attack on Khaldeh Airport in Lebanon and noted that the U.S. had registered disapproval of the Athens hijacking of an El Al aircraft.

OUTGOING TELEGRAM
DEPARTMENT OF STATE

ACTION: Amconsul MONTREAL
STATE

Please pass following message to Office of Knut Hammarskjold, Director General, IATA from Frank Loy:
The Secretary has asked me to respond to your telegram of December 28 concerning recent attacks on aircraft of International Airlines. The Government of the United States shares your great concern at these developments. We believe that efforts to deal with serious political differences and disputes by interfering with and endangering safe and regular air transport not only threatens human life but also is destructive of a transport system of enormous importance to the world. It certainly in no way contributes to the solution of political and regional differences.

As you will have seen from press reports the United States has made its views known to all the Governments concerned, and has quite specifically and publicly condemned the action of Israel in attacking Khaldeh Airport. We have also registered our concern at the terrorist attack against the El Al aircraft at Athens. We are searching for other steps we might take to deal with this question and are prepared to consider with you any useful steps you might propose.

RUSK

Telegram 6001 From the Department of State to the Embassy
in Israel, January 14, 1969, 1924Z

Counselor Raviv of the Israeli Embassy called on the Department to discuss the upcoming ICAO meeting to consider the Lebanese complaint about Israel's Beirut airport raid and Israel's counter-complaint about the Athens hijacking of an El Al aircraft. The U.S. position was that the UN Security Council should deal with the political aspects of the problem, while the ICAO concentrated on safeguarding international civil aviation.

OUTGOING TELEGRAM
DEPARTMENT OF STATE
Action: Amembassy TEL AVIV
Info: AmConGen MONTREAL
Amembassy LONDON
Amembassy OTTAWA
Amembassy ROME
Amembassy BEIRUT

Subject: IA ICAO Meeting on Beirut Airport Raid

1. Israeli Emb Counselor Raviv called at Dept Jan 13 to discuss Jan 20 meeting of ICAO Council called consider Lebanese complaint re Israeli Beirut raid. Read Israeli counter-complaint to ICAO which dealt with attack on El Al airplane in Athens and earlier hijacking in Algiers.

2. In response to query, Deptoff stated US considered ICAO should not limit its consideration to Beirut incident but should examine broader question of threat presented to safe international air navigation by use of force and violence. US believed political aspects had already been dealt with in Security Council and ICAO should concentrate on question of safeguarding international civil aviation against all illegal interference. Stated USDEL had replied in this vein to ICAO in responding to notice of Jan 20 meeting.

Canadian, Italian and UK Embassies have inquired concerning US attitude toward special ICAO meeting. Canadians and British were given copy of US reply to ICAO along above lines and British have now informed us they will take similar position.

RUSK

Telegram 8296 From the Department of State to the
Consulate in Montreal, January 17, 1969, 2011Z

The Department informed posts that at the ICAO meeting Lebanon would seek sanctions against Israel for the Beirut airport raid and gave details of Israel's counter-complaint on the Athens El Al hijacking. The Department stressed its position that the ICAO should avoid political debate and concern itself with the technical aspects of aviation security.

OUTGOING TELEGRAM
Department of State

ACTION: AmConsul MONTREAL

INFO: Amembassy BEIRUT

BOGOTA
BONN
BRASILIA
BRUSSELS
BUENOS AIRES
CANBERRA
COPENHAGEN
DAKAR
DAR ES SALAAM
DJAKARTA
GUATEMALA CITY
THE HAGUE
LAGOS
LONDON
MADRID
MEXICO CITY
NEW DELHI
OTTAWA
PARIS
PRAGUE
RIO DE JANEIRO
ROME
TEL AVIV
TOKYO
TUNIS
USINT CAIRO (by pouch)

STATE

SUBJ: ICAO MEETING ON ME AVIATION INCIDENTS

REF: State 6001 (NOTAL)

FOR US REP ICAO

1. Info received to date re Jan 2 Lebanese complaint to ICAO Council about Dec 28 raid on Beirut Airport indicates Lebanese REP at Jan 20 Council meeting will call for application of following sanctions against Israel: (a) expulsion of GOI from ICAO membership through amendment Chicago Convention at extraordinary ICAO Assembly; (b) Council request that member states refuse air navigation services to Israeli aircraft under their bilateral air transport agreements.

2. Israeli counter-complaint submitted to ICAO Council Jan 14 accuses Lebanon of violating international obligations under Chicago Convention QTE by harboring in its territory terrorist organization that has accepted responsibility for committing acts of violence and for other threats against Israel civil passenger aircraft, thereby constituting grave danger to international civil aviation UNQTE. GOI requests Council consider and take prompt measures to protect international civil aviation from such incidents as July 23 El Al hijacking and Dec 26 attack on El Al aircraft in Athens, and to insure GOL and other govts concerned fully discharge their responsibilities in this regard. Israeli Embassy informs us GOI thinking tentatively of seeking to have Council President work out consensus condemning any illegal interference with international civil aviation.

3. We believe ICAO Council should avoid political debate and concern itself with technical aviation aspects of general subject raised by Lebanese and Israeli complaints, i.e., question of ensuring that international civil aircraft, their passengers and crews, and facilities required for their operation be safe-guarded against all illegal interference. Preliminary soundings with Canadians, Australians, British, Dutch, Germans and Italians here and in Montreal show them generally in favor of this approach. We hope you will be able attract additional support for it among other Council members in days to come.

4. Following points comprising US position on this matter are provided for your use. Info addressees, located in countries represented on ICAO Council, may draw on them in answering inquiries or discussing subject with host Govt officials. (a) UN Security Council is proper body to consider

political aspects of subjects raised by GOL and GOI. SC has already done so, having adopted RES 262 unanimously on Dec 31. USG position was expressed very clearly at that time. (b) Bearing in mind ICAO's specialized technical character, we believe ICAO Council should engage in effort to safeguard international civil aviation from all illegal interference and not allow itself be drawn into discussion of political matters already dealt with in proper international forum. (c) ICAO now looking into legal aspects of hijacking problem and US seeking bring into force International (QTE Tokyo UNQTE) Convention on Crimes Aboard Aircraft and proposing additional protocol on hijacking. Problem now before Council, however, involves number issues not covered in these efforts and which should be considered in their entirety. (d) Most Council REPS have not been available in Montreal for informal discussion and consultation prior to Jan 20 meeting. It therefore desirable allow sufficient time for such consultation to take place after hearing statements of complainants and preliminary views of member states at initial meeting(s). We hope by time Council meets again on this subject agreement would develop in favor of defining problem in broad, non-political terms and referring it to Special Committee or Working Group. amending Chicago Convention to (e) US not prepared support sanctions or exclude or suspend any member state.

Telegram 9888 From the Department of State to the
Embassies in Lebanon and Israel, January 21, 1969, 2342Z

The Department informed the Embassies that the ICAO Council voted to consider the Lebanese complaint on the Beirut airport raid but to exclude the Israeli counter-complaint on the Athens El Al hijacking. Australia, Canada, the United Kingdom, and the U.S. began to draft a resolution on prevention of violence against international civil aviation.

ACTION: Amembassy BEIRUT
Amembassy TEL AVIV

INFO: USUN NEW YORK
STATE

SUBJ: ICAO Meeting on ME Aviation Incidents
REF: STATE 8296

1. ICAO Council Jan 20 decided by vote of 11 (US) to 10 to consider ME issue in open meeting and, by vote of 14 to 12 (US), to confine its order of business to Lebanese complaint, thereby refusing to include Israeli counter-complaint. Latter vote followed statement by US REP that USG did not regard ICAO as appropriate or competent body to judge alleged responsibility of GOL for terrorist acts mentioned in Israeli letter of Jan 14.

2. In ensuing discussion, Lebanese REP gave relatively moderate statement, mentioning sanctions but giving no specifics and indirectly suggesting expulsion of Israel from ICAO but not in such way as to indicate serious effort to this end. Israeli REP Rosenne (Deputy Israeli PERMREP to UN) covered points made in SC debates, expressing strong regret and surprise ICAO Council had not included Israeli letter on order of business. Statements by Tunisia, Belgium, US, Spain and Argentina followed, with all but Tunisian REP favoring Council consideration of general problem of how to protect international civil aviation from all acts of force and violence. Council Pres Binaghi interrupted Tunisian from chair to say he would not countenance political discussion.

3. Council agreed meet again Jan 21. Following completion of general statements we expect Council to adjourn until members have had time to consult to develop line of action. US REP already working with British, Australian and Canadian REPS to develop draft resolution urging all states do utmost to prevent acts of violence against international civil aviation and establishing committee to study problem and recommend action designed to bring an end to such illegal interference.

4. Posts requested not include Amcongen Montreal as addressee on tels this subject. Dept will pass them to US REP ICAO as occasion demands.

END

ACTING
BOHLEN

Telegram 16529 From the Department of State to the
Embassies in Lebanon and Israel, February 1, 1969, 0025Z
Embassies Beirut and Tel Aviv were informed that ICAO
President Binaghi announced that the ICAO Council had
adjourned its extraordinary session to discuss the Beirut
airport raid without reaching agreement on a course of
action.

ACTION: Amembassy BEIRUT
Amembassy TEL AVIV
INFO: Amconsul MONTREAL (BY POUCH)
USUN NEW YORK

STATE

SUBJ: ICAO MEETING ON ME AVIATION INCIDENTS
REF: State 13227, Beirut 965

1. ICAO Council Jan 31 adjourned sine die its extraordinary session called to consider Lebanese complaint re Dec 28 Israeli attack on Beirut airport. Council Pres Binaghi, having cleared his statement in advance with Council members, reported efforts to agree on course of action had not succeeded and concluded that adjournment sine die appeared be only course commanding unanimous support. (We understand this outcome was also acceptable to Israeli REPS in Montreal.)

2. Adjournment came after Canadians made unsuccessful, last-ditch effort to salvage some basis for Council action. Although there were no objections to adjournment, USG-along with many other members-regrets Council's inability to act on this occasion in positive manner on matter affecting entire international aviation community.

ROGERS

Memorandum from Acting Secretary of State Richardson to
President Nixon, Washington, February 19, 1969

Richardson reported that the Department of State had taken action in response to the Zurich El Al attack, and that a discussion had taken place between Israeli Minister Argov and Assistant Secretary of State Sisco. Sisco informed Argov that the U.S. was sending a letter of protest to the UN Security Council and urged France and the UK to do the same. The matter would also be placed on the ICAO Council agenda.

February 19, 1969
MEMORANDUM FOR THE PRESIDENT-Evening Report

1. Zurich El Al Incident-The Department has taken a number of diplomatic steps in connection with the attack on the El Al aircraft in Zurich on Tuesday. We issued a statement late yesterday deploring the incident shortly after we contacted the Israeli Embassy and informed it that we wished to stay in closest contact on developments.

This morning Joe Sisco discussed the incident with Israeli Minister Argov in the absence of Ambassador Rabin. Joe urged them to pursue steps which would keep the focus of world opinion in Israel's favor on this critical problem and not to negate world reaction by taking some offensive commando-type retaliatory action. As a means of assisting in keeping the proper focus on the El Al incident, he informed Argov that we were transmitting a letter of protest regarding the incident to the UN Security Council for the information of the members. Argov also was informed that we were encouraging both the British and the French to do the same or at least issue public statements condemning the latest attacks. We were also asking our Ambassadors to contact a number of friendly governments who have an interest in freedom of international air traffic to come out publicly on this matter.

We have also taken steps today to place the general problem of freedom of air traffic on the agenda of the ICAO Council which will consider this on a priority basis at Monday's meeting. We instructed our Ambassadors in various Arab capitals to take up the matter with their respective governments to see whether any steps could be taken by them to restrain such commando raids. Today Ambassador Barbour counselled restraint on the Israeli Government. Finally, we issued a further press statement at noon revealing the steps that had been taken.

Elliot L. Richardson

Telegram 146454 From the Department of State to the
Embassy in Lebanon, August 29, 1969, 1544Z

The Israeli Embassy reported that TWA Flight 840 from Rome to Tel Aviv had been hijacked and was presumed en route to Lebanon. Instructions to Embassy Beirut stressed U.S. insistence that all passengers be treated as a single group.

Department of State
TELEGRAM
ACTION: Amembassy BEIRUT FLASH
INFO: Amembassy TEL AVIV FLASH
Amembassy ROME FLASH
Amembassy ANKARA FLASH
USINT CAIRO FLASH
Amembassy AMMAN FLASH
USUN, NEW YORK
Amconsul MONTREAL (For US Rep ICAO)
STATE

1. Dept has been advised by Israeli Embassy, on basis telecon from Foreign Office in Jerusalem (Bitan), that TWA Flight 840 on route Rome to Tel Aviv has been hijacked, reportedly by PLFP, and is presumably en route to Beirut. GOI requests we make urgent approach to Lebanese authorities requesting that passengers be handled and released as single group without distinction as to religion or nationality.

2. Embassy should immediately approach GOL at highest available level to make following points:

A. If info we have received is correct that hijacked TWA plane will land Beirut, we request GOL to facilitate earliest release of plane, crew and all passengers.

B. We most specifically request that all RPT all passengers be processed and released as group and that there be no separate treatment of Jewish passengers, whether Israeli or non-Israeli.

C. Experience shows that rapid processing and release of plane, crew and passengers essential in order avoid inevitable political complications and difficulties which could mount rapidly if release is delayed.

3. Should aircraft land at Cairo or Amman, post there should make above approach to host Government.

END

ROGERS

Telegram 147491 From the Department of State to the
Embassy in Italy, August 30, 1969, 2153Z

The Syrian Government hinted that the release of TWA
Flight 840 passengers might be tied to the release of
Syrian military pilots held by the Israelis. The Israeli
Government told Syria and the United States that this
would not happen.

ACTION: Amembassy ROME IMMEDIATE

INFO: Amembassy TEL AVIV
STATE
EXDIS

REF.: State 147454

Subject: TWA Hijacking

1. With reference para two reftel, full text of message received by Israeli Embassy follows: QUOTE-The Foreign Minister refers to what Mr. Davies has told Chargé that the Syrians may be hinting that the release of our passengers may be tied to the release of the Syrian pilots. Mr. Eban would like the U.S. Government to know and the Government of Syria to know that the Syrians should not repeat not entertain any hope to get the release of their pilots by keeping our passengers in Damascus. The opposite is true. If the Israelis will not be released with all the passengers, the situation will become infinitely graver. UNQUOTE.

2.Embassy should pass this to Foreign Ministry with request that it be passed soonest to SARG.

END

ROGERS

Telegram 147505 From the Department of State to the Representative to the International Civilian Aviation Organization (Butler), Montreal, Canada, August 31, 1969, 0251Z

Butler was instructed to deliver an enclosed letter concerning TWA Flight 840 to the ICAO. The text includes details of the hijacking incident.

Department of State
TELEGRAM
STATE
Mr. Charles Butler
1323 Redpath Crescent
Montreal, Canada

SUBJECT: TWA Hijacking

You are hereby requested to deliver immediately the following letter to Mr. Diallo, Chairman, ICAO Committee on Acts of Unlawful Interference With International Civil Aviation: "Dear Mr. Chairman: I write to you to request that you call an immediate meeting of the Committee on Unlawful Interference With International Civil Aviation for the purpose of considering, and taking all appropriate measures in relation to, the hijacking of a Trans World Airlines plane to Damascus, Syria.

"On August 29, at approximately _____ Greenwich Mean Time, TWA Flight No. 840, eastbound between Rome, Italy, and Athens, Greece, was hijacked by two persons and diverted to Damascus. Shortly after the aircraft landed at Damascus, but after all passengers and crew had disembarked, a timed explosive device, which apparently had been placed in the forward part of the aircraft by the hijackers, detonated and caused considerable damage to the cockpit and forward cabin areas of the aircraft. In their haste to leave the aircraft, in knowing anticipation of this detonation, several passengers were injured. Since the plane was inoperable, TWA arranged for the retrieval of the passengers and the crew by an aircraft chartered from Alitalia and flown into and out of Damascus on August 30, 1969, for that purpose. The Syrian Government released all passengers and crew except _____ passengers who were citizens of Israeli nationality, which the Syrian Government detained. Insofar as is known to my Government, the Government of Syria continues to detain these Israeli citizens.

"My Government considers these acts of armed interference and subsequent detention of passengers to constitute acts which interfere with international civil aviation, jeopardize the safety thereof, seriously affect the operation of international air services and undermine the confidence of the peoples of the world in the safety of international civil aviation within the contemplation of the preambulatory language of the Council's Resolution No. ____, which established the Committee of which you are Chairman.

"Respectfully, I remind you of ICAO Assembly Resolution No. _____, passed at the 16th Assembly of ICAL in Buenos Aires on September 23, 1968. In relevant part, that Resolution invited all States, even before ratification of, or adherence to, the Convention on Crimes and Certain Other Offenses Committed on Board Aircraft to give effect to the principles of Article 11 of that Convention. In effect, this Article calls upon any Member State in which a hijacked aircraft lands to take all appropriate measures to return the aircraft to the lawful control of its commander, and to permit the onward passage of the aircraft, its passengers and its crew. "My Government assumes that the Government of Syria, being an ICAO contracting State, recognizes fully the obligations imposed on it by this Resolution as well as by Council Resolution No. _____ of December _____, 1968, which, in relevant part, 'urges contracting States to take all possible measures to prevent acts of unlawful seizure of aircraft.'

"My Government believes that the failure of the Government of Syria to permit the prompt departure of all passengers on the aircraft in question is not only contrary to the explicit requirements or plain intent of these resolutions, but also tends to encourage rather than discourage acts of unlawful interference with international civil aviation. This is a matter of utmost concern to all nations. It is certainly of central concern to ICAO, whose very purpose of existence is the safe and orderly development of civil aviation, and it is of concern to the ICAO committee you chair. It is important for this committee to ascertain immediately what steps the Government of Syria intends to take to comply with the Resolutions described above, so that ICAO can determine what, if any, further actions appear to be in order.

"It is for these reasons that we ask you to convene this meeting on most urgent basis.

Charles Butler
United States Representative"

END

Memorandum of Conversation, Washington, August 31, 1969

Davies and Williams discussed the Flight 840 hijacking situation. Williams reported that the Israeli Consulate in New York was harassing TWA, and that there was an organized effort to dictate TWA's actions in connection with the hijacking. Davies said that the U.S. Government had urged the Israelis to cool the situation down, and that the U.S. would not allow the commercial considerations of one of its flag carriers to be damaged.

DEPARTMENT OF STATE
Memorandum of Conversation
August 31, 1969

SUBJECT: TWA Hijacking

PARTICIPANTS:

Rodger P. Davies, Acting Assistant Secretary, NEA
Clyde Williams, TWA

Mr. Davies told Mr. Williams of his conversation with Shlomo Argov earlier in the morning. He informed Williams that he had told Argov in confidence about the bomb threat. Davies added that he told Argov that as a government we had an interest in all U.S. flags carriers and that if any harm were done to TWA's material or commercial interests, consideration would be given to measures we could take to equalize the situation. Mr. Davies noted to Williams that Mrs. Meir's statement had tended to trigger many of the emotional reactions that we have noted over the hijacking incident. Davies also briefed Williams on Argov's explanation of Mrs. Meir's ill-advised statement. He also informed Williams of his request to Argov that the Israeli Government do everything possible to cool the situation.

Mr. Williams noted that he has been continually harassed by the Israeli Consulate General in New York. He said the harassment has been so bad that his New York office has not opened today. He has been receiving telephone calls at home. Mr. Davies told him that if the Consulate General causes him any more trouble to let him know and he would ask Shlomo Argov to instruct the Consulate not to contact him further.

Mr. Williams said that there has been an organized effort to dictate to TWA what it should do in connection with the hijacking incident and that they have received threats that were not veiled. Mr. Williams thought that something could be worked out with the Syrians if their man (Mr. Wisner) can go through with his plan to go to Damascus. If something prevents this trip, there will be serious problems. He voiced fear that Israeli actions might have an adverse effect on this trip. Mr. Davies agreed that the Israelis would bear some responsibility for any adverse SARG reaction.

Mr. Wisner reported that TWA has been in constant contact with the Syrian Permanent Representative to the UN. The Ambassador is urging his Government to release the Israelis but he has made numerous references to the question of an exchange of prisoners.

In closing, Mr. Davies noted that he had told Shlomo Argov that there was a fair chance that the Syrians would go through the door we had left open for them.

Telegram 147525 From the Department of State to the
Embassy in Israel and the Consulate in Jerusalem, August
31, 1969, 1331Z

The Department endorsed the positions taken by Chargé
Zurhellen in conversations with the Israelis over TWA
Flight 840 and defended the actions taken by TWA.

Department of State
TELEGRAM
ACTION: Amembassy TEL AVIV FLASH
Amconsul JERUSALEM FLASH
STATE
EXDIS

SUBJECT: TWA HIJACKING
REF: TEL AVIV 3336
FOR CHARGE ZURHELLEN

1. Positions you took during exchange with Bitan fully endorsed. You should stress in strongest terms to Mrs. Meir and others that neither USG's efforts nor those of TWA terminated and if Israelis persist in what seems here to be stimulation of emotions, they may well further exacerbate situation and seriously undermine current endeavors. Company's efforts are not all on surface. Company itself without USG prompting is actively and seriously embarked on initiatives which hopefully will pay off and through USG requests GOI control emotional situation and harassment which only complicate their effort. Company believes Syrians desire to disembarass themselves of situation in which they are not only in violation international air standards but holding as hostages four women and two aging men. Reports from Italians which we have shared with Israelis also reflect apparent Syrian discomfiture.

2. Israelis will by now have seen TWA statement which makes clear that company feels the strongest of obligations to detained passengers and will do everything in company's power to secure their release. Contrary to Bitan assertion that Company stated pilot remaining to check repairs, Company statement makes clear that in connection with obtaining release of passengers "To this end, TWA Captain Dean A. Carter, and other TWA representatives in Damascus will now effect considerable effort on the scene to remedy this extremely distressing turn of events."

3. Israel's original demand that all passengers be left in Damascus unless all left was clearly unfeasible. Passengers other than Israelis were set free and could depart by normal means of transportation. TWA did not have it in its power to force them to remain. Given pressures from Greek and Italian Governments whose nationals were detained, to say nothing of reaction of Americans, company attempt to accomplish this would have aroused storm of protests and charges it disregarding its obligations to larger part of passengers. Israelis should also know that Company has never been able to establish direct communication with Syrians and that actual Syrian intentions other than those conveyed through Italians were known only when chartered aircraft landed. We and company believe leaving co-pilot and flight engineer would not have helped situation. Syrians would have been given opportunity to ignore subordinate members crew or to expel them. In addition, intelligence information from cockpit crew was essential and could not have been provided had these been left behind.

4. With respect to USG efforts, you should provide details of State 147502 covering efforts with other governments and note that special ICAO committee being requested to meet Monday morning. We believe this group will ask report from the SARG on their actions in the light of responsibilities as members of ICAO.

5. It is the consensus of agencies here that Israel is in favorable position vis-a-vis world opinion and that some governments recognize issue here over-rides Arab-Israel element and that Syrian association with Fedayeen action by holding passengers has serious implications for all. You should note also Under Secretary Johnson's exchange with Soviet Charge as conveyed State 147510. Statement by President International Air Pilots Association calling for world-wide strike of pilots previously sent Embassy and may be useful reference during your discussion.

6. You may reaffirm that USG urges Israel to take no actions that might reverse favorable trends we see developing as hamper current endeavors.

ROGERS

Telegram 147543 From the Department of State to the
Embassy in Israel, August 31 1969, 1934Z

The Department of State reported a frank conversation between Acting Assistant Secretary of State for Near Eastern and South Asian Affairs Davies and Israeli Chargé Argov on the hijacking of TWA Flight 840. Davies observed that he thought Syria might be looking for a way out of the situation.

OUTGOING TELEGRAM

Department of State

ACTION: Amembassy TEL AVIV IMMEDIATE

EXDIS

STATE

REF: TEL AVIV 3337

1. Davies (NEA) telephoned Israeli Charge Argov morning 31st and said US and Israel must stick close together in this critical period and he was both concerned and shocked over picture presented when he summoned to Dept early this morning. He proceeded to brief Argov on contents of Tel Aviv's 3337 and Dept's response.
2. He noted that TWA was receiving telegrams and phone calls whose content gave indication of organization and, this morning, a threat that bombs would be placed on all TWA flights if six Israelis not released from Syria by end of day. Obviously these acts triggered in part by Mrs. Meir's statement could have serious consequences for TWA domestic traffic to say nothing of harassment in Israel. Davies said USG had great interest in integrity US air carriers and would be most seriously concerned should this apparent campaign have serious impact on TWA. Should this occur we would have to consider what USG might do under terms of our bilateral agreement to equalize situation. Davies told Argov that on personal and official basis he urged that GOI not add to problems of carrier. TWA has done its utmost to obtain release of all passengers and is using its best judgment to accomplish this end. Davies noted to Argov that TWA believes there is organized campaign being organized against Company and harmful effects of any possible boycott should also be apparent. Davies hastened to point out that we not accusing GOI of organizing boycott. We merely asking that GOI refrain from taking any actions that would exacerbate situation.
3. Argov replied that TWA had made very serious mistake in initial public statement when it indicated that captain of hijacked aircraft would remain behind in Damascus to supervise repair aircraft but made no mention that his remaining behind connected in any way with fate of six Israeli passengers. Argov had contacted TWA President Wiser who recognized importance of oversight and issued corrected statement that included reference to Israeli passengers. Argov emphasized that it was the first report that received play in press today and has left the impression of callousness on part of company which will be hard to overcome. People are reacting to what they have heard and read. Mrs. Meir's statement in this context should be viewed as a natural reaction to the information she had on hand.
4. Davies replied he wished to be very frank. He not aware TWA statement given to him last night which contained reference to the Israelis was not the original. In any event, the Prime Minister of Israel as well as other officials should rely not on press reports but on official information communicated by company. Point is USG and Company have serious problem and Davies would ask on both personal and official basis that GOI and its representatives do nothing to complicate further the Company's problems. He asked specifically that GOI do what it can to moderate reactions Davies also pointed out that TWA could suffer major damage and clearly neither of us wants this.
5. Upon digesting foregoing Argov's reaction was explosive. He asked Davies if he were suggesting that the USG were preparing to retaliate against EI Al for any damage that might be suffered by TWA. Davies replied that our actions would be of course guided by the provisions of our bilateral air agreement. Davies, speaking slowly in order permit Argov take notes, then said the following: "we are seriously concerned by the potential damage to our carrier which, through series of events including the Israeli Prime Minister's reaction to press statements, now looms before us. We would appreciate all actions by the government of Israel and its representatives both here and in Israel to moderate the situation. We have a mutuality of interests in protecting the commercial rights of both carriers."
6. Davies told Argov that we cannot inform him of all that is being done on the part of the Company at this time to free the Israelis but reiterated his appeal that Israelis not rock the boat. Argov said this real problem because of initial impression that TWA had abandoned passengers. Davies replied that we can understand there have been misunderstandings but in any event the Prime Minister's statement was not helpful, and we hope corrective measures can be taken. Davies emphasized that what he had said was not in spirit of recrimination but was appeal for cooperation
7. Argov said that to extent possible he would share with our friends information on TWAs commendable efforts to help detained passengers. He noted, however, that there had been lapses (i.e. initial press reports on TWA position) but he noted that TWA President Wiser had been very helpful, particularly in issuing QTE correction. UNQTE
8. Davies ended conversation with personal observation that Syrians may be looking for way out of this situation. We prepared a tough public statement yesterday but we tried to leave a door open to SARG and we think there chance they will walk through it. Argov's closing remark was that he hoped Davies would cool reactions within USG and said he would try do same in Jerusalem.

Telegram 7222 From the Embassy in Lebanon to the
Department of State, September 1, 1969, 1233Z

Embassy Beirut expressed reluctance to use PanAm's
overflight issue as a way to pressure Syria over TWA
Flight 840, and confessed that the Embassy could not
think of any levers to secure the release of the
remaining Israeli passengers. While deploring the PFLP
hijacking, Embassy Beirut opined that Syria had handled
the matter correctly.

Department of State
TELEGRAM
FM AMEMBASSY BEIRUT
TO SECSTATE WASHDC IMMEDIATE 8474
BEIRUT 7222

SUBJ: TWA HIJACKING
REF: STATE 147514, BEIRUT 7217

1 WE RELUCTANT USE PANAM LANDING ISSUE AS LEVER WITH SYRIANS INDUCE RELEASE REMAINING ISRAELI PASSENGERS. WE STRONGLY DOUBT LANDING. ISSUE OF SUFFICIENT IMPORTANCE TO SYRIANS TO HAVE MUCH INFLUENCE ON THEM. OUR UNDERSTANDING, OVERFLIGHT RIGHTS MUCH MORE IMPORTANT TO PANAM THAN LANDING RIGHTS TO SYRIANS AND WE FEAR IF PANAM INTERVENES OR ITS CONCERN EXPRESSED ON MATTER AS SENSITIVE AS ISRAELI PASSENGERS, IT MIGHT WELL JEOPARDIZE OVERFLIGHT RIGHTS WITHOUT OBTAINING RELEASE OF PASSENGERS.

2. HAVING SAID THAT, WE ARE HARD PUT TO IDENTIFY SPECIFIC EFFECTIVE LEVERS SECURE RELEASE REMAINING TWO ISRAELIS. IN COUNTING OUR ASSETS, AND, WE HAVE PRACTICALLY NONE, WE HAVE SOMEWHAT (NOT MUCH) BETTER ATMOSPHERE IN WHICH TO WORK. SYRIANS HAVE OVER PAST FEW WEEKS TAKEN SEVERAL STEPS REMOVE SOME OF MAJOR DISCRIMINATORY MEASURES AGAINST USG AND ITS NATIONALS, IE REMOVAL OF BAN ON US FLAG SHIPPING AND AIR OVERFLIGHTS REOPENING SYRIA TO US, UK TOURISTS ETC. ALTHOUGH THESE MEASURES OBVIOUSLY HAVE LARGE ELEMENT SYRIAN SELF-INTEREST, TIMING OF THEM, ALL IN ONE SHORT PERIOD AFTER TWO YEARS OF THEIR EXISTENCE, APPEAR TO INDICATE A SHIFT IN SYRIAN FOREIGN POLICY AWAY FROM ALMOST TOTAL ALIGNMENT WITH SOVIETS AND OTHER COMMUNIST COUNTRIES AND TOWARD A MORE BALANCED FOREIGN POSTURE. THIS SHIFT NO DOUBT STILL FACES STRONG SYRIAN INTERNAL OPPOSITION.

3. HOWEVER MUCH WE DEPLORE HIJACKING OF PLANE BY PFLP, SARG'S HANDLING OF HIJACK, WITH EXCEPTION OF ISRAELI PASSENGERS, HAS IN OUR JUDGMENT AND THAT OF DR ROMANO, ITALIAN CHARGE IN DAMASCUS, BEEN ON THE WHOLE CORRECT AND EXPEDITIOUS CONSIDERING FACT HAVE COMMITTEE-TYPE GOVERNMENT AND INCIDENT OCCURRED ON FRIDAY WHEN GOVERNMENT OFFICES CLOSED. ROMANO ALSO AGREES THAT HIJACKING ALMOST SURELY CAME AS SURPRISE TO SARG AND HAS PRESENTED IT WITH REAL DILEMMA. (ROMANO HAS ALSO TOLD US PFLP HIJACKERS ARE IN SYRIAN CUSTODY AND UNDER INTERROGATION). ISSUE OF ISRAELI PASSENGERS OBVIOUSLY AROUSES DEEPEST SYRIAN POLITICAL EMOTIONS WHICH IN MINDS OF MANY SYRIANS TRANSCEND ANY SENSE OF RESPONSIBILITY FOR INTERNATIONAL OBLIGATION OR CONSEQUENCES. HOT-HEADS WHO OPPOSED RELAXATION RESTRICTIONS DESCRIBED ABOVE WOULD BE ARGUING AGAINST RELEASE REMAINING ISRAELIS AT LEAST WITHOUT SIGNIFICANT QUID PRO QUO. IF COOLER SYRIAN HEADS ARE TO PREVAIL, THEY MUST BE ABLE TO WORK IN ATMOSPHERE WHERE THEY NOT OBVIOUSLY RESPONDING TO HEAVY OVERT FOREIGN PRESSURE. SUCH OVERT PRESSURE IN ITSELF COULD BECOME REASON FOR SYRIANS DELAYING RELEASE OF REMAINING PASSENGERS.

4. IN THESE CIRCUMSTANCES WE THINK THE BEST TACTIC TO BE EMPLOYED FOR THE RELEASE OF THE REMAINING TWO ISRAELIS SHOULD BE DISCREET BUT FIRM ENCOURAGEMENT TO THE SYRIANS TO ABIDE BY INTERNATIONAL STANDARDS OF CONDUCT LEAVING GUNS FOR LATER. OUR REASONING IS THAT THE USE OF HEAVY GUNS PARTICULARLY FROM THE SIDE OF THE ISRAELIS IS LIKELY TO MAKE THE SYRIANS DIG IN THEIR HEELS RATHER THAN BE MORE FLEXIBLE. WE NOW HAVE THE RELEASE OF THE FOUR ISRAELI WOMEN. WE SHOULD PUBLICLY WELCOME THIS DEVELOPMENT AND USE IT AS A PEG ON WHICH TO BASE EXPRESSIONS OF CONFIDENCE THAT SYRIAN AUTHORITIES WILL APPLY SAME INTERNATIONALLY RECOGNIZED PRINCIPLES IN THE TIMELY RELEASE OF THE REMAINING ISRAELIS. ALONG WITH THE ITALIANS, THE BEST CHANNEL FOR THIS MIGHT BE THE PAKISTANI AMBASSADOR IN DAMASCUS WHO IS HIGHLY RESPECTED BY SARG LEADERSHIP AND WHOSE COUNTRY OF COURSE HAS A LARGE AIRLINE.

5. FACE IS UNDOUBTEDLY ALREADY INVOLVED IN THIS PROBLEM AND THE PASSAGE, OF TIME AND LESSENING OF PUBLIC FUROR OVER HIJACKING OFFERS MOST PROMISING PROSPECT FOR EMERGENCY ACCEPTABLE SOLUTION FOR RELEASE OF THESE UNFORTUNATE PEOPLE.

6. ROMANO CONCURS IN GENERAL OUTLINE OF ABOVE ANALYSIS.

HOUGHTON

Telegram 55177 From the Embassy in Rome to the Department of State, September 1, 1969, 0830Z

The Italian Foreign Office noted that the Syrians were again suggesting the swap of the Israeli passengers of TWA Flight 840 for imprisoned Syrian pilots; Embassy Rome commented that there was virtually no chance the Israelis would agree to this scheme.

Department of State
TELEGRAM
P R. 010830Z SEP 69 ZFF-5
FM AMEMBASY ROME
TO SECSTATE WASHDC PRIORITY 2148
INFO AMEMBASSY TEL AVIV
ROME 5517

SUBJECT: TWA HIJACKING
REF: STATE 1474911; ROME 5510; BEIRUT 7217

1. DEPUTY DIRGEN POLITICAL AFFAIRS FONOFF TELLS US THAT IN TELEPHONE CONVERSATION MORNING SEPT 1, ITALIAN CHARGE DAMASCUS HAD REPORTED THAT SYRIANS WERE AGAIN STRONGLY SUGGESTING EXCHANGE OF TWO ISRAELI MEN FOR SYRIAN PILOTS IN ISRAELI HANDS.

2. FONOFF OFFICIAL AGAIN INSTRUCTED CHARGE TO MAKE CLEAR TO SYRIANS THAT THERE WAS VIRTUALLY NO POSSIBILITY ISRAEL WOULD AGREE TO SUCH EXCHANGE.

STABLER

Memorandum From Secretary of State Rogers to President
Nixon, Washington, September 2, 1969

Rogers briefed the President on the status of TWA Flight 840, detailed the action taken by the airline and the U.S. Government, and noted the arrival in Damascus of two representatives from the International Committee for the Red Cross.

THE SECRETARY OF STATE
WASHINGTON
September 2, 1969
MEMORANDUM FOR THE PRESIDENT

SUBJECT: Report on Efforts in Connection with Hijacked TWA Aircraft

Our intensive efforts over the Labor Day weekend under the leadership of Under Secretary Johnson have begun to pay off. All of the passengers are now out of Syria, except two remaining Israeli male passengers. We have been in close and constant touch both with the Israelis and TWA officials throughout, and I believe the crisis atmosphere over the hijacking has eased. In particular this seems so in connection with the confrontation between TWA and the Israelis, although the company is not yet out of the woods. We will continue our efforts, by all feasible means, to help assure the release of the two remaining Israelis, though our assessment is that this process is likely to be protracted as was the case a year ago in securing the release of male Israeli passengers of an El-Al aircraft hijacked to Algeria. In particular, the Italian Government has played a major role and can be expected to be the principal focus in future efforts.

The current effort is primarily in the hands of TWA President Wiser who is now in Damascus discussing with the Syrians the question of release of the remaining two Israeli nationals and the repair and repatriation of the aircraft. In the past several days I have consulted several times with TWA Chairman, Mr. Tillinghast, whose cooperation has been extremely helpful to us throughout. In many ways this has been a classic example of cooperation between government and the private sector in our mutual interests. We hope to have some report from Wiser over the next forty-eight hours. In the meantime, both he and the pilot remain in Damascus. As part of our effort to mobilize international support which helped to achieve the release of the passengers we: (a) encouraged many governments with influence in Damascus to make their views known to Syrian authorities; (b) asked the Soviets to intervene with the Syrians and have word from them that our views have been conveyed (TASS reports have implied criticism of the hijacking); (c) convened an emergency session of the special committee of ICAO (International Civil Aviation Organization) which we believe will result in a further communication by that organization to the Syrians; (d) have been in touch with the Director General of IATA, Knut Hammarskjold, to mobilize the resources of that organization; and (e) are convening a meeting of the NATO Council in order to encourage our European allies to keep up the momentum on this matter.

In addition, we have made an intensive study of the possibility of organizing a broad boycott by the principal carriers using the new Damascus airport as a means of bringing further pressure, but regrettably have concluded this is not likely to prove a feasible course. However, we intend to pursue consultations with a number of other countries on the assumption that the threat of considering such a boycott may have a salutary effect in Damascus. We also have available a contingency plan for moving into the United Nations Security Council, though we are reluctant to pursue this course while other efforts through the TWA President and through the Italians are going forward, particularly since we do not feel the Council's composition is such that the kind of positive action we would want would result. We will keep this latter course under current review.

According to press reports, two representatives of the International Committee for the Red Cross arrived in Damascus on September 1. We have no official confirmation of either their arrival or the role they may play, but the speculation in the press is that they may act as intermediaries to organize an exchange of the two Israelis for Syrian prisoners held by Israel.

William P. Rogers

Memorandum of Conversation, Washington, September 3, 1969

TWA Chairman Tillinghast reported to Deputy Assistant Secretary for Transportation and Telecommunications Loy conversations that had taken place between TWA executives and General Akil in Syria on the status of TWA Flight 840. The Syrians clearly stated their intention to hold the two remaining passengers until the Israeli Government freed their pilots. Akil also said that the PFLP would not benefit from the hijacking.

DEPARTMENT OF STATE
Memorandum of Conversation
DATE: September 3, 1969

SUBJECT: TWA Hijacking

PARTICIPANTS:

Charles Tillinghast, Chairman of the Board, TWA

Tom Huntington, Vice President, TWA

Frank E. Loy, Deputy Assistant Secretary for Transportation and Telecommunications, E

I had attempted to reach Mr. Wiser, TWA's President, to get a firsthand report of his trip to Damascus. Mr. Wiser is on his way back to the US and was not available. Consequently, I spoke in separate conversation, to Mr. Tillinghast who had had a long conversation with Mr. Wiser, and to Mr. Huntington, in Paris, who had accompanied Mr. Wiser. The following emerged:

The ranking person to whom Messrs. Wiser and Huntington spoke was General Akil who is Syria's Vice Minister of Defense and Director General of Civil Aviation, and the Chairman of the Syrian Arab Airline. It was their impression that Akil was both very well informed on the matter and very influential in the Syrian Government on this issue. The next level up would be the Premier.

The Syrians believe that they have acted both rather responsibly and humanely by letting the four Israeli women depart. They intend to hold the two Israeli men for a trade for the two Syrian military pilots that landed in Israel by mistake. They recognize, and are concerned about adverse international public opinion in this regard, but they think they can do no other. They point out that while the two Syrian pilots were military they were not on a military mission but rather some sort of training mission. Mr. Wiser did not believe any step was at present being considered by the Syrians, other than the trade.

The two hijackers were in jail, under military custody. The TWA officers doubted that they would either be tried publicly or released. They assumed that the hijackers would simply fade from view. This was more speculation, rather than a view based on any special information.

Akil said that neither the hijackers nor the Popular Front for the Liberation of Palestine would get anything out of this. In fact, the latter organization had asked the Syrians to get some of their members released from Israel, but the Syrians had said no.

Dr. Romano, the Italian Charge in Damascus, had acted very well, but he was near collapse and was basically not nearly so strong or forceful as the Italian Ambassador. TWA was very glad to see the latter return.

Romano said at one point that it was too bad the former Soviet Ambassador to Damascus (who is at present the Ambassador to Chad) was no longer there. If he had been, Romano thought all six Israelis would have been released promptly.

The two Israeli male passengers were in jail under Army custody. Their case, it was said, was under investigation. Mr. Huntington said he hoped he would press either the Italians or the International Red Cross to visit these two. There is a great deal of concern in Israel about Syrian prison conditions and Mr. Huntington said he had heard from several quarters that there is nothing worse than a Syrian prison. In the past prisoners who had been there for two months or so had emerged somewhat mentally deranged.

In this connection, Mr. Huntington said that in Rome Israeli Charge Yosha had asked Mr. Wiser to tell the TWA Captain to try to see the prisoners. Mr. Wiser said he would take this under consideration. Wells Stabler apparently said it might be better not to do so if we could arrange to have the Italians or the Red Cross take on this job.

Letter from Israeli Minister for Foreign Affairs Eban to Secretary of State Rogers, Washington, September 3, 1969
Eban requested that the U.S. Government spare no efforts to free the two Israeli passengers of TWA Flight 840 in light of the worsening situation.

The Charge d'Affaires of Israel ad interim presents his compliments to the Honorable the Secretary of State and has the honor to transmit to him the following communication from the Minister for Foreign Affairs, Abba Eban:

"My dear Mr. Secretary:

My Government has accepted with gratification your statement following the hijacking of the TWA plane to Damascus concerning the urgent necessity to ensure the safe release of the two Israelis incarcerated in Damascus. We deeply appreciate the various steps which your Government has already taken to that end. I am also certain that you realize the seriousness as well as the urgency of this matter. However, every day that passes without their release exacerbates the problem both from a humanitarian and political standpoint. It is the growing feeling in Israel that the Syrian behaviour in this matter is fast becoming an insufferable provocation.

"I deeply request that you spare no efforts to liberate the kidnapped Israelis and that you make us fully privy to the steps that your Government is undertaking. I am most grateful to you for all your efforts to date and express the fervent hope that we shall achieve the solution of this most urgent problem.

"Sincerely yours,
Abba Eban
Minister for Foreign Affairs"

The Charge d'Affaires of Israel (a.i.) avails himself of this opportunity of renewing to the Honorable Secretary of State the assurances of his highest consideration.

Washington, D.C.
3 September 1969

Information Memorandum from the Assistant Secretary of State for Near Eastern and South Asian Affairs (Sisco) to Secretary of State Rogers, Washington, September 5, 1969

Sisco provided Rogers with a status report on TWA Flight 840, noting action taken by the ICAO and the NATO Advisory Committee. Sisco highlighted the current efforts taken by the ICRC, World Health Organization, and the Governments of Italy and the USSR. He reported that the U.S. would ask the Israelis to consider the proposed Syrian pilot swap.

DEPARTMENT OF STATE
Washington, D.C. 20520
MEMORANDUM
TO: The Secretary
THROUGH: S/S
FROM: NEA-Joseph J. Sisco

SUBJECT: TWA Hijacking: Status Report-INFORMATION MEMORANDUM

1. Over the last few days we have continued our intensive efforts to secure the release of the two Israelis held by the Syrians in Damascus. These efforts have resulted in the following developments:

a. The ICAO Committee for Unlawful Interference in International Aviation yesterday dispatched a message to the Syrian Government requesting further information and implicitly seeking Syrian agreement to the release of the two Israeli passengers.

b. The NATO Advisory Committee met yesterday to discuss what measures NATO members might take and has urged that everything possible be done.

c. Through our United States Mission in Geneva we have contacted the International Committee for the Red Cross (ICRC) to determine what if anything that organization-which presently has two representatives in Damascus-can do.

d. Since one of the Israeli passengers being held was returning from a World Health Organization meeting and is working on a WHO project, we have sought WHO intervention, bearing in mind that WHO has been active in Syria.

e. We have continued to be in close touch with TWA, which informs us that TWA President Wiser has obtained the impression after his visit to Damascus a couple of days ago that the Syrian Government intends to hold the Israeli passengers as a trade-off for two Syrian pilots held by the Israelis.

f. We have continued to urge the Israelis to exercise restraint and to allow time for our current efforts to be played out.

g. We have followed up our earlier demarche with the Soviets, who passed along to us yesterday a Syrian message apropos our representations to the effect that the "question" is "not closed".

h. We continue to be in touch with the Italians in Rome, who tell us that they have instructed their Charge to call on the Syrian Foreign Minister, who has just returned to Damascus from the Arab Foreign Ministers' Conference.

2. Although we are running out of meaningful, practical steps which might be taken, we are contemplating certain additional actions. The Israelis have expressed deep appreciation for what we have done and have expressed an understanding regarding the limits under which we are operating. Nevertheless, they are rapidly losing patience over the continued detention of two of their nationals. We continue to believe that the principal focus should be quiet initiatives undertaken mainly by the Italians and by the Soviets.

3. Following are additional measures which we are launching today:

a. We are instructing Ambassador Yost in New York to ask U Thant to do everything possible to assist in efforts to release the passengers.

b. We are approaching governments whose airlines land in Syria or who offer landing rights to the Syrian airlines informing them that we are considering proposing that they initiate a boycott. We are inviting their views regarding this course of action, noting at the same time that we wish to avoid any pressures which might be counterproductive.

c. On a highly confidential and closely-held basis we are today proposing to the Israelis that they give consideration to releasing quietly in Italy the two Syrian MIG pilots which they hold. We are proposing this course of action because: (1) it offers the best hope of securing the release of the Israeli passengers; (2) it gets around the Israeli objection to making an overt trade for the two Israeli passengers being held by the Syrians; and (3) it offers the Syrian pilots a freedom of choice as to whether they wish to return to Syria at this juncture or not.

d. We are today following up with those governments whom we earlier requested to intercede with the Syrians and have not reported back.

4. We have the following three additional actions up our sleeve:

a. The first is to urge the governments who have been invited to send representatives to the inauguration of the new Damascus International Airport later this month to refrain from doing so in protest against the Syrian action. We are withholding this action pending the obtention of further information concerning this inauguration ceremony.

b. The second contingency action is to go to the Security Council. At this juncture we oppose such a measure as being counterproductive.

c. Another possibility is an attempt to block Syria's candidacy for a seat on the Security Council. We could argue that Syria has not demonstrated that it is a responsible member of the international community and therefore should not have the seat.

5. Incidentally, it should be kept in mind that one of the Israelis held by the Syrians, Saleh Moualem, occupation unknown, has served in the Israeli Intelligence Service. This is being closely held but relates to what we are doing.

The second, Prof. Shlomo Samueloff, Lecturer in medicine, Hebrew University, Jerusalem, has no other connection to our knowledge. You may be aware that you have received numerous telegrams on his behalf from American Jewish organizations, and individuals in academic circles.

cc: The Under Secretary
J-Ambassador U. Alexis Johnson

NEA/ARN: TWSeelye/mc/9/4/69

Clearances:

NEA: RPDavies

E/TT: FELoy

Memorandum From the Executive Secretary of the Department of State (Eliot) to the President's Assistant for National Security Affairs (Kissinger), Washington, September 10, 1969

The Department of State provided a follow-up report on TWA Flight 840 that noted on-going contacts with Italy and the USSR, a request for assistance to UN Secretary-General U Thant, emergency sessions of the ICAO, contact with Director-General of IATA Hammerskjold, and contacts with the ICRC.

DEPARTMENT OF STATE
Washington, D.C. 20520
September 10, 1969

MEMORANDUM FOR MR. HENRY A. KISSINGER
THE WHITE HOUSE

Subject: Follow-up Report on the TWA Incident

As you know, our efforts continue to obtain the release of the two Israeli passengers hijacked from the TWA aircraft on August 29. On September 2 we apprised the President of initial actions being taken with regard to this incident. In view of developments since then, we believe that a further brief status report to the White House would be helpful.

Theodore L. Eliot, Jr.
Executive Secretary

Enclosure:
Follow-up Report

FOLLOW-UP REPORT ON HIJACKED TWA AIRCRAFT

Since our last report to the President of September 2 on the TWA plane hijacking incidents we have continued our intensive efforts to obtain the release of the two remaining Israeli passengers held by the Syrian Government (SARG) by:

- A. Maintaining close contacts with the Italians who represent our interests in Syria;
- B. Transmitting messages to the Soviet Union requesting its assistance;
- C. Convening several emergency sessions of the Special Committee of ICAO (International Civil Aviation Organization) as well as speaking to the Director General of IATA (International Air Transport Association), Knut Hammerskjold;
- D. Informing the North Atlantic Council of the facts in the case and urging that NATO countries do everything possible to support our efforts;
- E. Contacting the International Committee of the Red Cross as well as the World Health Organization for which one of the Israeli detainees reportedly was working, and which is active in Syria;
- F. Working closely with TWA;
- G. Advising Israelis to exercise restraint and allow time for current efforts to be played out, which they have thus far agreed to do;
- H. Instructing Ambassador Yost to ask U Thant for his assistance;
- I. Soundings of third countries about the possibility of an aviation boycott against Syria.

To date the following results have been obtained:

1. The Italian Ambassador met with the Syrian Foreign Minister on September 6 and is hopeful as a result of his talk that the two Israelis will be released soon if a suitable psychological climate can be established.
2. The Soviets have relayed word from the Syrians that the matter of the passenger release is not "closed".
3. The Syrian Government has replied to an ICAO message of September 5 and stated that Article 11 of the Tokyo convention has been implemented in connection with the TWA hijacking.* Because of the unsatisfactory Syrian reply, another emergency meeting of the Committee was convened on September 8. A majority of the Committee members declined, however, to approve a follow-up to the Syrian message because they felt that this was becoming a "political" issue. At the strong urging of the U.S., the head of the ICAO has now agreed to send a follow-up message on his own.

4. An international Red Cross representative reported on September 9 that he had seen the Israeli men, who were well and being detained in what appeared to be a military medical installation. He did not believe the men would be released, however, without some quid pro quo from the Israelis.

5. U Thant has met with international pilots representatives and following this meeting stated that he had appealed to the Syrians.

6. At our urging the Director General of the IATA has accepted a Syrian suggestion that he might wish to visit Damascus and has proposed a visit later this week.

7. Initial soundings with a number of concerned countries regarding the possibility of boycotting Syrian airlines and its airport have evoked lukewarm responses.

8. Pursuant to an Italian suggestion, we have urged that, if it is feasible, Pan American should inform the Syrians of its willingness to move toward final negotiations on overflight and landing rights-indicating, however, that prior release of the two passengers would be essential.

In the meantime, we are still weighing the possibility of requesting governments which have been invited to attend inauguration ceremonies of Damascus airport on September 15 not to accept these invitations. Because of the risks that this course of action would be counterproductive, we have held it in abeyance. Instead, we have suggested to the French Government, which has easy access to the Syrian regime, to consider sending word to Damascus that its attendance at the inauguration would be facilitated if the two Israeli passengers were released in advance.

Finally, we still continue to have available a contingency plan to move into the United Nations Security Council if all else fails. We are still most reluctant, however, to resort to this measure before exhausting all of the above courses of action.

The current belief by several experienced observers, including the Italian Ambassador in Damascus, is that the Syrians are aware of their international image and desire to abide by international aviation standards. While the regime wishes to move in the right direction, it apparently needs the right psychological climate. This means, among other things, dampening international furor over "Syrian piracy". Keeping the above in mind, therefore, we intend to move deliberately but persistently to obtain the release of these two men.

In this regard, it increasingly appears that the Syrians may be prepared to exchange the two Israelis for two Syrian pilots now held by Israel after the latter had landed by mistake in Israel. Thus far, the Israelis have vehemently opposed any suggestions of a deal. We have nevertheless informally broached to the Israelis the possibility of their quietly releasing the Syrians in Europe without tying it to the hijacked Israelis. In this informal way, Syria would almost certainly respond by releasing the two passengers. The Israelis have not yet reacted to our idea.

* Article 11 of the 1963 Tokyo Convention requires the immediate release by member states of hijacked aircraft, crews and passengers landing on their territory. The U.S. has ratified this convention which comes into effect on December 4, 1969. Syria has not yet done so.

Memorandum From Secretary of State Rogers to President Nixon, Washington, September 17, 1969

Rogers updated the President on efforts to resolve the TWA Flight 840 hijacking and free the remaining Israeli hostages. Rogers cited U.S. activity to gain adherence to the Tokyo Convention, efforts to resolve the Cuban hijacking situation, and work in the UN Security Council and the ICAO.

THE SECRETARY OF STATE
WASHINGTON
September 17, 1969
MEMORANDUM FOR THE PRESIDENT
Subject: Aircraft Hijacking

There are a number of steps which this Department and others are taking or considering to try to stop aircraft hijacking. In some cases we will not want to initiate these steps until the two remaining TWA passengers held by the Syrians are released (or possibly until it may become evident our present efforts will not succeed), because we obviously do not want to prejudice these present efforts.

Our two main goals are (1) to gain wide international acceptance of the concepts, that the plane, crew, and passengers must always be returned and that the hijacker must be punished for the crime, and (2) to find ways to bring effective international pressure on countries which do not abide by these norms.

To this end, the following steps are already in progress:

1. Various efforts to obtain widespread adherence to the Tokyo Convention, which requires the return of plane, crew and passengers. The Convention will come into force on December 4, but only among the 13 or so States which have so far ratified it. Among other things, we are seeking the agreement of the other countries which have ratified the Convention to a joint approach urging all others to become parties to the Convention promptly.
2. Adoption of a supplementary convention requiring that the hijacker be returned or prosecuted in the country where the aircraft lands. A committee of the International Civil Aviation Organization (ICAO) is holding its second meeting on this beginning September 23 and we are pressing for an international conference on the supplementary convention in the fall of 1970, which is probably the earliest date this could be done. In addition to this multilateral effort, we are including provisions making hijacking an extraditable offense in bilateral extradition treaties which we are negotiating or amending.
3. Continuing and stepped-up efforts to return to the United States for prosecution various hijackers in Cuba or third countries. There is some evidence that Cuba is quietly sending a few selected hijackers to third countries or encouraging them to leave, and we are taking advantage of all means we have to get them back to this country.
4. The FAA is working on a system for detecting and apprehending possible hijackers. This involves identifying suspicious individuals by certain characteristics and then running these persons by a detection machine. There are both legal and technical problems still to be resolved.
5. We are informing interested delegations to the UN in New York that we are prepared, at some stage, to support a Security Council resolution along the lines of one the Finns have informally proposed, which urges all States to take measures internationally and domestically to prevent unlawful interference with civil aviation. We are keeping in close touch with the Finns regarding the possible timing of Security Council consideration of the matter, since we want to bear in mind the status of the efforts we and others are making to secure the release of the two Israeli passengers being held by Syria. Our tentative judgment is that Security Council consideration of this matter would be more effective if it were approached not from the point of view of any specific case which would likely become highly polemical and contentious, but rather from the point of view of getting Security Council endorsement for certain general principles addressed to the hijacking problem. In particular, we feel that affirmative Security Council action could help mobilize opinion in support of our efforts to achieve a multilateral convention requiring that the hijacker be returned or prosecuted in the country where the aircraft lands.

Other steps under active consideration, some of which should await resolution of the Syrian problem, are:

1. Expanding the terms of reference of the ICAO hijacking committee to permit it to seek invitations to send fact-finding teams to countries which have not returned the plane, crew and all passengers. Although this would be done under the guise of fact-finding, the real purpose would be to exert international pressure. For the latter reason, other members of ICAO may not agree to such a proposal.
2. In a related area, we are considering whether to propose that the ICAO hijacking committee seek an invitation for a fact-finding team to visit Cuba for the purpose of finding out whether Cuba would be receptive to some "neutral" way to dispose of the problem of hijackers still in Cuba, such as by sending them to third countries which would be willing to return them to the country of the airline hijacked for prosecution.

3. Hijacking is a danger to air safety in all cases, but it can also lead to international political incidents and pose a threat to peace and security when it is politically motivated and when the country receiving the aircraft does not act promptly to return the plane, crew and passengers and when it does not take effective action against the hijackers. To deal with this growing problem, we are now considering asking for an unpublicized meeting with major aviation countries to propose a joint announcement that, when a country does not act responsibly in a political hijacking incident, such countries will suspend all air services to and from that country. There are some pitfalls in this idea and it must be considered very carefully, but in principle we think it has merit.

We would not favor at this time private boycotts such as the strike proposed by the International Airline Pilots Association, IFALPA. We believe that it is the Government and not private organizations which should act on this problem.

William P. Rogers

Telegram 159327 From the Department of State to the
Embassy in Israel, September 19, 1969, 0004Z

Acting Secretary of State Richardson informed Embassy Tel Aviv that Israeli Counselor Raviv had been told that third-party efforts to secure the release of the passengers of TWA Flight 840 had been exhausted. In the Department's estimation, Syria would not agree to release the passengers without a face-saving quid-pro-quo. Raviv said the Israelis could not agree to any trade-off.

Department of State
TELEGRAM
ACTION: Amembassy TEL AVIV
INFO: Amembassy BEIRUT
Amembassy ROME
USUN NEW YORK
STATE
SUBJECT: TWA Hijacking

1. Israeli Embassy Counselor Raviv called at Department September 18 to learn of latest developments in connection with TWA hijacking. We brought him up to date re latest initiatives, including recent visit to Damascus by IATA President Hammarskjold and Italian Ambassador's call on Syrian Foreign Minister over weekend. We indicated that we raising matter again with Soviets today. We mentioned likelihood that general issue of hijacking would be discussed shortly in UN forum.

2. Department officer expressed personal view that we have virtually exhausted our numerous efforts through third parties to secure passengers' release and it becoming increasingly clear that Syrians will not rpt not agree to their release without face-saving quid pro quo. While Syrian Government has not rpt not so indicated in their talks with various intermediaries, this is distinct impression which Syrians have created. We recalled having broached with Israeli officials idea of an exchange for Syrian pilots and that Israeli position had been negative. We inquired whether there might be some other quid pro quo acceptable to Israelis.

3. Raviv said that GOI could not rpt not agree to any kind of trade-off, contending that this would only encourage further hijacking. We noted that most effective deterrent to future hijackings would seem to be to punish hijackers. It our understanding that hijackers being held in Syrian jail and are to be prosecuted.

4. Raviv said that his government at this juncture would presumably have to consider what measures GOI might have to take. Department officer replied that if by this he meant some Israeli military action against Syria, he assumed Israelis understood that such action would risk lives of two passengers being held. He wonder whether country such as Israel would be prepared forfeit lives of two human beings in this way. Raviv made no comment.

ACTING

RICHARDSON

Memorandum From the Executive Secretary of the Department of State (Eliot) to the President's Assistant for National Security Affairs (Kissinger), Washington, September 19, 1969

The Department of State updated on-going efforts to resolve the TWA Flight 840 hijacking and noted that the Syrians had imprisoned the PFLP hijackers. The memorandum discussed the Syrian position on the Tokyo Convention, as relayed through IATA. Efforts also continued through Italy, the USSR, and the ICAO.

September 19, 1969
DEPARTMENT OF STATE
Washington, D.C. 20520

MEMORANDUM FOR MR. HENRY A. KISSINGER
THE WHITE HOUSE

Subject: Up-dated Report on Hijacked TWA Aircraft

The fedayeen hijackers are still in prison and are expected to be brought to trial by the Syrian Government. They have not been allowed to communicate with the leaders of their fedayeen organization, the Popular Front for the Liberation of Palestine. The International Red Cross assures us that the two Israeli passengers are being well treated. The Captain of the TWA aircraft remains in Damascus and we understand that TWA is contemplating sending in technicians to repair the damaged Boeing.

The Syrian Government continues to maintain that it is observing international practice. It has reiterated to the President of IATA that it considers that it is abiding by Article 11 of the Tokyo Convention. At the same time the Syrians contend that the Fourth Geneva Convention of August 1949 permits them to retain citizens of a country with which they are in a state of war. Actually, Article 42 of this Convention permits a country to retain such persons only if their activities are detrimental to the security of that country. This is not the case in this instance. It seems clear that the Syrians are still looking for a face-saving way out of their dilemma and are fearful of adverse internal reactions if they do not extract a quid pro quo.

During the past week we have continued our efforts through third countries and international organizations. At our request the Italian Ambassador in Damascus called on the Syrian Foreign Ministry over the weekend to make another demarche. Our Ambassador in Moscow again requested a reading from the Soviets, who replied that the Syrians still had the matter "under investigation". At the same time the Soviets noted that the Syrians were having "political" problems.

The ICAO President sent a follow-up message to the Syrians several days ago, and on Friday the President of IATA arrived in Damascus. The latter has informed us that following high-level review the Syrian Government told him the passengers could not be released into his custody.

Our ploy with Pan American also had no positive effect. Over the weekend Pan American communicated to the Syrian Government its willingness to move toward final negotiations on landing and overflight rights once the passengers were released. But while Pan American made clear that this was intended as a forthcoming gesture, one Syrian official chose to interpret the initiative as a backing off from negotiations. No Pan American representative attended the Damascus Airport inauguration ceremony on September 15, nor did representatives from most of the other major European airlines.

The Italians seem to feel that they have reached an impasse in their efforts and continue to believe that the Syrians would view with favor a trade-off for the two Syrian pilots being held in Israel. We understand that the Syrians will not initiate any such exchange but would probably be responsive to such an arrangement. A friendly Syrian official has confided to us that if the Israelis would release the two Syrian pilots, the Syrian Government would probably reciprocate with the release of the two Israeli passengers. We have again broached the idea of an exchange to the Israelis but they have reacted negatively.

Meanwhile, the Israelis are becoming more impatient and are hinting that they may have to take some action of their own. We have urged that they continue to exercise restraint and have cautioned them that any possible Israeli military action against Syria would endanger the lives of the two Israeli passengers. We have informed the Israelis that on September 18 we again approached the Soviets and that we are moving toward raising the general issue of hijacking before the UN General Assembly.

Theodore L. Eliot, Jr
Executive Secretary

Telegram 3119 From the U.S. Mission to the United Nations
to the Department of State, September 20, 1969, 1902Z

UN Ambassador Yost noted that he had urged the Syrians to
take early action to resolve the TWA Flight 840
situation. Syrian Ambassador to the UN Tomeh urged the
U.S. to continue "quiet diplomacy" and suggested that
Israel release the captured Syrian pilots a few weeks
after the release of the Israeli passengers.

R 201902Z SEP 69
FM USMISSION USUN NY
TO SECSTATE WASHDC 8703
INFO AMEMBASSY TEL AVIV
AMEMBASSY BEIRUT AMEM.BASSY ROME
USUN 3119
TWA HIJACKING

I BROACHED TWA HIJACKING BRIEFLY WITH SYRIAN PERMREP TOMEH IN GA CORRIDORS AND URGED SARG TAKE EARLIEST ACTION TO RELEASE TWO ISRAELIS.

TOMEH SAID HIS GOVT IS TAKING "POSITIVE ATTITUDE" AND URGED THAT WE CONTINUE "QUIET DIPLOMACY", HE ARGUED THAT PUBLIC REFERENCES TO THIS AFFAIR AS WELL AS PLACING HIJACKING PROBLEM ON SC OR GA AGENDA WHILE THIS AFFAIR UNRESOLVED, WOULD MAKE ITS SOLUTION MUCH MORE DIFFICULT.

WHILE EMPHASIZING THAT HE WAS PLACING NO LINK BETWEEN TWO CASES AND SPEAKING ONLY PERSONALLY. HE SAID IT OBVIOUS THAT RELEASE TWO SYRIAN PILOTS, WHO HAD STRAYED OVER ISRAEL AND BEEN HELD SO LONG, WOULD BE HELPFUL. HE COMPARED SARG CONCERN RE PILOTS WITH US CONCERN FOR RELEASE HELICOPTER CREW IN KOREA.

WHEN I POINTED OUT LEGITIMATE ISRAELI ANXIETY THAT RELEASE PILOTS UNDER THESE CIRCUMSTANCES WOULD MERELY ENCOURAGE FURTHER HIJACKINGS, TOMEH SAID HE UNDERSTOOD BUT THAT PILOTS MIGHT PERHAPS BE RELEASED TWO WEEKS OR SO AFTER RELEASE OF THE ISRAELIS. HE WAS UNWILLING AND PRESUMABLY UNAUTHORIZED TO PURSU MATTER FURTHER.

YOST

Telegram 160323 From the Department of State to the
Embassy in Israel, September 20, 1969, 1646Z

While sharing Embassy Tel Aviv's concern that the Israelis might be losing patience over TWA Flight 840, the Department of State emphasized that it had little leverage to use with the Syrians. The Department rejected suggestions to be more aggressive with Syria by attempting to prevent its election to the UN Security Council, concluding that the prisoner/hostage swap would be the best way to end the crisis.

ACTION: Amembassy TEL AVIV
STATE
EXDIS

SUBJECT: TWA Hijacking

REF: A. TEL AVIV 3588
B. STATE 159327

1. We share Embassy Tel Aviv's concern that Israeli patience with our efforts to obtain release of two Israeli passengers may be running out (Ref A). Dept. officer received same impression from Israeli Counselor Raviv in September 18 conversation (para 4, Ref. B). Following is recapitulation our thinking.

2. We share Israeli outrage at continued illegal detention of two passengers. GOI has been fully informed of various measures we have employed in effort obtain their release. In employing these measures we have sought to avoid any appearance of coercion since it our considered opinion that this would be counterproductive. Syrian regime cannot afford publicly to appear to be submitting to American or Israeli pressures.

3. In any case, USG has little leverage at its disposal for use against Syrians. We do not rpt not know what Embassy has in mind when it advocates "hardhitting campaign" and "strong action against Syria in every way possible regardless of consequences". Even if such action were feasible, we question whether it would have desired results.

4. Proposal we do something prevent Syrian election to Security Council is non-starter. Given fact that elections to SC are by secret ballot, that UN membership normally accepts regional choice, that Syria has Asian group endorsement, and that there are no rival candidates for seat Syria seeks, we see no way to prevent Syria's election or to use Syrian candidacy as bargaining counter in connection release of TWA passengers.

5. We understand that Syrians are embarrassed by presence of Israelis who thrust on them by PFLP and disapprove of hijacking. But Syrian regime is shaky and evidently fears domestic--particularly Palestinian--repercussions if it relinquishes passengers without face-saving quid pro quo.

6. With above in mind, we have come to reluctant conclusion that the most promising method of getting the two passengers released would be via an Israeli offer of some quid pro quo. Experienced observers such as ICRC reps and Italian and other third party diplomats--all of whom have been in close touch with responsible Syrian officials--concur this assessment. FYI. IATA DirGen also concurs. End FYI. We trust Israelis will give further thought to this possibility.

7. Meanwhile, we are continuing our efforts. We have again broached matter to Soviets, and we are considering a quiet but direct initiative with Syrian representative in New York next week. Precipitate Israeli action would almost certainly damage prospects for success.

ACTING
RICHARDSON

Memorandum From the President's Assistant for National
Security Affairs (Kissinger) to President Nixon,
Washington, September 21, 1969

Kissinger summarized Embassy Tel Aviv's assessment of the
TWA Flight 840 hijacking in telegram 35088 and attached
to the memorandum a retyped copy of the telegram.

THE WHITE HOUSE
WASHINGTON
September 21, 1969
MEMORANDUM FOR THE PRESIDENT
FROM: Henry A. Kissinger

SUBJECT: TWA Hijacking

Attached is a cable from American Embassy Tel Aviv which provides an excellent assessment of continuing Israeli concern about the TWA hijacking. In summary, the following points are made:

- There is little discernible forward motion towards obtaining release of the two Israeli passengers still held by Syria.
- A violent Israeli public reaction with dangerous repercussions for TWA and the US could occur if the TWA pilot departed from Damascus.
- It will become increasingly difficult to convince Israel that relying on the US is the best way to gain release of the two prisoners.
- Israel may attack a prominent target like the Damascus airport if it concludes that the two Israelis will never be released.

The Ambassador warns, and I concur, that we must intensify efforts to gain the release of the two prisoners, preferably prior to the visit of Prime Minister Meir next Thursday. He recommends specifically that we:

- prevent the election of Syria to the Security Council.
- warn other governments (especially the Soviets) and international organizations that we are losing patience and are seriously considering strong diplomatic sanctions against Syria.

Attachment
Embassy Tel Aviv's 3588, September 18.

Message from American Embassy Tel Aviv (no. 3588)
dated September 18, 1969

SUBJECT: TWA Hijacking: Three Weeks Later

1. After the initial success in obtaining the release of the first of the non-Israelis, and then of Israeli women, the problem of the two Israeli men detained in Damascus has remained, with little if any forward motion discernible. After a strong protest from the United States Government, the Israeli public and governmental outcry was moderated, but deep concern for the two Israelis still remains immediately below the surface and could break out at any time into violent public problem again. Departure of the TWA Captain without the release of the passengers would, we believe, cause another outbreak of outrage against the "abandonment" of the passengers by the airline which had, in return for the fare, undertaken responsibilities towards them. TWA should not be under any misapprehension that the situation has quieted down to the point where the Captain could leave Damascus without adverse reaction. We continue to hear bitter comments from Israelis about the departure of the rest of the crew, and the departure of the Captain would have repercussions on TWA (and also on the US Government) beyond any disadvantages or inconveniences involved in the Captain's remaining in Damascus.

2. The Secretary's letter to Eban was delivered on September 14 in time for Eban to use it in his Cabinet discussion on the morning of September 15 before his departure for the United Nations General Assembly. We believe the letter was useful to Eban in gaining Cabinet agreement to continue the Government of Israel's policy of relying on the US Government to get the men out. The time is approaching, however, when we will need something more substantial if we are to persuade the Israelis that the present course of action is the one best calculated to obtain the men's release. Every indication (although this not necessarily is to be accepted as final, of course) has been that the Government of Israel will not entertain the idea of an exchange of the Syrian pilots for the Israeli passengers. In the Algerian case, an exchange was made because the Government of Israel saw no other way out. Many have feared this set precedent, and are determined the precedent will not be reinforced. If and when the time comes that Israel concludes the US

Government has given up on the passengers or that the US Government efforts will not work, we must not rule out the possibility of Israel resorting to violent action. It is true that some Israelis have come, with hindsight, to view the Beirut airport raid as a possible mistake or at least excessive. These feelings are not based, however, on a lack of appreciation for the operation itself, but more on the relatively mild attitude of Lebanon in the Arab-Israel controversy and the relatively tenuous connection between Beirut and Athens airport murder. These factors will not operate in the case of Syria. Once they have concluded that the Israelis will not be released anyway, the Government of Israel may opt for a military attack on the new Damascus airport or some other prominent objective. If and when such a time comes, it will be because the Israelis have despaired of any other means and nothing the US Government says at that time would be likely to dissuade them.

3. We therefore urge immediate attention to a new hard-hitting campaign aimed at getting the Israelis out of Damascus by some specific date, such as September 24 arrival of Prime Minister Meir in the United States. To accomplish this would make for a less troubled and distracting atmosphere during Mrs. Meir's visit. Otherwise, this problem, still hanging over our heads at that time, may put us in a defensive position on a matter of great public interest in Israel and cloud what we hope will be a great positive contribution to US-Israeli relations.

4. Other than doing something to prevent a Syrian election to the Security Council, we do not have any specific steps to recommend. It would appear desirable, however, to go again to the Soviets and other governments as well as international organizations which may have influence in Syria and make it clear that the US is at the end of its patience and will be bound to take strong action against Syria in every way possible, regardless of consequences to things like overflight rights and air service to Syria, in order to protect the principle that the US Government will not stand for kidnapping and illegal detention of passengers on US flag aircraft.

Memorandum of Conversation Between Secretary of State
Rogers and Israeli Foreign Minister Eban, New York,
September 23, 1969

On September 20 Rogers and Eban discussed the Israeli passengers on TWA Flight 840 still held by Syrian hijackers. Eban said that the idea of linking the release of the passengers to the release of captured Syrian pilots was "intolerable." Rogers agreed that the two cases could not be equated. Eban commended Italy's efforts and said there was little more UN Secretary-General U Thant could do.

September 23, 1969
SECRETARY'S DELEGATION
TO THE
TWENTY-FOURTH SESSION OF THE
UNITED NATIONS GENERAL ASSEMBLY
New York, September, 1969

MEMORANDUM OF CONVERSATION
September 20, 1969
5 p.m.
U.S. Mission, New York

SUBJECT: Syrian Detention of Israeli TWA Passengers
PARTICIPANTS:

U.S.:
The Secretary
Ambassador Charles W. Yost
Ambassador William B. Buffum
Mr. Richard F. Pedersen
Mr. Joseph J. Sisco
Mr. Alfred L. Atherton, Jr.

FOREIGN:
Foreign Minister Abbas Eban
Ambassador Yitzhak Rabin
Ambassador Shabtai Rosenne (UN)
Minister Shlomo Argov
Mr. Ben Yahaman

The Secretary inquired whether there was any recent information about the two Israeli passengers of the hijacked TWA plane who were still being held by the Syrians. Mr. Sisco noted that he had raised this question with Soviet Ambassador Dobrynin and that the latest comment from Moscow was that the matter was not closed. We were awaiting a further reply through the Soviets; perhaps the Secretary could bring this up when he saw Gromyko.

Ambassador Yost reported that he had seen Ambassador Tomeh, the Syrian Permanent UN Representative, who had said that the door was not closed. Syria was still considering the matter and meanwhile urged that there be no public agitation. Tomeh had said it was difficult to see how Syria could release the two Israelis without some corresponding action by Israel. When Ambassador Yost had pointed out that this would encourage further hijacking, Tomeh had said that the linkage of the Israeli and-Syria actions could be obscured by having Israel wait two weeks or so before carrying out its part of the arrangement.

Foreign Minister Eban said the idea of linking the release of the two Israelis with Israel's release of the two Syrian pilots in its custody was intolerable. Each time Israel captured a Syrian prisoner of war Syria would simply hijack an Israeli plane. Eban suggested three steps for the USG to consider: 1) An approach directly to President Atassi through the Italians; 2) Continued efforts to mobilize the international aviation community, inter alia, by urging Mr. Hammarskjold of IATA not to relax his efforts; and 3) Mobilizing resistance to Syria's candidacy for a Security Council seat.

Ambassador Yost said that, while we were not particularly enthusiastic about the Syrian candidacy, Syria was the choice of the Asian bloc. Eban commented that perhaps some Asian countries-for example Thailand and the Philippines-might be willing to withdraw their support.

The Secretary said that we would try out the first two ideas. Mr. Eban had suggested and explore the possibility of the third.

Mr. Eban said that fortunately some of the public pressure in Israel on this question had been relieved since the report of the Red Cross, which had been permitted to visit the two Israelis, that they were physically all right.

The Secretary described the hijacking incident and Syria's detention of the two Israeli passengers as indefensible. The U.S. had done all it could to secure their release. It had not been possible, as some had suggested, for us to keep the other passengers in Syria until the Israelis were allowed to leave. We hoped, the Secretary added, that Israel was

not contemplating any action against Syria as a result of this situation. Eban replied that Israel's interest was in getting the two Israelis out; Israel would cooperate with all international efforts. In his view it would be useful for the Secretary to speak to Gromyko. The Secretary said he would do so and asked Mr. Eban to give us any other ideas which might occur to Israel.

Mr. Eban commended the Italian efforts with the Syrians. As for Secretary General U Thant, Eban doubted that anything more could be done on his part. Mr. Sisco noted that the Secretary General had raised with the Israelis the question of the two Syrian pilots detained in Israel. Eban replied that the present situation made it more difficult to discuss this matter. The Secretary said he tended to agree with the Israeli view that the two cases could not be equated; one involved passengers of a commercial aircraft while the other involved two military pilots.

Drafted by:
NEA:ALAtherton:av

Action Memorandum From the Deputy Assistant Secretary of State for Near Eastern and South Asian Affairs (Davies) to Secretary of State Rogers, Washington, September 25, 1969

Davies recommended that Rogers send an oral message to Syrian President Nur al-Din al-Atasi on the TWA Flight 840 hostage situation. Attached was a telegram containing Rogers' message to al-Atasi urging the Syrian Government to release the two remaining passengers.

DEPARTMENT OF STATE
Washington, D.C. 20520
TO: The Secretary
THROUGH: S/S
FROM: NEA-Rodger P. Davies

SUBJECT: Message to Syrian President Regarding TWA Incident-ACTION MEMORANDUM

Background:

In the course of your conversation with Israeli Foreign Minister Eban, Eban suggested that a message to Syrian President Nureddin al-Atassi might be useful in securing the release of the two detained Israeli passengers. As I understand you wished, we have prepared the attached oral message from you to the Syrian President.

Recommendation:

That you approve the attached telegram conveying your request that the Syrian Government promptly release the two Israeli passengers.

Attachment:

Telegram conveying oral message.

Department of State
TELEGRAM
ACTION: Amembassy ROME
INFO Amembassy TEL AVIV
USUN NEW YORK
STATE
EXIDS
SUBJECT TWA Hijacking

1. Although we have sought to avoid statements and actions that might serve to make Syrians more obdurate, prolonged detention of two Israeli passengers will increasingly generate pressures for retaliatory actions. Department is in process of replying to letter from Senator Cranston signed by 41 members of the Congress urging that a case against Syria be made in the Security Council. Embassy will have noted also militant statements by Israeli Minister of Transport Carmel and Foreign Affairs Undersecretary Rafael (Tel Aviv 3629).
2. Inasmuch as Italian approaches to SARG have been through the Foreign Ministry, Embassy requested to raise with Italians the possibility of Ambassador Riccardi delivering or transmitting to President Atassi an oral message from the Secretary.
3. If no objection is perceived, you should request that Italian Embassy Damascus deliver to President Atassi the following oral message from Secretary Rogers:
4. QUOTE Mr. President: The United States Government remains profoundly concerned over the continued detention by your government of two passengers from the Trans-World Airlines aircraft that was hijacked to Damascus on August 29. Although aware of the underlying issue of the Arab-Israel conflict, our concern stems not from the nationality of the passengers involved, but from the obligation the United States Government feels for passengers choosing to fly on a United States flag aircraft. This consideration is fundamental and should also be a matter of very great concern to the Syrian Government, which itself operates an international airline.
5. I believe continued detention of the passengers will tend to encourage hijacking and other unlawful interference with international civil aviation. This clearly puts the safety of civil aviation in grave jeopardy. The Government of the Syrian Arab Republic, as a member of the International Civil Aviation Organization, is certainly aware of its international obligations in this respect, and I am sure it is also aware that its failure to meet these obligations will have an adverse effect on world opinion.
6. In conclusion, despite the absence of relations between our two countries but in view of our common interest in the safety of international civil aviation, I urge that your government urgently release the two remaining passengers from the hijacked aircraft. Sincerely, William P. Rogers. UNQUOTE

END

Memorandum From the Executive Secretary of the Department of State (Eliot) to the President's Assistant for National Security Affairs (Kissinger), Washington, September 28, 1969

Eliot updated Kissinger on the status of TWA Flight 840. He noted that the Syrians were no longer afraid of Israeli reprisals, explained that the Italian Ambassador was highly critical of Israeli Government maneuvering, and informed Kissinger that the Department of State had sent Rogers' message to Syrian President al-Atasi.

DEPARTMENT OF STATE
Washington D.C. 20520
September 28, 1969
MEMORANDUM FOR MR. HENRY A. KISSINGER
THE WHITE HOUSE

Subject: Up-dated Report on Hijacked TWA Aircraft

There is no change in the status of the hijackers. Our information is that they are still in jail in Damascus. The captain of the TWA aircraft is in Damascus, but TWA has announced that he will be replaced by two company officials. TWA has reported that the Syrian Government was most cooperative with them in reaching an agreement on the repair of the aircraft. The company expects to send as many as 60 technicians into Damascus to effect the repairs, and there are hopes that the work may be completed by December 1. In this connection, the Italian Embassy in Damascus has expressed its deep concern over the possibility of Israeli retaliatory acts while the American technicians are in Damascus, fearing that such actions would jeopardize the safety of the Americans.

The Syrian Government has shown no willingness whatsoever to release the remaining passengers. Italian Ambassador to Damascus Riccardi called on Ambassador Porter in Beirut on September 25 to review the situation. Riccardi reported that the Syrians were originally embarrassed by the hijacking. However, the situation has now developed to the stage where they are no longer embarrassed nor do they have any fear of Israeli reprisals on any scale. Ambassador Riccardi was highly critical of the "chess game" being played by the Israeli Government and has expressed the view that the Israelis and their maneuverings are seriously jeopardizing the two Israeli passengers. In brief, Riccardi sees only long, careful negotiations with the Syrians if release of the passengers is to be realized.

Our latest move in our continuing efforts to secure the release of the passengers was a message from Secretary Rogers to Syrian President Nureddin al-Atassi. The message expresses our concern, reminds Syria of its international obligations and urges prompt release of the passengers. Assistant Secretary Sisco on September 22 in New York met with the Syrian Permanent Representative to the United Nations. The Syrian was unable to reply to Mr. Sisco's strong representations over the detention of the passengers, but said he would promptly report them to his government.

The Germans have reported that, pursuant to our request, they made a *démarche* on September 19 to the Syrians through the French who represent them in Damascus. On September 24 our Chargé in Moscow followed up with the Soviets, but there were no new developments to report.

The Director General of the International Air Transport Association on September 16 addressed a message to member airlines. He asked them to urge their governments to support action in the Security Council and General Assembly of the United Nations to curb hijacking and other armed interference with international civil aviation. This was timely in view of the President's address to the General Assembly in which he deplored hijacking and urged the United Nations to give high priority to the matter.

Theodore L. Eliot, Jr.
Executive Secretary

Telegram 662 From the Consulate in Jerusalem to the
Department of State, October 2, 1969, 1318Z

Consulate staff reported on a U.S. démarche to Israel on the proposed pilot-hostage exchange in the matter of TWA Flight 840. Rafael said that Israel would reject an outright swap, but suggested a way in which the United States could be seen to pressure Israel and bring about a conclusion without an advance deal.

P R 021318Z OCT 69
FM: AM CONSUL JERUSALEM
TO SECSTATE WASHDC PRIORITY 2547
INFO AMEMBASSY TEL AVIV
JERUSALEM 662
TWA HIJACKING
FROM ZURHELLEN
REF: JERUSALEM 661

1. I AM REPORTING RESULTS OF DEMARCHE REGARDING SWAP OF PILOTS FOR ISRAELI PASSENGERS FROM JERUSALEM BECAUSE I WILL NOT BE BACK IN TEL AVIV UNTIL TOMORROW.

2. AFTER TELLING ME HE WAS SURE GOI REPLY ON SWAP WOULD BE FLAT "NO" RAFAEL WENT ON IN PERSONAL VEIN. HE SAID THAT "AS I KNEW" GOI HAD SUGGESTED TO USG THAT MESSAGE BE SENT FROM PRESIDENT NIXON TO ATASSI. SPEAKING ENTIRELY FOR HIMSELF, AND SAYING HE WOULD HAVE TO DENY HAVING MADE STATEMENT IF TAXED WITH IT, HE THOUGHT USG SHOULD CONSIDER MESSAGE FROM PRESIDENT TO ATASSI ASKING SYRIANS TO RELEASE PASSENGERS; WHEN SYRIANS REPLY THAT THEY HAVE INTEREST IN MIG PILOTS, USG SHOULD SAY THAT IT HAS CERTAIN INFLUENCE IN ISRAEL AND WOULD USE THAT INFLUENCE TO TRY TO OBTAIN RELEASE OF MIG PILOTS ONCE SYRIANS HAD RELEASED PASSENGERS. IF SYRIANS WOULD LET PASSENGERS GO ON THIS BASIS, RAFAEL SAID, THEN USG COULD TURN TO GOI AND HE FELT OUR INFLUENCE WOULD BE EFFECTIVE.

3. I SAID THAT SUPPOSE SYRIANS SIMPLY ANSWERED USG TO EFFECT THAT AS SOON AS USG GAVE ASSURANCE THAT GOI WOULD RELEASE PILOTS, THEN SARG WOULD RELEASE PASSENGERS, AND USG THEN CAME TO GOI, WHAT WOULD GOI SAY THEN? RAFAEL WAS CATEGORIC IN SAYING THAT GOI WOULD HAVE TO SAY NO THERE WOULD BE NO ADVANCE DEAL. PASSENGERS AND PILOT CASES COULD NOT BE LINKED.

4. I AM NOT SURE THAT THIS IS FINAL ANSWER OF GOI, ESPECIALLY SINCE WE HAVE NOT YET DEALT WITH MRS. MEIR OR EXERTED USG PRESSURE. NEITHER AM I SURE, HOWEVER, THAT SUCH PRESSURE WOULD WORK. ON OTHER HAND, IT WOULD SEEM HIGHLY PROBABLE THAT SCHEME SUGGESTED BY RAFAEL (WHICH WE HAVE PREVIOUSLY SUGGESTED OURSELVES) WOULD PRODUCE PILOTS IN DUE COURSE IF SYRIANS WOULD GO ALONG WITH OUR ASSURANCES THAT WE WOULD USE OUR INFLUENCE ON ISRAEL.

5. I DID NOT TELL RAFAEL THAT SECRETARY HAS SENT LETTER TO ATASSI.

WHEELLOCK

Memorandum From the Acting Secretary of State
(Richardson) to President Nixon, Washington, October 2,
1969

Richardson updated the President on diplomatic attempts
to resolve the TWA Flight 840 incident.

DEPARTMENT OF STATE
WASHINGTON
October 2, 1969
MEMORANDUM FOR THE PRESIDENT
Subject: Aircraft Hijacking

There are a number of steps which this Department and others are taking or considering to try to stop aircraft hijacking. In some cases we will not want to initiate these steps until the two remaining TWA passengers held by the Syrians are released (or possibly until it may become evident our present efforts will not succeed), because we obviously do not want to prejudice these present efforts.

Our two main goals are (1) to gain wide international acceptance of the concepts that the plane, crew, and passengers must always be returned and that the hijacker must be punished for the crime, and (2) to find ways to bring effective international pressure on countries which do not abide by these norms.

To this end, the following steps are already in progress:

1. Various efforts to obtain widespread adherence to the Tokyo Convention, which requires the return of plane, crew and passengers. The Convention will come into force on December 4, but only among the 13 or so States which have so far ratified it. Among other things, we are seeking the agreement of the other countries which have ratified the Convention to a joint approach urging all others to become parties to the Convention promptly.
2. Adoption of a supplementary convention requiring that the hijacker be returned or prosecuted in the country where the aircraft lands. A committee of the International Civil Aviation Organization (ICAO) began its second meeting on this on September 23 and we are pressing for an international conference on the supplementary convention in the fall of 1970, which is probably the earliest date this could be done. In addition to this multilateral effort, we are including provisions making hijacking an extraditable offense in bilateral extradition treaties which we are negotiating or amending.
3. Continuing our stepped-up efforts to return to the United States for prosecution various hijackers in Cuba or third countries. There has been some evidence that Cuba is quietly sending a few selected hijackers to third countries or encouraging them to leave. Five such hijackers of US aircraft have so far returned and been arrested. On September 13, Cuba announced a hijacking decree which may provide a basis for the direct return of hijackers, except for Cuban nationals and political asylum cases. The decree calls for reciprocal agreements and also covers persons diverting ships, as well as aircraft. The quid pro quo which Castro presumably intends to exact is not clear and may give us trouble. However, we believe the Cuban decree could represent a significant step and are considering how best to respond to it. Meanwhile, we are emphasizing Castro's apparent intent to prosecute hijackers in order to maximize the deterrent effect on potential hijackers.
4. The FAA is working on a system for detecting and apprehending possible hijackers. This involves identifying suspicious individuals by certain characteristics and then running these persons by a detection machine. There are both legal and technical problems still to be resolved.
5. We are consulting with the Finnish, Dutch and other interested UN delegations in New York regarding a possible UN General Assembly resolution urging States to take measures internationally and domestically to curb hijacking and similar acts against civil aviation. The Soviets have reacted negatively to an informal Finnish suggestion that the Security Council take up the question. As a result the Finnish Representative is now disinclined to press his suggestion. The Dutch are however, anxious to cooperate in a General Assembly initiative and have given us for consideration a draft resolution which is drawn in large part from ideas we passed to them some days ago. In our view, the Assembly provides a better opportunity than the Council to engage a large number of countries in consideration of a problem with which many are directly concerned, with greater prospects for a widespread effect. We believe that affirmative action by the General Assembly could encourage further accessions to the Tokyo Convention and help mobilize support for our efforts to achieve a multilateral convention requiring that a hijacker be returned to the country of the aircraft's registry, or prosecuted in the country where the aircraft lands.

Other steps under active consideration are:

1. Expanding the terms of reference of the ICAO hijacking committee to permit it to seek invitations to send fact-finding teams to countries which have not returned the plane, crew and all passengers. Although this would be done under the guise of fact-finding, the real purpose would be to exert international pressure. For the latter reason, other members of ICAO may not agree to such a proposal.

2. In a related area, we are considering whether to propose that the ICAO Committee on Unlawful Interference seek an invitation for a fact-finding team to visit Cuba. The main purpose would be to find out whether Cuba would be receptive to some "neutral" way to dispose of the problem of hijackers still in Cuba, such as by sending them to third countries which would be willing to return them to the country of the airline hijacked for prosecution. In light of the new Cuban hijacking decree, stating a definite preference for bilateral solutions, we are holding this proposal temporarily in abeyance until we see whether the new Cuban decree can be exploited to achieve the direct return of hijackers.

3. Hijacking is a danger to air safety in all cases, but it can also lead to international political incidents and pose a threat to peace and security when it is politically motivated and when the country receiving the aircraft does not act promptly to return the plane, crew and passengers and when it does not take effective action against the hijackers. To deal with this growing problem, we are now considering asking for an unpublicized meeting with major aviation countries to propose a joint announcement that, when a country does not act responsibly in a political hijacking incident, such countries will suspend all air services to and from that country. There are some pitfalls in this idea and it must be considered very carefully, but in principle we think it has merit.

We would not favor at this time private boycotts such as the strike proposed by the International Airline Pilots Association, IFALPA. We believe that it is the governments and not private organizations which should act on this problem.

Acting Secretary

Memorandum From the Executive Secretary of the Department of State (Eliot) to the President's Assistant for National Security Affairs (Kissinger), Washington, October 21, 1969

Eliot provided a status report on the TWA Flight 840 hostages. According to confirmed reports, the Syrian Government had released the hijackers and requested outside mediation to bring the hostage situation to an end.

DEPARTMENT OF STATE
Washington, D.C. 20520
October 21, 1969
MEMORANDUM FOR MR. HENRY A. KISSINGER
THE WHITE HOUSE

Subject: Status Report on Hijacked TWA Aircraft

In spite of continuous pressure from a number of sources, the Syrian Government still persists in holding the two Israeli passengers of the TWA aircraft. We understand that the passengers have been visited by ICRC representatives who report they are well. Also, Washington Post correspondent Jesse Lewis, who interviewed the passengers on October 1, has reported to our Embassy in Beirut that the Syrian Government seemed to be anxious that his interview with the detainees be as free as possible. Lewis' impression was that the Syrians were anxious to find a face-saving means of divesting themselves of the two passengers.

The Italian Embassy in Damascus has reported that it delivered the Secretary's message to Syrian President Atassi to the Secretary General of the Syrian Foreign Ministry, who in turn undertook to deliver it to Atassi upon the latter's return from North Korea. Although Atassi has returned from North Korea, we have not yet received a reply to the Secretary's letter.

The wives of the two detained Israelis have come to the United States to press their appeal for action to secure the release of their husbands. They went first to New Orleans and then to Washington where they called on Deputy Assistant Secretary Davies on October 16. They were informed of actions we have taken to date, and they were assured that we will continue our efforts until the release of the two men is secured.

The Secretary General of International Civil Aviation Organization (ICAO) sent a follow-up message to the Syrian Government regarding the two passengers. The Syrian reply was unsatisfactory, inasmuch as it did not address itself to the question of the two passengers. Our representative in ICAO is taking the matter up with the ICAO Council again very soon.

We have learned that the Syrian Government has been most cooperative with TWA in preparations for the repair and repatriation of the aircraft. TWA plans to send about 45 technicians to Damascus on October 26 with a new nose section for the aircraft. The repair period is estimated at from five to six weeks.

We have confirmed reports that the Syrian Government has indeed released the two hijackers, and they are apparently now in Jordan. The Italian Embassy in Damascus is of the view that they were released in response to critical propaganda from Iraq. In any event, we find it deplorable that the Syrian Government would release them rather than bring them to trial, and have so stated publicly.

Our Embassy in Beirut was informed on October 15 that the Director of Syrian Arab Airlines told the TWA representative in Damascus that outside mediation is needed to bring about the release of the two passengers. The Director suggested three possible mediators: IATA, UN and the United States Government. The Director recognized that the two Israelis should be released, but he said there was strong political opposition to releasing them. In this connection, an official of the Italian Embassy has reported that Syrian Government efforts to resolve their internal differences over releasing the two Israelis have become deadlocked.

Israeli Permanent Representative to the UN Tekoah informed our UN Mission on October 15 that he had discussed the situation with U Thant. U Thant told Tekoah that he was continuing his efforts but refused to disclose details for fear of a leak. U Thant was mildly optimistic.

Theodore L. Eliot, Jr.
Executive Secretary

Telegram 4196 From the Embassy in Israel to the
Department of State, November 6, 1969, 1320Z

The Embassy reported that Rafael had told the DCM that Israel would participate in a three-way exchange with Syria and Egypt, conducted through the ICRC, to resolve the TWA Flight 840 hostage incident. He stressed the need for secrecy to avoid public debate in Israel.

0 061320Z NOV 69
FM AMEMBASSY TEL AVIV
TO SECSTATE WASHDC 7502
TEL AVIV 4196
SUBJECT: TWA HIJACKING

1. DIRGEN MFA RAFAEL CALLED IN DCM MORNING NOV 6 TO PROVIDE INFO TO USG THAT GOI HAS DECIDED TO GO ALONG WITH A THREE-CORNERED SCHEME INVOLVING UAR TO BRING ABOUT RELEASE OF ISRAELI TWA PASSENGERS DETAINED IN DAMASCUS.

2. RAFAEL SAID THAT GOI HAS FOR SOME TIME BEEN DISCUSSING POW EXCHANGE WITH UAR THROUGH ICRC. SOME TIME AGO, ICRC APPROACHED GOI ON BEHALF UAR WITH STATEMENT UAR WOULD RELEASE ONE ISRAELI PILOT THEN HELD IF ISRAEL WOULD RELEASE UAR PILOT HELD HERE PLUS GROUP OF SEVENTEEN OR SO EGYPTIANS LEFTOVER IN ISRAELI HANDS SINCE 1967 WAR. ISRAEL AGREED, BUT NASSER ILLNESS AND CHANGES IN UAR HIGH COMMAND INTERVENED AND THERE WAS NO ACTION ON UAR SIDE. IN MEANTIME, UAR HAD CAPTURED A SECOND ISRAELI PILOT.

3. THREE OR FOUR DAYS AGO, ICRC REP IN UAR BOISSART HAD COME TO ISRAELIS IN GENEVA WITH NEW EGYPTIAN PROPOSAL APPROVED AT QUOTE HIGHEST LEVEL UNQUOTE. UAR WOULD RETURN TWO ISRAELI PILOTS IF ISRAEL WOULD HAND OVER TO UAR THE EGYPTIAN PILOT, SEVENTEEN POWS FROM SIX DAY WAR, CREWS OF TWO FISHING VESSELS RECENTLY CAPTURED IN ISRAELI TERRITORIAL WATERS, ELEVEN EGYPTIAN CIVILIANS RECENTLY BROUGHT BACK FROM RAID ON UAR, AND, AS CONDITION SINE QUA NON, THE TWO SYRIAN PILOTS. PACKAGE WOULD THUS TOTAL FIFTY-NINE ENEMY FOR TWO ISRAELI PILOTS. ICRC REP ADDED IN HIS OWN NAME THAT HE ASSUMED, OF COURSE, THAT INCLUSION OF TWO SYRIAN PILOTS IN PACKAGE WOULD MEAN THAT TWO ISRAELI TWA PASSENGERS WOULD HAVE TO BE RELEASED IN ADVANCE AS A UNILATERAL GESTURE WITHOUT ANY CONNECTION WITH POW EXCHANGE, AND POW EXCHANGE WOULD THEN TAKE PLACE AFTERWARD.

4. RAFAEL SAID USG KNEW HOW EXTENSIVE GOI EFFORTS HAD BEEN TO GAIN RELEASE OF ISRAELIS FROM DAMASCUS. SO FAR THERE HAD BEEN NO RESULTS. GOI WOULD STILL BE DELIGHTED IF USG COULD SAY THAT THEY WILL BE UNCONDITIONALLY RELEASED, BUT UNDERSTOOD USG EFFORTS HAD NOT PRODUCED SUCH ASSURANCE. NO RESULTS FROM UN APPROACHES. MEANTIME, ICRC REPORTS ONE ISRAELI PILOT IN SERIOUS CONDITION. IN VIEW IMPORTANCE ISRAELIS ACCORD HUMANITARIAN ASPECTS OF SUCH CASES, GOI HAS DECIDED TO TAKE A POSITIVE ATTITUDE TOWARDS PROPOSAL MADE THROUGH ICRC GENEVA AND HAS SO INFORMED ICRC.

5. RAFAEL SAID PACKAGE AS REQUIRED BY UAR WILL BE DELIVERED BY ISRAEL, TOUT COMPRIS, BUT ISRAEL WILL REQUIRE PRIOR UNILATERAL RELEASE OF ISRAELIS BY DAMASCUS AND EXCHANGE OF ALL THREE ISRAELIS IN UAR HANDS.

6. RAFAEL WENT ON TO SAY GOI STILL GREATLY DISAPPOINTED THAT EFFORTS OF US, UN, ETC. HAD NOT BROUGHT ABOUT RELEASE OF DETAINED ISRAELIS. ALTHOUGH HE WAS SURE THAT SYRIA HAD PROMPTED UAR TO INCLUDE TWO SYRIAN PILOTS IN UAR LIST, THERE WAS AS YET NO CLEAR STATEMENT THAT SYRIANS WERE PREPARED TO RELEASE ISRAELIS, THIS BEING ONLY ASSUMPTION OF ICRC MAN. GOI WOULD APPRECIATE ALL POSSIBLE EFFORTS BY USG NOW TO ASSIST IN BRINGING QUOTE WHOLE SORDID AFFAIR UNQUOTE TO CONCLUSION. HE HOPED WASHINGTON QUOTE WOULD ROLL UP SLEEVES UNQUOTE AND USE ITS INFLUENCE TO GET PROPOSAL AGREED ALL AROUND. SAID GOI HAD TALKED WITH NO ONE OTHER. THAN ICRC, SINCE QUOTE ITALY IS OPERATING ON US BEHALF, NOT GOI BEHALF UNQUOTE. RAFAEL INDICATED GOI WAS READY TO MOVE AT MOMENT'S NOTICE. IF WORD RECEIVED THAT TWO ISRAELIS HAD GOTTEN OUT TO GREECE OR CYPRUS, FOR INSTANCE, EXCHANGE WITH EGYPTIANS COULD TAKE PLACE WITHIN TWENTY-FOUR HOURS.

7. DCM TOLD RAFAEL HE WAS SURE WASHINGTON WOULD AGREE THAT GOI WAS DOING RIGHT THING IN ACCEPTING DEAL FOR RELEASE OF ISRAELI TWA PASSENGERS. ASKED, HOWEVER, WHY GOI HAD BEEN WILLING TO GO INTO THIS LARGE PACKAGE DEAL THROUGH UAR WHEN IT HAD BEEN SO ADAMANT AGAINST A SIMPLE TWO-FOR-TWO SWAP DIRECTLY WITH SYRIANS. RAFAEL REPLIED GOI WAS STILL FIRM AGAINST ANY DIRECT SWAP OF SYRIAN POWS FOR INNOCENT CIVILIANS. FACT THAT SYRIAN PILOTS WOULD ON FACE BE EXCHANGED FOR ISRAELI MILITARY BEING HELD BY UAR, PLUS ADDITION TO PACKAGE OF NUMBER OF EGYPTIAN CIVILIANS HELD BY ISRAEL, WOULD ALLOW GOI TO AGREE TO PACKAGE DEAL WITHOUT FEELING THAT ITS BASIC PRINCIPLE WAS BEING VIOLATED.

8. IN CONCLUSION, RAFAEL STRESSED NEED FOR ABSOLUTE SECRECY TO AVOID ANY PUBLIC DEBATE IN ISRAEL IN ADVANCE OF EXCHANGE AND TO AVOID ANY POSSIBILITY OF DEAL FALLING THROUGH.

BARBOUR

Telegram 4348 From the Embassy in Israel to the
Department of State, November 20, 1969, 1302Z

The Embassy reported that the three-way hostage exchange designed to resolve the TWA Flight 840 hostage incident appeared to have fallen through because of difficulties between the ICRC and the Syrian Government. Rafael renewed Israel's threat to take action and asked the U.S. to try to get the ICRC mission moving forward.

O 201455Z NOV 69
FM AMEMBASSY TEL AVIV
TO SECSTATE WASHDC IMMEDIATE 7586
TEL AVIV 4348

SUBJECT: TWA HIJACKING

1. DIRGEN RAFAEL NOVEMBER 20 CALLED IN DCM AND TOLD HIM THREE-CORNERED PLAN TO OBTAIN RELEASE OF DAMASCUS DETAINEES APPEARED TO HAVE FALLEN APART. SAID FONMIN EBAN DESIRED INFORMATION TO BE BROUGHT TO ATTENTION OF SECRETARY ROGERS.

2. AS WE KNEW, RAFAEL SAID, ICRC HAD SUBMITTED TO GOI ON BEHALF OF UAR PROPOSAL FOR EXCHANGE TO INCLUDE TWO SYRIAN PILOTS. THIS HAD BEEN ACCEPTED BY GOI. ALTHOUGH THERE HAD BEEN NO MOVEMENT SINCE, THERE WAS ALL REASON TO BELIEVE GOI WAS ON RIGHT TRACK. ITS DECISION WAS INFLUENCED BY HUMANITARIAN CONSIDERATIONS CONCERNING ISRAEL PILOT IN EGYPT AND TWA PASSENGERS IN DAMASCUS. LAST WEEK GOI HAD BEEN INFORMED BY USG OF TWA EFFORTS IN DAMASCUS WHICH WERE APPRECIATED AND REGARDED AS IMPORTANT. AT USG SUGGESTION, GOI HAD REQUESTED ICRC TO CONVEY TO SARG ON ITS OWN PROPOSAL THAT DETAINEES BE ALLOWED TO DEPART DAMASCUS ON TWO PLANE WHEN IT LEAVES. ICRC HAD DONE THIS.

3. IN RESPONSE TO ICRC PROPOSAL, SARG HAD YESTERDAY REPLIED TO ICRC REPRESENTATIVE DAMASCUS, WITHOUT ANY REFERENCE TO UAR PROPOSED THREE-CORNERED EXCHANGE, THAT ISRAEL SHOULD GIVE ASSURANCES IT WOULD BRING TWO SYRIAN PILOTS, AS WELL AS ADDITIONAL SYRIANS DETAINED IN ISRAEL, TO CEASEFIRE LINE IN EXCHANGE FOR DEPARTURE OF DETAINEES. RAFAEL REPEATED SYRIANS MADE NO REFERENCE WHATSOEVER TO UAR PROPOSAL. GOT REACTION TO SARG DEMAND IS FLAT REFUSAL.

4. RAFAEL, WITH CONSIDERABLE EMPHASIS, SAID THAT ISRAEL, BY HAVING GOTTEN ICRC TO MAKE PROPOSAL TO SARG WHICH IT HAD BEEN THOUGHT WOULD SUPPORT THE UAR EXCHANGE DEAL, HAD MADE A MESS OF WHOLE THING. SITUATION WAS NOW SPLIT WIDE OPEN. ISRAEL HAD NOT INTENTION TO EFFECT EXCHANGE WITH SYRIA. HAD NEVER HAD THIS IN MIND. HAD BEEN MOTIVATED TO ACCEPT ICRC PROPOSAL BECAUSE EGYPT HAD SAID INCLUSION OF TWO SYRIANS WAS SINE QUA NON AND BECAUSE IT HAD BEEN UNDERSTOOD PROPOSAL HAD BEEN COORDINATED AT HIGHEST LEVEL BETWEEN SYRIA AND EGYPT.

5. WHILE ISRAEL WAS WAITING FOR OUTCOME OF ICRC INITIATIVE, RAFAEL CONTINUED, IT HAD CEASED ALL OTHER ACTIONS ON THIS SUBJECT. HAD ISRAEL KNOWN IN ADVANCE THIS WOULD BE OUTCOME, IT WOULD NOT HAVE COMMITTED ITSELF AND WOULD HAVE BEEN PURSUING OTHER ACTIONS, POLITICAL AND PERHAPS OTHERWISE. GOI HAD NO COMPLAINT AGAINST USG FOR HAVING ADVANCED IDEA, BUT RESULT IS THAT BABY WHICH WAS NOT ISRAEL'S HAS BEEN PASSED INTO ISRAEL'S HANDS. EBAN ASKS THAT SECRETARY ROGERS BE REMINDED OF HIS LETTER TO EBAN DELIVERED SEPTEMBER 14, WHICH EXPRESSED PROFOUND CONCERN OF USG REGARDING DETENTION OF PASSENGERS, ASSURED GOI THAT EVERY POSSIBLE COURSE OF ACTION TO SECURE THEIR RELEASE WAS BEING EXPLORED, AND PROMISED THAT USG WOULD NOT RELAX ITS EFFORTS UNTIL THEY ARE RELEASED AND REPATRIATED. ISRAEL FEELS IT SHOULD NOT HAVE BEEN LEFT ALONE IN THIS MATTER. GOI DESIRES TO RETURN TO POSITION THAT IT IS RESPONSIBILITY OF US FLAG CARRIER TO BRING PASSENGERS TO DESTINATION, AS WOULD BE CASE FOR ANY AIRLINER INVOLVED IN MISHAP. GOI AGAIN REQUESTS US TO QUOTE REACTIVATE ITSELF UNQUOTE WITHIN FRAMEWORK OF INFORMATION AVAILABLE TO IT.

6. RAFAEL SAID STRICT WORD HAS BEEN GIVEN ICRC IN GENEVA AND ISRAEL THAT GOI WILL NOT REPEAT NOT ACCEPT ANY SOLUTION OTHER THAN THAT NEGOTIATED AND AGREED UPON CONCERNING EXCHANGE AS PROPOSED BY UAR, AND WILL NOT BUDGE FROM THAT POSITION OR ENTER INTO BARGAINING WITH SYRIA.

7. RAFAEL CONTINUED THAT USG HAS FULL RIGHT ASK RELEASE OF DETAINEES AND IT IS HIGH TIME SARG IS BROUGHT TO ITS SENSES. HOPED USG WOULD IMPRESS ON SARG THAT TIME FOR DALLYING IS OVER. GOI HAS TWO SPECIFIC THINGS TO ASK: (1) GOI FIRMLY HOPES TWA PLANE WILL NOT LEAVE DAMASCUS WITHOUT PASSENGERS, BOTH FOR LEVERAGE THIS WILL GIVE FOR EXCHANGE OPERATION AND FOR QUOTE GOOD NAME UNQUOTE OF TWA; (2) USG HAD INTIMATED SOME TIME AGO AMERICAN OFFICIAL MIGHT VISIT DAMASCUS. GOI SUGGESTS THAT SOMEONE FROM USG GO THERE WHO CAN QUOTE TALK SENSE TO THOSE PEOPLE UNQUOTE.

8. RAFAEL WENT ON THAT HE DID NOT WANT TO GIVE SOMBER WARNINGS TO SARG, BUT ISRAEL WILL HAVE TO ACT IN ACCORDANCE WITH ITS OWN INTERESTS. SOMEONE MUST MAKE CLEAR TO SYRIA THAT ISRAEL'S PATIENCE IS NOW ALL EXHAUSTED. ITS DISAPPOINTMENT AFTER ITS HOPES HAD BEEN RAISED IS ALL THE DEEPER. RAFAEL DID NOT KNOW WHAT COUNSELS WOULD PREVAIL IN GOI. HE BELIEVES A MAJOR AND MASSIVE EFFORT SHOULD BE MADE. HE FELT THERE WAS NO NEED TO MENTION GOI'S WILLINGNESS TO MAKE CONTRIBUTION TO SOLUTION, WHICH HAS ALREADY BEEN DEMONSTRATED, BUT ISRAEL CAN DO NOTHING MORE.

9. IN CLOSING, RAFAEL SAID FONOFF LEGAL ADVISOR MERON, WHO HAS BEEN HANDLING TALKS WITH ICRC IN GENEVA, HAS BEEN INSTRUCTED TO PACK AND COME HOME.

11. DCM EXPRESSED REGRET MATTERS HAD NOT YET WORKED OUT AS HOPED FOR. USG AND TWA, JUST AS HAD GOI, HAD BEEN LOOKING FORWARD EAGERLY TO MOMENT WHEN DETAINEES WOULD BE RELEASED FROM DAMASCUS. POINTED OUT USG SUGGESTION THAT GOI ASK ICRC TO GO TO SARG HAD BEEN MADE AFTER RAFAEL HAD ASKED USG TO ASSIST IN ANY POSSIBLE WAY. RE GOI REQUEST THAT USG OFFICIAL GO TO DAMASCUS TO TALK SENSE INTO SYRIANS, NOTED PREVIOUS IDEA HAD ONLY BEEN FOR POSSIBLE WORKING LEVEL VISIT BY MIDDLE GRADE EMBASSY OFFICER, NOT VISIT BY POLICY LEVEL OFFICIAL. NOTED USG HAS LITTLE IF ANY LEVERAGE TO USE WITH SARG. NEVERTHELESS AGREED TO INFORM DEPARTMENT FULLY AT ONCE ON RAFAEL'S DEMARCHE.

1. COMMENT: AS ONE STEP, RECOMMEND THE DEPARTMENT ASK US MISSION GENEVA TO MAKE STRONG PITCH TO ICRC TO GET ORIGINAL UAR THREE-CORNERED PROPOSAL BACK ON TRACKS. IN ADDITION, SINCE ITALIANS ALREADY APPRISED BY ICRC OF THREE-CORNERED PROPOSAL MIGHT BE USEFUL ASK THEM TO IMPRESS UPON SYRIANS THAT UAR PROPOSAL HAD STRONG ADVANTAGES OF ALLOWING SARG TO RELEASE PASSENGERS AND THUS FULFILL INTERNATIONAL OBLIGATIONS WHILE AT SAME TIME GETTING OWN TWO PILOTS BACK, DECISION WHICH GOI HAD PREVIOUSLY ADAMANTLY REFUSED. WE STRONGLY ENDORSE IDEA THAT PLANE SHOULD NOT LEAVE DAMASCUS WITHOUT PASSENGERS, AT LEAST AT THIS STAGE, SINCE THIS LIKELY TO RE-AROUSE STORMY ISRAELI PUBLIC RECRIMINATIONS.

BARBOUR

Telegram 195790 From the Department of State to the
Mission in Geneva, Switzerland, and the Embassy in
Israel, November 21, 1969, 0107Z

The Department of State instructed the Mission in Geneva
to approach the ICRC as soon as possible to restore the
swap agreement and bring the TWA Flight 840 incident to
an end. Embassy Tel Aviv was asked to inform Rafael that
the U.S. Government was approaching the ICRC and the UAR.

Department of State
TELEGRAM
ACTION: USMission GENEVA Immediate
Amembassy TEL AVIV Immediate
INFO: Amembassy Beirut Immediate
STATE 195790

SUBJECT: TWA Hijacking
REF: TEL AVIV 4348
DELIVER TO ACTION OFFICER OPENING OF BUSINESS

1. For Geneva: As recommended by Tel Aviv in reftel, you should approach ICRC ASAP and make strong pitch to get original three-cornered proposal back on tracks. In so doing you should acknowledge that we are aware of Syrian counterproposal. You should also inform ICRC in strictest confidence that Israeli Government reaction to Syrian tactics is strong enough that it may call off whole deal. If Syrians can be persuaded permit release two Israeli passengers, there is chance Israel can be persuaded go through with original deal and Syrian pilots will be released. ICRC may wish remind Syrians that this was original Syrian proposal and SARG's reneging brings Syrian good faith into question. Impress upon ICRC fact that three-cornered deal presents best opportunity to date to secure release two passengers and bring an end to whole affair.

2. For Tel Aviv: Inform Rafael soonest that we are approaching ICRC and asking that they attempt persuade SARG to release two Israelis forthwith. Tell Rafael we fully appreciate his exasperation and that of GOI. Syrians have clearly changed rules in middle of game and their action is inexcusable. Nevertheless, with three-cornered exchange proposal there exists excellent framework within which immediate objectives of all concerned can be accomplished. Therefore, we ask that Israel's anger at Syrians not lead them to close the door to chance of carrying through deal as originally proposed. Noting that Israeli decisions are influenced by humanitarian considerations (para 2 reftel), you should emphasize to Rafael that failure to take advantage of opportunity at hand could result in indefinite detention of Israelis in both Syria and UAR. You may also tell Rafael that we are urging SARG to use its influence with Damascus (Beirut 9635) since exchange as proposed will result in repatriation of large numbers of UAR personnel.

ROGERS

Telegram 7660 from the Embassy in Italy to the Department of State, November 26, 1969, 1740Z

According to information from the Italian Foreign Ministry, the TWA Flight 840 three-way exchange had resumed. ICRC Representative Renard told the Italian Ambassador that the Israelis had accepted the Syrian request and would release the 2 pilots plus 11 other Syrians detainees if the Israelis were released in advance.

0261740Z NOV 69 ZFF-4
FM AMEMBASSY ROME
TO SECSTATE WASHDC IMMEDIATE 3296
ROME 7660
DEPT PASS TEL AVIV BEIRUT, US INT CAIRO

SUBJECT: THREE-WAY SWAP AND TWA.

REF: ROME 7571

1. FOREIGN MINISTRY HAS GIVEN US SUBSTANCE TWO TELEGRAMS FROM ITALIAN AMBASSADOR DAMASCUS WHICH INDICATE THREE-WAY SWAP OF ASSORTED EGYPTIAN, SYRIAN, ISRAELI CAPTIVES AND HIJACK PASSENGERS IS BACK ON TRACK.

2. FOREIGN MINISTRY INFORMS US THAT ICRC REPRESENTATIVE RENARD IS IN CLOSE TOUCH WITH AMBASSADOR RICCARDI IN DAMASCUS. WITH RESPECT TO REFTEL SUGGESTION THAT ITALIANS MIGHT WISH TO PRESS SYRIANS TO MOVE AHEAD ON TRANSACTION, RENARD BELIEVED HE SHOULD CONTINUE TO ACT ALONE. RICCARDO COMMENTS HOWEVER THAT IF TWA VICE PRESIDENT WILSON BELIEVES TIMES HAS COME TO SET FINAL DEPARTURE TIME FOR AIRCRAFT, THEN RICCARDI BELIEVES IT MIGHT BE HELPFUL FOR HIM TO TAKE ACTION ALONG LINES OF REFTEL SUGGESTION.

3. IN LATER MESSAGE RICCARDI REPORTS RENARD HAS TOLD HIM IN STRICTEST CONFIDENCE THAT ISRAELIS HAVE ACCEPTED SARG REQUEST AND WILL RELEASE TOTAL OF 13 SYRIANS INCLUDING TWO MIG PILOTS ON CONDITION THAT TWO ISRAELI DETAINEES ARE RELEASED IN ADVANCE AND TURNED OVER TO ISRAELI EMBASSY IN THIRD COUNTRY CAPITAL, PROBABLY ATHENS. ISRAELI ADVANCE RELEASE REQUIREMENT IS FOR FLYING TIME FROM DAMASCUS TO ATHENS.

4. RICCARDI COMMENT IS THAT IF SARG AGAIN TRIES TO UP PRICE AND INSISTS ON SIMULTANEOUS RELEASE, THEN IN HIS OPINION, HE SHOULD AND WOULD MAKE REPRESENTATION TO SARG TO AVOID SUCH PRICE INCREASE. RICCARDI BELIEVES IN THAT CASE IT WOULD BE EXTREMELY HELPFUL IF CAIRO AND MOSCOW WOULD ALSO WEIGH IN.

MARTIN

NOTE; NOT PASSED ABOVE BY OCT.

Telegram 203374 From the Department of State to Secretary of State Rogers in Bonn, December 5, 1969, 2331Z

The Department of State informed Rogers that the Syrians had permitted TWA Flight 840 and its two remaining passengers to leave Damascus. Israel had released 13 prisoners to Syria and 50 detainees to the UAR, in exchange for 2 Israeli pilots.

Department of State
TELGRAM
ACTION: Amembassy BONN PRIORITY

STATE
TOSEC 75

SUBJECT: TWA Hijacking

1. Syrian Government on morning December 5 permitted departure from Damascus of hijacked TWA aircraft as well as two Israeli passengers who had been detained since hijacking took place on August 29. TWA aircraft and passengers arrived Athens at 1532 hours local time and passengers departed half hour later on regular TWA flight to Tel Aviv.

2. Release of passengers and aircraft was pursuant to three-cornered agreement worked out through ICRC under which (1) Israeli passengers released from Damascus; (2) simultaneously, thirteen Syrians, including two Syrian MIG pilots, turned over to Syrian authorities in Golan Heights; and (3) approximately 24 hours later, about 50 UAR nationals to be handed over to UARG in exchange for two Israeli Air Force pilots downed in action over Egypt.

ACTING

RICHARDSON

Telegram 10203 From the Embassy in the Federal Republic of Germany to the Department of State, September 6, 1970, 1628Z

The Embassy reported that TWA Flight 741, Swissair Flight 100, and PanAm Clipper 93 had been hijacked, and that Pan Am Clipper 03 was presumed hijacked. An El Al flight had landed in London with three dead passengers and another three taken hostage by hijackers.

Department of State
TELEGRAM
FM: AMEMBASSY Bonn
TO SECSTATE WASHDC IMMEDIATE 9695
INFO AMEMBASSY AMMAN IMMEDIATE
AMEMBASSY ATHENS
AMEMBASSY BERUIT
AMEMBASSY BELGRADE
AMEMBASSY ZAGREB
AMEMBASSY BERN
AMEMBASSY TEL AVIV
AMEMBASSY LONDON
AMCONSUL FRANKFURT
AMCONSULT ZURICH
USINT CAIRO
USINT DAMASCUS
USINT BAGHDAD
CINCUSAFE

SUBJ MULTIPLE HIJACKINGS OF AIRCRAFT

1. ACCORDING TO USAFE, TWA, AND FONOFF SOURCES, TWA FLIGHT 741, SCHEDULED TO FLY FRANKFURT TO NEW YORK, WAS HIJACKED WITH 142 PASSENGERS ABOARD AROUND NOON TODAY (FRANKFURT TIME) BY A WOMAN WHO FORCED THE PILOT TO CHANGE THE FLIGHT CALL SIGN FROM TWA 741 TO "GAZA-STRIP." USAFE SOURCE TELLS US THAT AIRCRAFT PASSED OVER DAMASCUS ABOUT 1625 HOURS (FRANKFURT TIME) HEADING EAST.
2. USAFE AND SWISSAIR SOURCES INFORM US THAT SWISSAIR FLIGHT 100, SCHEDULED TO FLY ZURICH-NEW YORK, WAS HIJACKED WITH 150 PASSENGERS ABOARD ABOUT 1255 HOURS (ZURICH TIME) BY UNIDENTIFIED PERSONS(S) WHO IMPLIED CONNECTION WITH PALESTINE COMMANDO FRONT, AND WHO FORCED PILOT TO CHANGE FLIGHT CALL SIGN FROM SWISSAIR 100 TO "HAIFI." SWISSAIR SOURCE SAID PLANE EXPECTED TO PASS OVER ISLAND OF RHODES ABOUT 1530 HOURS (ZURICH TIME) AND WAS EXPECTED TO CONTINUE IN DIRECTION OF AMMAN, BEIRUT, DAMASCUS OR BAGHDAD. SWISSAIR SOURCE ESTIMATED SIXTY PERCENT (60 PERCENT) OF PASSENGERS US CITIZENS, AND THOUGHT SOME ISRAELIS ALSO ABOARD. SWISSAIR PROMISED TO CABLE MANIFEST TO EMBASSY BERNE.
3. USAFE INFORMS US THAT AN EL AL FLIGHT DEPARTING FROM TEL AVIV LANDED AT LONDON (HEATHROW) ABOUT 1545 HOURS (FRANKFURT TIME) WITH THREE (3) CONFIRMED DEAD AND THREE MORE (ONE WOMAN AND TWO MEN) STILL BEING HELD BY THE HIJACKER(S).
4. USAFE ADVISES THAT PILOT OF A PANAM CLIPPER 93 (A 747 JUMBO JET) ADVISED FRANKFURT ATC CENTER ABOUT 1630 HOURS (FRANKFURT TIME) THAT HIS AIRCRAFT WAS HIJACKED AND WAS PASSING OVER SPANGDAHLEM, GERMANY WITH A "190 HEADING" (SOUTH).
5. USAFE ADVISES THAT A PANAM CLIPPER 03 DEPARTING FROM SOUTHEND, ENGLAND IS SPECULATED TO BE HIJACKED AND HEADED TOWARD BEIRUT.

Memorandum From the President's Deputy Assistant for
National Security Affairs (Haig) to President Nixon,
Washington, September 7, 1970

Haig provided the President with a status report on
diplomatic efforts to deal with the demands of the
hijackers.

MEMORANDUM
THE WHITE HOUSE
WASHINGTON
INFORMATION
September 7, 1970
MEMORANDUM FOR THE PRESIDENT
FROM: General Haig

SUBJECT: Middle East Hijacking Status Report

Secretary Rogers has met with the Ambassadors of Britain, the Federal Republic of Germany and Switzerland. All have agreed to release prisoners they hold. These include: Switzerland, three Fedayeen; Federal Republic of Germany, three Fedayeen; United Kingdom, the girl hijacker captured yesterday.

State now hopes to announce through the Red Cross a concerted four power offer to the Fedayeen to the effect that the four powers will be willing to make this exchange if all prisoners and both aircraft are turned over to the International Red Cross. This varies from what the Fedayeen have demanded. The Fedayeen demand provides that only non Israeli nationals and non dual passport personnel will be released in return for the foregoing exchange. They would continue to hold Israeli prisoners and dual passport prisoners. (We believe there are ten U.S. personnel holding dual passports in this group.) These would only be released in return for all Fedayeen held by the Israelis.

If the Fedayeen holds to its original demand we could be placed in the untenable position of being isolated with Israel in negotiating the release of Israeli and dual-citizenship personnel. State will attempt to avoid this predicament through the proposal cited above. State has adopted this proposal because they feel that since the Swiss have already agreed to ransom their nationals and aircraft, it will be difficult if not impossible to hold them in line except by such an offer.

I believe if we do make this proposal it will likely be rejected. Then we will be faced with the same problem of holding the other three nations in line-a rather dim prospect. If we do not make this proposal we will probably lose the other powers and find ourselves isolated in either event. In going this route we should decide to remain firm in this position for as long as we can even if the other nations collapse. We are thus in effect buying time and providing a vehicle for the Red Cross to begin negotiating. In the past the Red Cross has been the only successful route for gaining the release of hijacked prisoners or other hostages.

Memorandum From Secretary of State Rogers to President
Nixon, Washington, September 8, 1970

Rogers told Nixon that he had made a humanitarian appeal to the Arab chiefs of mission for the safety of the hijacking hostages held in Jordan by the Popular Front for the Liberation of Palestine.

September 8, 1970
MEMORANDUM FOR THE PRESIDENT-Evening Report

1. Mid-East Hijacking-I called in all Arab Chiefs-of-Mission in Washington this afternoon to make a humanitarian appeal concerning the safety of the passengers now being held by the Popular Front for the Liberation of Palestine (PFLP) in Jordan. I emphasized that we do not hold any of the Arab governments responsible for this inhumane act but expressed my hope that these governments might be able to convey to the hijackers our desire that they release these innocent air passengers unharmed and at once.

I also stressed that the U.S. Government does not in any way relate my humanitarian appeal to the implementation of our Mid-East peace initiative.

Speaking on behalf of the Arab Ambassadors, Kuwaiti Ambassador Ghoussein assured me that their respective governments share our concern and would do all in their power to convey our humanitarian appeal. He noted, however, that the PFLP is not beholden to any Arab government or to the more moderate Palestinians. Jordanian Ambassador Sharaf said that his government is doing everything in its power to obtain an early and safe release of the passengers.

William P. Rogers

Telegram 147006 From the Department of State to the
Embassy in Jordan, September 8, 1970, 2336Z

The Department of State communicated to the Embassy that it would be desirable for the Jordanian forces to warn the PFLP that if it blew up the aircraft and killed the passengers, Jordanian forces would assure that no PFLP members would survive.

Department of State
TELEGRAM
ACTION: Amembassy Amman
STATE 147006

Although it is impossible now to foresee the course of events with respect to the hijacked aircraft during the next 36 hours, and although given their fanatical attitudes it may have none or minimal deterrent effect, it seems to us here that there might be some value, if the King is willing, for the commander of the Jordanian forces surrounding the site of the aircraft to get across to the PFLP personnel at the aircraft a warning that if they carry out their threat to destroy the aircraft and passengers, the Jordanian forces will do their utmost to assure that none of the PFLP personnel escape from the scene alive. We would hope that if matters do come to such a tragic pass the Jordanian forces would in fact implement such a threat for whatever value it may have in deterring future such tragedies.

ROGERS

Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon, Washington, September 8, 1970

Kissinger provided the President with a situation report on the hijackings and noted that he had met with Secretary of State Rogers, Under Secretary of State for Political Affairs Johnson, Assistant Secretary of State for Near East and South Asian Affairs Sisco, Secretary of Defense Laird, and Director of Central Intelligence Helms that morning to discuss possible actions related to the hijackings.

THE WHITE HOUSE
WASHINGTON
September 8, 1970
MEMORANDUM FOR THE PRESIDENT
FROM: Henry A. Kissinger

SUBJECT: Your 4:30 Meeting on the Hijackings

At your call, the Secretary of State, the Secretary of Defense, the Director of Central Intelligence, the Attorney General, the Director of the FBI, and I will meet in your office at 4:30 p.m. to discuss the hijacking situation. Secretary Rogers will bring Assistant Secretary Joe Sisco to the meeting.

The latest report on the hijacking situation is as follows:

-Embassy Amman now accounts for 137 persons from the TWA plane; of these, 37 have been released and 100 are presumably on the plane. The Embassy accounts for 136 persons on SwissAir, of which 86 have been released and 50 are presumably on the plane. These figures are not firm.

-According to Embassy Berne, the British Government is prepared to coordinate in Berne to work through the International Red Cross (ICRC) and to release the female hijacker and the body of her companion hijacker.
-Embassy Amman reports that the TWA plane is capable of take-off with the possible exception of the need for a battery change.

-The deadline for expiration of the 72-hour limit set by the Popular Front for the Liberation of Palestine (PFLP) for meeting its demands for release of the hijacked planes and passengers is 10:00 p.m. EDT, September 9.

-The International Red Cross envoy who worked effectively during the Jordanian crisis last spring arrived in Amman today to contact the PFLP and the Jordanian authorities in an effort to arrange for a departure of the two planes and the passengers.

-Damascus Radio announced at 3:45 that the PFLP stated in Amman today that the Front has accepted the Swiss Government's decision to release the Front's three Fedayeen now in Swiss prisons. It added that the Swiss plane and its passengers will be released as soon as the three Fedayeen arrive at a place to be determined by the Front under guarantees to be agreed on with the International Red Cross. All women, children and men, other than Israeli, American, British, Swiss and West German Nations have already been released according to the spokesman. The Front will continue to detain the other passengers and provide them with all care until the governments concerned respond to the Front's ultimatum. The spokesman also said that the German passengers will continue to be detained until the West German Government reports officially through the Red Cross that it has released the Fedayeen detained in German prisons. He added that investigations of the U.S. Nationals are being conducted to determine who among them holds dual citizenship.

At a meeting held in the Secretary of State's office today at 11:00 a.m. possible actions related to the hijacking situation were held. In attendance were Secretary Rogers, Under Secretary Johnson, Assistant Secretary Sisco, Secretary Laird, Director Helms and myself. You may wish to call on Secretary Rogers at today's meeting to summarize the results of this discussion.

In addition to the specific situation surrounding the Middle East Fedayeen hijackings, an effort under the aegis of the Secretary of Transportation has been under way since February 27 to investigate sophisticated surveillance equipment which might be used to detect explosives and other materials which could be used by airplane saboteurs. The Secretary's most recent report dated July 21 suggested that it would probably be impossible to develop any system that would give 100% certainty against conceivable sabotage.

Telegram 147018 From the Department of State to the
Embassy in the United Kingdom, September 9, 1970, 0126Z
The Department instructed Deputy Assistant Secretary of
State for Transportation and Telecommunications Rein to
discuss at the Regional Civil Air Attaché meeting the
question of international sanctions against nations
assisting hijackers.

Department of State
TELEGRAM
O 090126Z SEP 70 ZFF4
FM SECSTATE WASHDC
TO AMEMBASSY LONDON IMMEDIATE
STATE 147018
DELIVER AT OPENING OF BUSINESS SEPTEMBER 9TH
FOR DEPUTY ASSISTANT SECRETARY REIN.
SUBJECT: CIVAIR: RCAA MEETING

1. SUGGEST DISCUSSION OF FOLLOWING AT REGIONAL CIVIL AIR ATTACHE MEETING AND REPORT REACTION DEPARTMENT.
2. AS A RESULT OF HIJACKINGS OVER LABOR DAY WEEKEND DEPARTMENT IS CONSIDERING WHETHER AN ATTEMPT SHOULD BE MADE AGAIN TO GET INTERNATIONAL CONSIDERATION OF SANCTIONS ISSUE. SANCTIONS MIGHT INVOLVE BOYCOTT OF AIR SERVICES TO A COUNTRY FAILING TO PUNISH HIJACKERS OR FAILING TO OBSERVE ARTICLE 11 TOKYO CONVENTION. AT SAME TIME CARRIERS OF THAT COUNTRY WOULD NOT BE ALLOWED TO LAND ELSEWHERE. TO BE EFFECTIVE SANCTIONS WOULD HAVE TO BE APPLIED BY ALL OR VIRTUALLY ALL MAJOR AVIATION COUNTRIES AT SAME POINT IN TIME. THIS WOULD INVOLVE A CONVENTION WITH "TRIGGERING MECHANISM" APPLICABLE TO ALL CONTRACTING PARTIES, AND WITH CONVENTION ENTRY INTO FORCE ONLY AFTER ALL MAJOR AVIATION COUNTRIES BECOME PARTIES.
3. SANCTIONS QUESTION GOT NO SUPPORT AT DECEMBER MEETING ON HIJACKING IN WASHINGTON D.C. INVOLVING 12 EUROPEAN COUNTRIES. AT SEVENTEENTH ASSEMBLY IT ALSO WAS AVOIDED AS HIGHLY COMPLEX POLITICAL ISSUE, ALTHOUGH PROPOSAL IN GENERAL TERMS (FOR STUDY OF QUESTION) WAS MADE BY LEBANON, ISRAEL, PAKISTAN, SIERRA LEONE, AND IFALPA. RECENT EVENTS INDICATE HIJACKING BECOMING A MUCH MORE SEVERE PROBLEM THAN IN PAST, AND NUMBER OF COUNTRIES ADVERSELY AFFECTED RAPIDLY EXPANDING. CONSEQUENTLY, WE FEEL SANCTIONS ISSUE MAY GET MORE SYMPATHETIC HEARING THAN IN PAST.
4. MERITS OF GOVERNMENT ACTION ON SANCTIONS ISSUE SHOULD BE CONTRASTED WITH UNILATERAL IFALPA BOYCOTT, AN INCREASING POSSIBILITY IF GOVERNMENTS DO NOT DEAL WITH SANCTIONS ISSUE. IN DISCUSSION, SHOULD BE NOTED SOME SEGMENTS U.S. PUBLIC, NEW MEDIA (NEW YORK TIMES), AND CONGRESS ARE CALLING FOR GOVERNMENT SANCTIONS.

ROGERS

Memorandum From the President's Assistant for National
Security Affairs (Kissinger) to President Nixon,
Washington, September 9, 1970

Kissinger provided the President with a midday situation
report on the hijacked airliners and events in Amman.

THE WHITE HOUSE
WASHINGTON
INFORMATION
September 9, 1970
MEMORANDUM FOR THE PRESIDENT
FROM: Henry A. Kissinger

SUBJECT: Mid-Day Situation Report on Hijacking Situation
Below are described the main developments since my memorandum to you this morning.

The Situation

1. Red Cross representative Rochat has told us that the time limit on the guerrillas' ultimatum has been extended but that it is indefinite how long it has been extended. At the same time, he stated that he is fearful that we are approaching a very serious night but he wanted to reassure us that the Red Cross is exerting every effort to move as rapidly as possible in negotiations with the PFLP.

2. A Red Cross medical team and personnel are now with the hijacked planes on a continuing basis.

3. The British Overseas Airways Corporation flight that was hijacked at Bahrain enroute from Bombay to London stopped in Beirut and flew on to the same airfield in Jordan where the other two hijacked planes are being held. It landed there at 11:05 a.m. EDT. Reportedly there are only a small number of Americans aboard.

4. The situation in Amman has deteriorated seriously. Fedayeen communications reported artillery and rocket fire coming from the royal palace, Jordanian headquarters and official buildings. King Hussein, in an apparent effort to get a grip on the situation has issued an order entrusting to the army Chief of Staff "all authority of the armed forces" to restore the peace. The army, however, according to the most recent reports has still not entered Amman to drive out the Fedayeen. The Jordanians have to consider the possibility that the hostage passengers will be used to restrain their actions as well. The guard around the Intercontinental Hotel where the passengers in Amman are being held has been increased, and the passengers there are in the basement shelter area. The British Foreign office reported this morning that it lost contact with its embassy in Amman. We have had no such problem. The British have alerted their evacuation machinery.

5. The Swiss have followed up the U.S. approach in Bonn with a strong demarche to the West Germans to hold firm and not agree to release their prisoners unilaterally. A late report from Bonn indicates that Chancellor Brandt and other concerned ministers have decided to continue "for the time being" their concerted approach through the Red Cross and therefore to refrain at present from isolated actions to reclaim the German passengers. The Germans, however, have reserved the right to make a new decision if imminent new danger arises-presumably a reference to breakdown of control in Amman itself.

6. We understand indirectly through Red Cross sources that PFLP representatives have given Rochat a list of 300 Fedayeen held by the Israelis who must be released as a precondition to release of the prisoners still in F and PFLP hands.

7. Heikal, Nasser's Minister of Information and close confidant, told Minister Bergus in Cairo that he had personally conveyed to Fatah-the main middle-of-the-road Palestinian organization-an ultimatum that unless it publicly denounced the hijacking operations of the radical Palestinians, as the UAR had done, the UAR would consider Fatah in the same category as the radicals and act accordingly.

8. The Red Cross in Geneva has formally conveyed a note to the U.S., Swiss, German and British representatives there of the beginning of Rochat's mission in Amman. It specifically stated: "In case of a non-coordinated liberation of Palestinians, the Committee would be obliged to renounce the mandate which has been confided to it."

9. The UN Security Council has been convened at 3 p.m. today to consider the hijacking problem. This issue was debated in the General Assembly last year but this is the first time it will be placed formally before the Security Council.

Further U.S. Planning

At the WSAG meeting this morning we reviewed contingency plans designed to (a) extricate the hostage personnel, (b) evacuate American citizens from Jordan if the situation there deteriorates further, and (c) intervene to support King Hussein if he requests us to do so.

-Plans are complete for military evacuation of U.S. citizens in situations where we are either unopposed or opposed. The operation could commence within 48 hours using forces from Europe if these forces were not already on alert. The JCS

is looking now at ways in which forces could be put in alert status with a cover which would avoid risk of disclosure. From full alert the operation could commence within 6 to 8 hours. Because forces from the U.S. would require considerably longer, we would plan to use forces from Europe.

-These same plans can be used to evacuate the hostages from the Fedayeen-held airfield. No one, however, favors initiating such a step except in the extreme case in which there is conclusive evidence that the hostages would otherwise be killed. If it comes to this, however, and the Jordanian forces cannot or will not do the job, it would be preferable to use U.S. rather than Israeli forces-an Israeli operation would likely trigger a major conflagration.

-Plans also are ready for intervention to support Hussein if he asks us to do so. There are two principal problems:

-How long would we have to sustain this operation? The forces available are limited to the brigade in Europe and the 82nd Airborne Division in the U.S. Our strategic reserve thus would be committed and long-term support of an operation, which might escalate to include the involvement of Iraqi and Syrian forces, would be increasingly difficult given the need for total resupply by air. The JCS are looking hard at the implications.

-What should be the King's position after we left. An illustration in that case would be Israeli forces. The King already has asked that the Israelis help him if he needs it-we think it preferable that the Israelis do so in these circumstances rather than the U.S. But this would take more help from us behind the Israelis (a) to keep the Russians out and (b) to give the military equipment support they would need. Lebanon also would have its troubles with the Fedayeen in these circumstances and they, too, would need equipment support from us.

-Equipment packages for the support of an Israeli intervention and for the support of Lebanese resistance to the Fedayeen are being drafted now. The JCS also are looking at what it will take in U.S. posture to hold the ring against the Russians if the Israelis move to support Hussein at his request.

Telegram 4495 From the Embassy in Jordan to the
Department of State, September 9, 1970, 1305Z

The Chargé in Amman recommended against asking Jordanian
King Hussein to issue a warning to the PFLP at this time.

Department of State
TELEGRAM
FM AMEMBASSY AMMAN
TO SECSTATE WASHDC FLASH 1021
AMMAN 4495

SUBJ HIJACKING
REF STATE 147006

1. IN MY JUDGMENT EMBASSY SHOULD NOT RPT NOT RECOMMEND TO KING HUSSEIN THAT HE ISSUE AT THIS TIME WARNING TO PFLP AONG LINES SUGGESTED REFTEL.
2. POSITION ON THE GROUND IS QUITE CLEAR. A RELATIVELY FEW PFLP FEDAYEEN ARE HOLDING THE AIRPLANES, AND JAA HAS ESTABLISHED PERIMETER AROUND THE AREA. PFLP MEN ARE NOW QUITE EXPOSED, IN DESERT, CONTRARY TO SITUATION IN AMMAN WHERE JAA IS RELUCTANT TO FIRE BECAUSE OF DANGER TO POPULATION.
3. IF PFLP DESTROYS PLANES AND KILLS HOSTAGES, I THINK JAA WILL ACT WITHOUT URGING USG. DATT SHARES THIS VIEW.
4. IF WE URGE KING HUSSEIN TO THREATEN PFLP AT THIS POINT, IT MIGHT PROMPT PFLP TO DO SOMETHING OUT OF DESPERATION. RECOMMEND THEREFORE THAT WE NOT RPT NOT PRESS KING HUSSEIN ON THIS.

ODELL

Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon, Washington, September 9, 1970

Kissinger provided the President with a status report on the hijacked airliners, attendant diplomatic negotiations, and possible contingency actions.

MEMORANDUM
THE WHITE HOUSE
WASHINGTON
INFORMATION
September 9, 1970

MEMORANDUM FOR THE PRESIDENT
FROM: Henry A. Kissinger

SUBJECT: Hijacking Status Where the Passengers Are

No confirmed list of the hostages is available. A few more than 300 passengers have been involved altogether. Over half are U.S. citizens. Israelis and dual nationals have been estimated at 30-50. About 125 of these passengers, mostly women and children, have been brought to the Hotel Intercontinental in Amman. However, the Red Cross representative, after talking to Palestinian leaders, says these passengers are not free to leave Amman, even though the hotel itself is surrounded by Jordanian government forces. He reports that the hostages are being well treated.

The Diplomatic Situation

You will recall that Monday night, the U.S. agreed to participate in a concerted U.S.-U.K.-Swiss-West German effort through the Red Cross. At a meeting Tuesday in Bern, the British, Swiss and West German representatives confirmed their governments' agreement that the Red Cross might offer release of the seven fedayeen prisoners they hold if the guerrillas turned over all passengers and the two planes to the Red Cross. Meanwhile, Red Cross representatives had arrived in Amman. Following are the main developments since the foregoing:

1. Below are the main points made by Red Cross representative Andre Rochat in a report to British, West German, Swiss representatives in Amman following his first round of talks (two meetings with Jordanian Prime Minister Rifai and a long discussion with the Palestinians):

-The situation is "extremely serious". He is "not at all convinced it will end successfully We may face a tragedy There is perhaps one chance in two we will get everyone out."

-He intends to be "extremely firm" in sticking to the terms of his mandate. He warned that if any attempt is made to move away from the multi-national approach as outlined in that mandate, the Red Cross representatives "will withdraw completely and leave the place."

-He concludes that the Jordanian Government fully supports the Red Cross position. As for the Palestinians, "The first meeting seems to be the beginning of something positive." Rochat planned further meetings today, including meeting with the hostages.

-The guerrillas' position on release of guerrilla prisoners in Israeli hands is that "not one person will leave the planes if the Palestinians are not satisfied" on this point. [Comment: The meaning of this point is not clear since the official Palestinian demands stated that all but the Israeli and dual national passengers would be released in return for the seven fedayeen prisoners in Europe.]

-The Red Cross has a plane (capacity 90) at its disposal for as many trips as necessary for as long as necessary to evacuate released hostages. "We do not need help in this regard."

-He is "100 percent sure that the deadline will be postponed for at least 72 hours" after initial expiration. He later said he did not have assurances to this effect and revised his statement to say he is positive that "no one will be killed tomorrow afternoon unless by accident."

-He does not want yet to deal separately with the hostages already released from the planes, but he conceded this might be brought up again if the internal security deteriorates seriously.

2. Secretary Rogers yesterday called in all Arab Chiefs-of-Mission in Washington to make an appeal solely on humanitarian grounds for safety of the passengers. He emphasized that, while we do not hold Arab governments responsible, public outrage around the world would be great if innocent passengers were harmed.

3. Under Secretary Johnson last night sent a message to the U.S. Charge in Amman saying "it seems to us here that there might be some value, if King Hussein is willing, for the commander of the Jordanian troops surrounding the site of the aircraft to get across to the PFLP personnel at the aircraft a warning that if they carry out their threat to destroy the

aircraft and passengers, the Jordanian forces will do their utmost to assure that none of the PFLP personnel escape from the scene alive.

4. An approach has been made in Bonn urging the West German government not to release their fedayeen prisoners unilaterally. They appear, as do the Swiss, to have received separate approaches from the fedayeen setting a separate deadline for exchange of their prisoners for their passengers. The West Germans appear to be increasingly nervous over the approaching deadline, and the Cabinet is meeting this morning. They have been informed of Rochat's insistence that the multi-national approach be maintained.

5. According to Jerusalem radio this morning, Israel intends to ask the British government today to detain the woman hijacker in its hands until Israel can submit a request for her extradition. The British informed us yesterday that they are willing to release her as part of the U.S.-U. K.-German-Swiss response to the fedayeen demands. Israel continues to insist that nothing be done that will result in partial release of those detained-leaving only the Israelis (and presumably American Jews) in fedayeen hands. There is no indication Israel may be willing to release any fedayeen in its hands.

6. The British have proposed to the U.S., Swiss and Germans a UN Security Council meeting to consider the hijacking problem. We and the Swiss have reacted favorably.

U.S. Military Actions

I have arranged for the following actions by U.S. military forces:

-Six C-130 aircraft are being moved to Incirlik, Turkey to be available for evacuation purposes. They will be one hour and 30 minutes flying time from the field in Jordan where the hijacked aircraft are being held. (See attached map.) They are expected to be in place by 11:30 a.m. EDT.

-The attack aircraft carrier Independence, accompanied by four destroyers and an oiler, is southeast of Crete and steaming toward the Lebanon-Israel coast. It will reach a position 100 miles off the coast by shortly after midnight tonight. This force will be joined by two additional destroyers. (See attached map.)

-The battle staff of the U.S. Strike Command at McDill Air Force Base in Florida has been activated to monitor the situation.

-Appropriate contingency plans for Europe and the Middle East are currently being reviewed.

-I am convening a senior WSAG meeting at 11:30 this morning to complete alternative politico-military contingency scenarios for the crises.

How Events May Evolve

1. A major factor will be whether Rochat has indeed succeeded in slipping the deadline.

2. Whatever the timing, it seems likely that Rochat in his negotiations will be confronted with a Fedayeen demand that Israel release some of the Fedayeen prisoners it holds. At that point pressures will develop in two directions:

-There will be pressure on the British, Swiss and Germans to break the multi-national front and bargain for the release of their passengers. The U.S. would be under pressure not to jeopardize the lives of some passengers for the sake of others.

-There will be pressure on Israel (to some degree from the three European governments and presumably from the U.S.). Rochat may be able to suggest to Israel some broadening of the exchange. [You will recall that this was the eventual solution in the TWA hijacking case a year ago.]

Attachment: Map

Memorandum From the President's Assistant for National
Security Affairs (Kissinger) to President Nixon,
Washington, September 9, 1970

Kissinger provided the President with an evening status
report on the hijacking situation.

MEMORANDUM
THE WHITE HOUSE
WASHINGTON
INFORMATION
MEMORANDUM FOR THE PRESIDENT
FROM: Henry A. Kissinger

SUBJECT: Evening Report on the Hijacking Situation

Below are described the main developments since my mid-day memorandum to you on the aircraft hijacking situation.

Passengers, Aircraft and Negotiations

Red Cross representative Rochat reports that:

-The deadline on the ultimatum has now been "postponed" with no specific expiration. The negotiations are now considered to be open as far as time is concerned and he anticipates a very long negotiating process.

-The situation is "extremely serious." He hopes that a clear position will emerge from the PFLP side by tomorrow morning, although he considers their demands to remain "extremely tough." He will meet with them again "very early" tomorrow morning.

-The passengers on all three aircraft are safe and the Red Cross has a medical team permanently on the site. A second Red Cross plane with unspecified supplies has been requested.

-He may have reason to call on the U.S. for unspecified support on short notice.

Our embassy reports that things are now relatively quiet at the hotel where the passengers removed from the aircraft are staying. Morale seems to be reasonably good given the strain of the situation. Earlier in the day they had to take shelter in the basement when heavy fighting broke out in the vicinity.

With the addition of the hijacked BOAC aircraft today, there are now some 300 hostages at the airstrip where the planes are being held. The BOAC plane has some 105 passengers including 3 U.S. citizens and 24 unattached children.
Situation in Amman

The fighting in Amman seems to have died down this afternoon after the more moderate fedayeen leaders responded favorably to a call by Army Chief of Staff Haditha for all sides to observe a cease-fire. It seems quite possible, however, that this is only another overnight lull.

The embassy reports that so far there have been no injuries among local American residents. Three embassy personnel, however, are missing and presumably being held by the guerrillas.

U.S. Actions

The UN Security Council is expected now to meet this evening. It was originally scheduled-at our request-to meet this afternoon but the pre-meeting consultations have dragged on longer than expected. We are working for a resolution calling for the immediate release of the passengers and crews and urging that all possible measures be taken to insure against further hijacking or interference with international aviation.

We are still working with the Swiss, Germans and British to maintain a common front against the fedayeen demands and efforts to split us. We have also informed the Israelis that we find the message they asked us to forward to King Hussein to be unnecessarily threatening (it held his government fully responsible) and suggest they use their own direct channels to the Jordanians.

Memorandum For the President, Washington, September 10, 1970

A proposal for the President's approval for a program to deter future hijacking of U.S. aircraft approved by the FAA, the airline industry, the appropriate departments and agencies—including State—and domestic and international airline organizations.

THE WHITE HOUSE
WASHINGTON
ACTION
Aircraft Hijacking
September 10, 1970
MEMORANDUM FOR THE PRESIDENT

Attached at Tab A is an outline of the program which can be announced by you to deter future hijacking of U.S. aircraft.

Attached at Tab B is a draft of a Presidential Statement on this program.

(This program was developed at a series of September 9 meetings of all relevant agencies in the White House and was approved by all participants at a September 9 meeting of industry representatives at the FAA. The program has specifically been approved by the Departments of State, Defense, Treasury and Transportation, the FAA, the CAB, the Airline Pilots Association of America, the Air Transport Association (made up of domestic airlines), the Deputy Director of IATA (made up of international airlines) and TWA and Pan American. The International Federation of Airline Pilots Associations has opposed guards on airplanes on the basis of which Attorney General Mitchell has indicated reservations.)

The four major problems relating to the program are:

- (1) how extensive will be the use of armed guards,
- (2) who will pay the costs,
- (3) what will be the timing and the detail of the announcement, and
- (4) what potential liability will the Federal Government incur.

(1) The U.S. airlines employ 2300 crews to service international flights (excluding Canada). To put guards on all these flights, assuming an average of 2 1/2 per plane, would require 7,750 men. A substantially larger number of crews man domestic flights which are capable of being hijacked, as proven by the domestic TWA flight hijacked to Italy. The FAA is designing a distribution pattern for guard use, which will be relatively heavy for flights susceptible to hijacking and light for non-susceptible flights.

(2) Fares on international flights are set by IATA, and no tax is charged on these fares. If the U.S. international airlines are able to get IATA approval for a fare increase to cover the cost of guards, they will be charging a rate higher than their competitors. Because the U.S. is a prime target of Arab hijackers due to its support of Israel, Pan Am and TWA believe they will lose a substantial portion of their international traffic in any event. Both airlines are currently operating at a loss, and are in no position to carry the cost of guards or to unilaterally increase the cost of service.

Secretary Laird is of the opinion that the Congress will not allow this cost to be borne by the general revenues, in that it is for the benefit of the minority who travel by air. Bryce Harlow, while skeptical about the program, disagrees with Laird's conclusions but recommends that Congressional leaders be checked with on this point.

(3) TWA and Pan Am strongly urge that no Presidential announcement be made until the deterrent system is in place. They fear that the hijack teams, if alerted that guards are going to be put on planes in the near future, will attempt additional hijackings immediately. The airlines will need only one day to indoctrinate the 125 available trained agents, and the agents can be on international flights by the weekend. A Presidential announcement Friday afternoon should meet the airlines' requirement.

Because the initial guard contingent will be relatively small, because all flights will never be covered, because we may wish to phase the program out quietly, and because its effectiveness depends on secrecy, no details on the guard program should ever be made public beyond your initial announcement.

(4) The U.S. Government may be liable for substantial claims as a result of the guard program. If a guard injures a passenger, or a plane is lost, suits will be brought against the Federal Government. The Justice Department is currently considering the extent of this possible liability and ways to limit it.

I recommend that you:

Authorize Congressional contacts regarding financing of armed guards.

Approve

Disapprove
Other

Memorandum From the President's Assistant for National
Security Affairs (Kissinger) to President Nixon,
Washington, September 10, 1970

Kissinger reported that the hijackers' deadline had been
extended by 72 hours and the situation in Amman was
becoming very tense.

MEMORANDUM
THE WHITE HOUSE
WASHINGTON
INFORMATION
September 10, 1970
MEMORANDUM FOR THE PRESIDENT
FROM: Henry A. Kissinger

SUBJECT: Morning Report on Hijacking Situation

Below are described the main developments since yesterday evening on the hijacking situation.

Passengers, Aircraft and Negotiations

Red Cross representative Rochat reports that:

- The deadline on the ultimatum has been extended by the PFLP for an additional 72 hours. Presumably it would now expire at 10 p.m. EDT on Saturday.
- The number of Palestinians in Israeli hands whose release is being demanded by the PFLP is "very high indeed."
- He anticipates negotiations that may carry on for "several weeks."
- He is "most interested" in what the U.S. action might be in a "final crash."

For the first time, in a series of discussions with Rochat, an Embassy officer detected a note of real pessimism creeping into his attitude.

Although the deadline has been extended the lives of the passengers are still very much in danger. The fedayeen, apparently nervous over the possibility of outside intervention, have told Rochat that if there is any foreign military action in Jordan the three planes and all their occupants will be blown up. An attack on the hotel in Amman where some of the passengers are staying is also possible. Heavy fighting broke out in the vicinity of the hotel last night and the building took several direct hits, although apparently none of the guests were injured. Our Embassy in Amman also points out that the status of the passengers is shifting from that of pawns in a terrorist publicity game to that of instruments being used by the fedayeen in a political struggle with the Jordanian Government.

Situation in Amman

A pooled dispatch by several U.S. correspondents reflects continued fighting in Amman during the early morning hours. Guerrilla and the security forces were trading shots and fighting was going on in several areas of the city, including at the airport. Many houses are said to have been destroyed.

The Embassy reports that King Hussein still appears unwilling to take the final military confrontation with the fedayeen. They continue to believe, however, that the army would come out on top, even if the Iraqis joined the fedayeen.

Diplomatic Situation

The UN Security Council met for a short session last evening to approve, by consensus, a resolution expressing grave concern at the hijackings, and calling for the release of the passengers. The resolution also called for all possible legal steps to be taken to ensure against further hijackings and other interference with international travel. Ambassador Yost notes that the resolution puts both the Soviets and the Syrians squarely and unequivocally behind the appeal for the release of the hostages.

Telegram 1857 From the Mission to the United Nations to
the Department of State, September 10, 1970, 0014Z

The telegram transmitted the text of a UN Security
Council resolution that expressed grave concern about the
hijackings.

Department of State
TELEGRAM
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC 2299
INFO AMEMBASSY ALGIERS
AMEMBASSY BEIRUT
AMEMBASSYBERN
AMEMBASSY BONN
AMEMBASSY.LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
AMEMBASSY TEL AVIV
USINT CAIRO
USMISSION GENEVA
AMCONGEN JERUSALEM

SUBJ: HIJACKING

1. TEXT OF CONSENSUS RES AS ADOPTED UNANIMOUSLY:

"THE SECURITY COUNCIL," GRAVELY CONCERNED AT THE THREAT TO INNOCENT CIVILIAN LIVES FROM THE HIJACKING OF AIRCRAFT AND ANY OTHER INTERFERENCE IN INTERNATIONAL TRAVEL.

"APPEALS TO ALL PARTIES CONCERNED FOR THE IMMEDIATE RELEASE OF ALL PASSENGERS AND CREWS WITHOUT EXCEPTION, HELD AS A RESULT OF HIJACKINGS AND OTHER INTERFERENCE IN INTERNATIONAL TRAVEL,

"CALLS ON STATES TO TAKE ALL POSSIBLE LEGAL STEPS TO PREVENT FURTHER HIJACKINGS OR ANY OTHER INTERFERENCE WITH INTERNATIONAL CIVIL AIR TRAVEL."

2. TEXT OF STATEMENT TO PRESS BY AMB YOST ON SC ACTION:

"THE UNITED STATES CALLED FOR AN URGENT MEETING OF THE SECURITY COUNCIL TO DEAL WITH THE RECENT HIJACKINGS IN THE MIDDLE EAST BECAUSE WE WERE DETERMINED TO TAKE EVERY POSSIBLE STEP TO PROTECT THE LIVES OF THE INNOCENT VICTIMS AND BECAUSE WE FELT THAT THE COUNCIL HAD A RESPONSIBILITY TO ACT WHEN FACED WITH THIS AGGRAVATION OF THE ALREADY SERIOUS SITUATION IN THE MIDDLE EAST.

AS PRESIDENT NIXON STATED IN HIS ADDRESS TO THE LAST GENERAL ASSEMBLY SECURITY THE SAFETY OF AIR TRAVEL IS AN ISSUE REGARDING WHICH "THERE SHOULD BE NO NATIONAL DIFFERENCES."

IT WAS IN THAT SPIRIT THAT THE COUNCIL ACTED TODAY. WE ARE DEEPLY GRATIFIED THAT THE COUNCIL DECIDED TO CALL FOR THE IMMEDIATE RELEASE OF ALL PASSENGERS AND CREWS WITHOUT EXCEPTION HELD AS A RESULT OF HIJACKINGS. WE TRUST THAT THOSE TO WHOM THIS APPEAL IS ADDRESSED WILL PAY HEED TO THE UNANIMOUS VOICE OF THE PRINCIPAL ORGAN OF THE UNITED NATIONS, SPEAKING I AM SURE FOR THE WHOLE COMMUNITY OF NATIONS."

YOST

Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon, Washington, September 10, 1970

Kissinger provided the President with a midday report on the hijacking/hostage situation, noting that the PFLP was provisionally prepared to release women, children, and the sick in return for fedayeen in British, German, and Swiss custody.

MEMORANDUM
THE WHITE HOUSE
WASHINGTON

September 10, 1970 INFORMATION MEMORANDUM FOR THE PRESIDENT FROM: Henry A. Kissinger
SUBJECT: Evening Report on Hijacking Situation

The Negotiations

As you are aware from my mid-day report, the Palestinians have made a counter proposal to the Red Cross representative stating that they are willing to release the women, children and sick passengers in return for the release of the seven fedayeen held prisoners by the British, Germans and Swiss. The remaining male hostages, according to this offer, would be released in exchange for an as yet unspecified number of fedayeen held by the Israelis.

The purpose of this counter-offer was apparently to get the UK, Switzerland, West Germany and U.S. off the hook of discriminating against Israelis. It would also make non-Israeli nationals hostages for the Israeli-held fedayeen for the first time, thereby maximizing pressure on Israel.

Before that counter-proposal was discussed at a meeting of the five governments involved with the Red Cross this afternoon in Bern, Israeli Foreign Minister Abba Eban sent a private message to Foreign Minister Home to the effect that if the Americans, Swiss, British and Germans would continue to act together holding out for the release of all passengers, Israel would reconsider its position on release of some of its fedayeen prisoners. This is in sharp contrast to the hard line the Israelis are taking in public. Mrs. Meir may, however, have been paving the way for a change in the Israeli position when she said the situation had deteriorated to the point where the world could only "pay ransom and liberate criminals."

At the meeting in Bern this afternoon, the Red Cross representative opened with a hard position against the Palestinian offer, terming it discriminatory. The U.K., Swiss and West German representatives then followed suit. Then the British representative turned to the Israeli and said that it is now time to know the Israeli position on the principal of exchanging fedayeen prisoners for the passengers. The Israeli representative said he was without instructions; he was requested to get instructions and return to another meeting of the group at 6 p. m. EDT this evening. The British will also request discussion this evening of a proposal to put a UN force in the area near Amman where the hijacked planes are located.

Situation in Amman

The Jordanian government and the fedayeen central committee have arranged another cease-fire--the fourth this week. It seems to have held up fairly well throughout the afternoon and there have been no reports of heavy fighting. This could be a critical turning point since, [less than 1 line not declassified] this is the last agreement King Hussein intends to make. He reportedly believes that if this cease-fire agreement breaks down there would be no point in any further attempts to negotiate.

Another one of our missing embassy officers has turned up safe. He was returned to the embassy after being detained by the fedayeen. This means that only one U.S. official is still in the hands of the fedayeen.

Memorandum From the President's Assistant for National
Security Affairs (Kissinger) to President Nixon,
September 10, 1970

Kissinger provided the President with an evening report
on the hijacking situation and provided an analysis of
the PFLP's proposal.

INFORMATION
MEMORANDUM FOR THE PRESIDENT FROM: Henry A. Kissinger

SUBJECT: Mid-Day Report on Hijacking Situation

The following are the major developments since my memorandum to you this morning on the hijacking situation:

Negotiations and Passengers

The negotiations for the release of the hostages seem to have reached a critical stage. The fedayeen leaders apparently began to panic when the rumors of military intervention reached them this morning and began taking a series of uncoordinated decisions. There is considerable confusion in Amman and the situation appears extremely fluid, but here is the latest report from Red Cross representative Rochat:

--"Fantastic tension" reigns at the PFLP headquarters and "we are seeing these people as they really are -- angry and desperate." He is trying to calm them and has made an appeal to reestablish the previous negotiating position and avoid reacting to rumors.

--He fully anticipates that the PFLP will take some action to demonstrate the seriousness of their intent. The PFLP will give him certain "warning measures" this afternoon.

--The three aircraft have been wired for bombing, but the passengers have been removed from them. The passengers are still, however, at the landing strip. Rochat is "nearly convinced" that they will not come to immediate harm and hopes to learn more about what can be done this afternoon.

--The PFLP has sanctioned the evacuation from Jordan of the passengers presently at the hotel in Amman with "no conditions" attached. A first group of 66 has already been evacuated by air from Jordan and are headed for Cyprus.

-- The deadline on the ultimatum has been cancelled and no new deadline has been announced.

The Germans are again showing some indications of breaking away from the multinational approach. A high official of Chancellor Brandt's SPD is reportedly to be sent to Amman to make contact with the PFLP. We are making a forceful representation direct to Chancellor Brandt, if possible, urging the Germans to desist from making any special deal and to recall his emissary or at least instruct him to deal only with Red Cross representative Rochat.

An earlier report of a further hijacking has proved false.

Situation in Amman

The cease-fire reached yesterday appears to be holding up fairly well so far. The situation is still very tense, however, and new fighting could break out at any time

Memorandum From the President's Assistant for National
Security Council (Kissinger) to President Nixon,
September 11, 1970

Kissinger provided the President with a midday report on
the hijacking situation suggesting that the negotiations
reached a critical stage, and "fantastic tension" existed
within the PFLP.

INFORMATION
MEMORANDUM FOR THE PRESIDENT FROM: Henry A. Kissinger

SUBJECT: Mid-Day Report on Hijacking Situation

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--He fully anticipates that the PFLP will take some action to demonstrate the seriousness of their intent. The PFLP will give him certain "warning measures" this afternoon.

--The three aircraft have been wired for bombing, but the passengers have been removed from them. The passengers are still, however, at the landing strip. Rochat is "nearly convinced" that they will not come to immediate harm and hopes to learn more about what can be done this afternoon.

--The PFLP has sanctioned the evacuation from Jordan of the passengers presently at the hotel in Amman with "no conditions" attached. A first group of 66 has already been evacuated by air from Jordan and are headed for Cyprus.

-- The deadline on the ultimatum has been cancelled and no new deadline has been announced.

The Germans are again showing some indications of breaking away from the multinational approach. A high official of Chancellor Brandt's SPD is reportedly to be sent to Amman to make contact with the PFLP. We are making a forceful representation direct to Chancellor Brandt, if possible, urging the Germans to desist from making any special deal and to recall his emissary or at least instruct him to deal only with Red Cross representative Rochat.

An earlier report of a further hijacking has proved false.

Situation in Amman

The cease-fire reached yesterday appears to be holding up fairly well so far. The situation is still very tense, however, and new fighting could break out at any time.

Telegram 4591 From the Embassy in Jordan to the Embassy
in Switzerland, September 11, 1970, 1315Z

Chargé O Dell saw no point in approaching Jordanian
authorities or Arab League officials for assistance
because governments could only minimally influence the
hijackers. He recommended against any military action.

Department of State
TELEGRAM
111315Z SEP 70
FM AMEMBASSY AMMAN
TO AMEMBASSY BERN

INFO SECSTATE WASHDC IMMEDIATE 1097
AMMAN 4591

1. YOUR MESSAGE RECEIVED THROUGH BEIRUT COULD ONLY BE REMITTED TO ME IN FULL YESTERDAY DUE TO HEAVY FIGHTING IN AMMAN TA WEDNESDAY. TAKING INTO CONSIDERATION EXPLOSIVE POLITICAL SITUATION HERE AND THE FACT THAT EXTREMIST PALESTINIAN ORGANIZATION WHICH HOLDS PLANES AND PASSENGERS OR CAN ONLY BE MINIMALLY INFLUENCED BY ANY GOVERNMENT INCLUDING ARAB GOVERNMENTS, I CONSIDER IT USELESS AT TIME BEING TO CONTACT JORDANIAN AUTHORITIES OR ARAB LEAGUE MISSION IF STILL IN AMMAN. AS I SUPPOSE YOU HAVE BEEN INFORMED BY ICRC AND OTHER INTERESTED GOVERNMENTS OF PRESENT SITUATION AND CONDITIONS PUT BY PFLP TO ROCHAT, I CONSIDER ESSENTIAL TO AVOID FURTHER ENDANGERING LIVES OF PERSONS WHOSE XMSRND THAT THERE BE ABSTENTION ON ANY COUNTER MEASURES, MILITARY OR OTHERS. ACCORDING TO ROCHAT'S OPINION AND TO HIS LATEST DISCUSSIONS WITH PFLP LEADERS IT IS DOUBTFUL THAT THE LATTER WILL ACCEPT COMPROMISE OTHER THAN DELIVERY IN AMMAN OF SEVEN FEDAYEEN PLUS BODY OF KILLED MAN BEFORE EVACUATION OF ALL WOMEN, CHILDREN, AND SICK MEN FROM JORDAN FOR WHICH PFLP SEEMS READY TO GIVE A WRITTEN ENGAGEMENT

CONDITIONS FOR RELEASE OF REMAINING BEING DISCUSSED AT LATER DATE. IT APPEARS THAT IN CASE OF WORSENING SITUATION IN AMMAN SUCH A SOLUTION WOULD PERMIT TO EVACUATE THIS GROUP ON PURE HUMANITARIAN REASONS WITHOUT DISCRIMINATION OF ORIGIN OR RELIGION. ACCORDING TO ICRC DOCTOR, HIS MEDICAL TEAM WAS ORDERED TO LEAVE IMMEDIATELY AIRFIELD DURING THE NIGHT AND SUPPLIES BEING BROUGHT THIS MORNING ON TRUCKS FROM SECOND BALAIR PLANE HAD TO BE RETURNED TO AMMAN. MOREOVER, ACCORDING TO INFORMATION RECEIVED BY ROCHAT A SHORT TIME AGO, PALESTINIAN RED CRESCENT SOCIETY HAS BEEN ORDERED BY PFLP TO EVACUATE FROM THIS AIRFIELD TO HOTELS IN AMMAN ALL REMAINING PASSENGERS AND CREWS. ONE CAN CONCLUDE THAT PFLP INTENDS TO BLOW UP THE THREE PLANES, STARTING WITH TWA PLANE. THIS TRANSFER WILL CREATE ACCOMMODATION DIFFICULTIES AS HOTELS ARE ALREADY FULL. ALTHOUGH PARTIAL EVACUATION AS DESCRIBED ABOVE AGAINST PREVIOUS RETURN OF SEVEN FEDAYEEN MAY SEEM AT A DISTANCE AS GIVING UP TOO EASILY TO PFLP DEMANDS, I THINK THAT TAKING INTO CONSIDERATION PRESENT CONDITIONS OF PASSENGERS AND LOCAL POLITICAL SITUATION WHICH COULD WORSEN AT ANY MOMENT, THIS SOLUTION BASED UNIQUELY ON HUMANITARIAN GROUNDS WOULD AVOID A MUCH HARDER POSITION OF PFLP IF NOT ACCEPTED. ACCORDING TO ICRC TEAMS WHO HAVE VISITED PLANES IN LAST FEW DAYS REMAINING PASSENGERS IN SWISSAIR PLANE ARE REPORTED WELL, TAKING INTO CONSIDERATION CONDITIONS IN WHICH THEY HAVE HAD TO LIVE. AS NOTHING SPECIAL REPORTED ON CARITAS PRESIDENT, I SUPPOSE HE IS WELL. SHALL REPORT ANY FURTHER DEVELOPMENTS. DUBOIS SENDS. ODELL

Information Memorandum Prepared in the Department of
State, September 12, 1970

The memorandum provided a summary of international U.S.
anti-hijacking efforts.

DEPARTMENT OF STATE
Washington, D.C. 20520
September 12, 1970

INFORMATION MEMORANDUM

SUBJECT: Status of International Action Re Hijacking

At present there are United States initiatives in the following areas, in addition to attempts to free the hostages in Jordan and the Security Council action on hijacking taken this week:

(i) Tokyo Convention. This convention provides interalia for the prompt return of the hijacked aircraft, passengers and crew. The ICAO Assembly and UNGA have passed resolutions urging States to become parties. ICAO Assemblies have also called upon States to put this provision of the Convention into effect even before becoming parties. The United States and 28 other countries are parties to the Tokyo Convention now. Argentina has just ratified but not deposited its instrument of ratification.

(ii) Hijacking Convention. A conference of governments is scheduled to begin December 1 at The Hague to consider the Legal Committee draft convention on unlawful seizure which provides for the extradition or punishment of hijackers. As drafted, it should have widespread acceptance. The June ICAO Assembly recommended the addition of an article providing for reports to the ICAO Council on seizure incidents, including disposition of the offender. In addition, in view of recent events some further strengthening may be possible, e.g., priority in extradition to the State of registration, presumption that hijacking is a common crime, clearer obligation to prosecute.

(iii) Other Acts Convention. The ICAO Legal Committee meets in London beginning September 29 to prepare a convention to punish acts of violence other than hijacking against civil aircraft. It looks like this convention will be largely patterned on the Hijacking Convention (in order to expedite action) but one open question is the kinds of acts, in addition to sabotage of aircraft which should be covered -- for example, acts directed against airports serving international civil aviation.

(iv) ICAO Council Special Meeting. Upon release of the President's message on September 11, we called for a special meeting of the ICAO Council for September 18. Preliminary discussion of an agenda identified the following items and U.S. positions;

(a) Concerted action to terminate air services with countries that refuse to extradite or punish hijackers whose acts constitute international blackmail by (1) Council resolution and/or (2) new conventions to be examined at Legal Committee meeting. Enlargement of the agenda of the Legal Committee meeting in London to include matters in addition to the "other acts" convention, e.g., strengthening of the hijacking convention, sanctions, etc.

(b) Acceleration of State's implementation of the security recommendations of the 1970 Extraordinary Assembly.

(c) Strengthening means for exchanging information and cooperation on surveillance techniques.

(d) Acceleration of the conference of governments merits on the hijacking convention.

(v) OAS Kidnapping Convention. Reports from the U.S. Representative at the Commission of Jurists indicate some sentiment by Latin countries to include hijacking in the acts of terrorism to be covered by the convention being drafted there. The effect of OAS action on the ICAO Convention and vice versa (inconsistencies) should be considered.

Memorandum From the President's Assistant for National
Security Council (Kissinger) to President Nixon,
September 12, 1970

Kissinger provided the President with an update on the hijackers' demands. He noted that the three hijacked aircraft had been blown up after the removal of all passengers. The hijackers announced that all but 40 hostages had been released and were free to leave Jordan. Kissinger also mentioned that the ICRC was withdrawing from its role as negotiator.

MEMORANDUM
THE WHITE HOUSE
WASHINGTON INFORMATION
MEMORANDUM FOR THE PRESIDENT FROM: Henry A. Kissinger

SUBJECT: Afternoon Report on the Hijacking Situation

The following are the major developments on the hijacking situation since I informed you of the destruction of the aircraft this morning.

The Passengers

Our embassy in Amman is able to confirm that all of the passengers were off the hijacked aircraft when they were blown up and that none were apparently injured by the explosions. The PFLP has announced that all except forty of the passengers, have been released and are free to leave Jordan. The remaining forty hostages are identified in press reports as 23 Israelis or dual Israeli/U. S. nationals, including five Israeli women; 6 Swiss; 6 West Germans and 5 British nationals.

We do not know where the PFLP is holding the forty remaining hostages, although according to some reports they have been taken into the desert outside of Amman. The embassy, however, is able to confirm that the other passengers have arrived in Amman and plans are being made to evacuate them from the country as soon as possible. We have no reports of any additional evacuation flights today.

The Negotiations

There is still confusion as to precisely what demands the fedayeen are making at this point for the release of the remaining forty hostages. This stems in large part from the lack of any effective control over the fedayeen collectively or individually.

Just prior to the destruction of the hijacked aircraft the high command of the fedayeen movement modified their demands to read as follows:

- "a. Swiss citizens (with the exception of those listed below) and the Swiss aircraft would be released in return for the release of the three fedayeen held by the Swiss Government.
- b. British citizens (with the exception of those listed below) to be released in return for the release of Leila Khalid and the body of her companion.
- c. German passengers (with the exceptions listed below) will be released in return for the three fedayeen held in Germany.
- d. All Americans (with the exceptions below) will be released.
- e. Exceptions to the above are: six Swiss passengers, six UK passengers and six German passengers to be held as hostages until the respective fedayeen counters arrive in Amman. Israelis of 'military status' and dual nationals of 'Israeli military status' to be hostage pending agreement on the exchange of prisoners with the Government of Israel."

In addition, the Red Cross representatives were informed that the fedayeen intention was "that the respective Governments should make a choice of hostages."

On the basis of these demands, the Red Cross representatives told the fedayeen high command the Red Cross was withdrawing from its negotiating role and were leaving Amman immediately. They could not, said the Red Cross, negotiate the release of the hostages on a country-by-country basis. Later on a Red Cross representative told a joint UK-U. S.-German embassy meeting that the Red Cross would not be a participant in a "blackmail" deal or serve as an intermediary in deals with separate countries.

Our charge in Amman has persuaded the Red Cross representatives to stay on in Amman until the governments have had time to react and consult in Bern.

The charge notes that his impression is that the Red Cross move is partly tactical and they may hope it will pressure the PFLP -- the controlling element of the fedayeen -- into a more acceptable position. He feels, however, that as a result of

this development the solidarity of the five powers may be coming apart, at least in Amman. The Germans especially seem nervous than before and Chancellor Brandt's special emissary, despite our demarche, has arrived in Amman and has already been talking privately with the fedayeen leaders. The German charge, moreover, says he thinks that the presence of this individual signals an early German decision to go it alone. The Swiss, of course, are holding firm and are taking the position that no evacuation should take place at present.

Situation in Amman

As of late this afternoon Amman was quiet but tense. During the day there were only a few exchanges of light weapons fire. This may only, however, be the calm before the storm since King Hussein reportedly intends to bring sizeable units of the Jordan Army into Amman within the next several days to insure implementation of the cease-fire agreement. This decision, [less than 1 line not declassified] is based on two main considerations: (a) the fact that the army will not be satisfied with another paper agreement which is not implemented; and (b) the fact that Hussein does not believe, despite the present relative quiet, the fedayeen can or will satisfactorily implement the agreement.

Although he may have no alternative if he is to continue to rule, the obvious danger with Hussein's plan is that it could very easily trigger the bloody and destructive showdown with the fedayeen that he has been trying so hard to avoid. [less than 1 line not declassified] the King's chief advisers are cautioning him against such a drastic move in the expectation that the fedayeen can be induced and pressured to implement the recent agreement. But the King's patience is almost at an end, and despite their efforts, they doubt he can or will compromise. He will have to consider -- as last June -- whether to hold his move until after all the hostages from the hijacked aircraft are released and evacuated from Amman, since otherwise their lives would be in danger.

Telegram 149944 From the Department of State to the Embassies in Switzerland, the Federal Republic of Germany, the United Kingdom, Jordan, Lebanon, and Israel, and the Consulate in Geneva, September 13, 1970, 1908Z

The Department encouraged stocktaking of the hijacking situation and provided advice to all recipient posts to continue the "cool, prudent approach" in maintaining the unity of the group negotiating with the PFLP.

Department of State
TELEGRAM

ACTION: AMEMBASSY BERN IMMEDIATE
AMEMBASSY BONN AMEMBASSY LONDON
AMCONGEN GENEVA
AMEMBASSY AMMAN AMEMBASSY BEIRUT
AMEMBASSY TEL AVIV

STATE

SUBJ: Hijacking

1. It is time to take stock of where we stand on this problem. We have passed through Phase One when the possibility of a package deal involving all passengers and aircraft might have been feasible. Fact that all but 50 have been released, and split in fedayeen ranks, presents us with new situation. There is question of continuing ICRC role, possible role of GOJ in this situation, and possible eventual Israeli "contribution" to any solution.

2. The Palestinians seem still bent on moving towards a solution which splits the Europeans from the Israelis and Americans. The price for the European hostages has already been budgeted by the Europeans who will at early time recognize that their people are being used in an effort to obtain the release of Americans and Israelis. It will be increasingly more difficult to maintain a united front under these circumstances, though this is the all important and continuing objective of our policy as best way to secure release of all remaining hostages.

3. The U.S. [U.K.](Greenhill) has already indicated belief that the U.S. contribution to a solution would be to persuade the Israelis to give up Palestinian prisoners in order to complete the exchange.

4. It is evident that the Israelis recognize that they will have to participate (they have already indicated willingness to release two Algerians and some Israeli diplomats have hinted at something more). At the same time the GOI must maintain its stand on principle. It seems therefore that the Israelis will not act until (a) the Palestinians make precise demands, and in particular submit a specific list of fedayeen prisoners, and (b) they can cite overwhelming pressure (especially from U.S.) forcing them to take part in the exchange.

5. For the next day or so, we cannot know clearly how to proceed until some of the following elements clarify. In particular we need to know:

- a. Precisely which prisoners the PFLP wish returned to Israel;
- b. The security situation in Amman and the Capacity of GOJ to be helpful;
- c. The length of time the Europeans would be pre-pared to negotiate in common without breaking ranks;
- d. Whether the ICRC will send its top-flight negotiator back to Jordan.

6. We must continue the prudent, cool approach we have thus far followed successfully. Unity of group continues to be essential as we await concrete demands of PFLP, and we explore whether GOJ can play increasingly helpful role. We should apply maximum pressures on ICRC to stay in picture; they cannot leave as we approach crunch. We have succeeded in getting 90 percent of the prisoners; next phase is no more political, or no more "outside ICRC" humanitarian mandate than previous phase. There has been no criticism anywhere of ICRC role.

Memorandum From the President's Assistant for National
Security Council (Kissinger) to President Nixon,
September 13, 1970

Kissinger reported to the President that 350 passengers
had been removed from Jordan, but that more than 50
hostages, mostly Americans, remained in PFLP hands.

MEMORANDUM
THE WHITE HOUSE
WASHINGTON
INFORMATION September 13, 1970
MEMORANDUM FOR THE PRESIDENT FROM: Henry A. Kissinger

SUBJECT: Hijacking Situation Report -- 10:30 a. m. Sunday Morning

This morning some 350 passengers were safely evacuated from Jordan leaving some 50-60 still in PFLP hands. What is the process this morning is the shaking out of a new and perhaps more difficult negotiating situation surrounding the remaining 50-60 hostages. At this point, the Red Cross may be re-engaging in Amman, but that is not yet clear. So far the Bern group is holding firm, though reports of a separate German deal continue.

The Passengers

All passengers released by the fedayeen have now left Jordan.

Some 50-60 passengers are not yet accounted for. Most of these are believed to be still in the hands of the PFLP as hostages.

Of those 50-60, 40 are American citizens.

Of those 40 Americans, 12 are dual nationals; 16-18 others are thought to be Jewish; 4 are U.S. Government employees.

Of the non-American hostages, 6 are Swiss; 6 are Germans; 6 or 7 are presumably British.

The Negotiations

The Red Cross last night reluctantly agreed to place its negotiating role in a state of "temporary suspension" until the Red Cross negotiators could return from Amman to Bern to meet with the five-nation group there. This morning, however, the negotiators sent a message saying that their departure from Amman would be delayed because of new developments. As of 10:30 a. m. EDT we do not know whether the Red Cross has been re-engaged in negotiations by the PFLP or not.

Following last night's meeting of the Bern group, the focus has turned sharply to the question of a prisoner exchange between Israel and the PFLP. The PFLP has still not provided a list of the prisoners it wants from Israel, and Israel still adamantly refuses to agree to the principle of an exchange. Israel is, however, building counter pressures: It has informed the Algerian Government via the Swiss that it would release two Algerian officials it holds, and it has rounded up a large number of PFLP sympathizers who live on the occupied West Bank and in Gaza and who presumably have relatives in Jordan.

The British are still holding firm with the united insistence on a package deal but are pressing the Israelis hard to make a contribution to the prisoner exchange. There are press reports of a separate West German deal but no official confirmation.

The Situation in Amman

Amman remained relatively quiet this morning.

Memorandum From Harold Saunders of the National Security Council Staff to the President's Assistant for National Security Council (Kissinger), September 13, 1970

Saunders reported that the NSC was expecting new information on the hijacking situation since an ICRC representative would soon be meeting with the Bern Group.

September 13, 1970
MEMORANDUM FOR HAK

FROM: Hal Saunders

SUBJECT: Hijacking--Late Afternoon Situation Report

Sunday continues to be a day of digesting the new situation and waiting for new information on it.

The next concrete action--barring the unexpected--will be a meeting of the Bern group sometime after midnight (Bern time). At this meeting, the Red Cross representatives just back from Amman will report. The U. S. representative will make a strong pitch for keeping the Red Cross engaged in the negotiations. We understand that the Red Cross president is already inclined in the same direction, although the recommendation of the vice president who has been in Amman may modify his stand.

The kinds of information we are seeking as a basis for next decisions are:

--Exactly who are the hostages? [The Red Cross man was given a list by the Palestinians just before he left Amman. He should produce it at the meeting.]

--Where are the hostages and in whose custody are they? [There may still be a possibility, according to some reports, that the less militant Palestinians have access to them. Even Jordanian security forces may still be involved.]

--What are the fedayeen demands now? [For all the week's talk, we have never had a precise formulation. The fedayeen said they would produce one when the Israelis accepted the principle of an exchange. But now the Palestinian Red Crescent is reportedly talking about some specifics. The Red Cross representatives may shed some light.]

--How long are the Europeans prepared to negotiate without breaking ranks? [The U. S. will press tonight for continuing the united stand.]

--How can we exploit the split in the fedayeen ranks?

One emerging piece of information that may come out soon is that the slain would-be hijacker of the EI Al plane last weekend now appears to be an American by birth, although he was operating on a forged Honduran passport. This could be a complication in that his body is part of the deal already offered by the UK. If he is American, his next of kin has something to say about the disposition of the body.

Memorandum From the President's Assistant for National
Security Council (Kissinger) to President Nixon,
September 14, 1970

Kissinger reported on the results of the Bern Group
meeting with the ICRC.

MEMORANDUM
THE WHITE HOUSE
WASHINGTON
September 14, 1970

MEMORANDUM FOR THE PRESIDENT

FROM: Henry A. Kissinger

SUBJECT Hijacking Situation Report

There appears to have been little change in the situation since my memorandum to you yesterday morning. We are still in a period of uncertainty following the destruction of the aircraft, the withdrawal of the Red Cross from a mediating role and the apparent continuing confusion within the ranks of the fedayeen.

The Negotiations

The Bern Group met late last night with the Red Cross representatives who had just returned from Amman. Red Cross Vice President Freymond made the following major points to the group:

- His departure from Amman was a tactical maneuver intentionally designed as a "shock tactic" to demonstrate to all concerned that the Red Cross would not accept the PFLP approach.
- The Red Cross would continue an active role in the situation. First, and on an urgent basis, it considered its task was to identify and trace the remaining hostages. The second major task is to clarify the conditions which the PFLP is demanding for the release of the hostages. In doing this, the Red Cross will use all pressure possible on the Jordanian Government as well as work with the PFLP and other fedayeen leaders. It will also work with the Palestinian Red Crescent organization.
- None of the demands -- even those stated most explicitly -- received from the fedayeen so far can be considered binding or basic for negotiations.
- The Red Cross will continue to transfer information between both sides and see what steps the governments would wish to take next. How it carries out this role, however, would depend upon its appreciation of the situation. For now at least, neither Freymond or Rochat will be returning to Amman and the mission of the Red Cross representative remaining in Amman consists solely of protecting the hostages and visiting them.

Our representative to the Bern Group comments that, although the Red Cross role is diminished, it is probably adequate for the job. Perhaps more importantly, Freymond's expose has probably bought another 48 hours solidarity in the positions of the western powers.

The Israelis are still maintaining their hard line toward negotiating with the fedayeen. Last night Israeli Transportation Minister Peres went so far as to publicly state that if the remaining hostages are not released the use of force, in "the limited and more precise sense of the word," could not be excluded. On Sunday the Israelis rounded up some 450 Arabs within their borders suspected of having connections with the PFLP. According to press reports, the Israeli strategy is to increase the pressure on the PFLP to release the remaining hostages.

The Passengers

We have little further information on the remaining hostages. All of the some 55 hostages (38 now believed to be Americans) are still believed to be in Amman. There are reports that several more hostages will be released today.

The Situation in Jordan

There have been no reports of fighting inside Jordan this morning. Yesterday, however, there reportedly was a major clash between the fedayeen and security forces in the northern part of the country.

Telegram From the Department of State to the Embassies in
Jordan and Switzerland, September 14, 1970, 1658Z

The Department agreed with the view that the Jordanian
Government should assume a greater role in the hostage
crisis.

Department of State

TELEGRAM

14 SEP 70

Amembassy AMMAN. IMMEDIATE

ACTION:

Amembassy BERN. IMMEDIATE

INFO:

Amembassy BONN- IMMEDIATE Amembassy LONDON IMMEDIATE Amembassy TEL AVIV.-IMMEDIATE USUN NEW YORK IMMEDIATE

STATE

REFS; BERN 2248; AMMAN 4693, AMMAN 4708

We agree with Freymond and Amembassy Amman recommendation that Jordanian Government should be encouraged assume greater role in next few days. Specifically GOJ should be able, through its high-level contacts with PLO/Fatah as well as other Palestinian groups, to locate and verify identification hostages as well provide us with any info that may come to them re demands being made for their release. However, we feel strongly ICRC, as confirmed in last night's Bern meeting, should be negotiating instrumentality. Is our wish to concert more closely with GOJ in this phase.

Memorandum From the Legal Advisor (Stevenson) to
Secretary of State Rogers, September 15, 1970

Stevenson briefed Rogers on three anti-hijacking
initiatives to be discussed at the ICAO meeting in
Montreal on September 18.

DEPARTMENT OF STATE
THE LEGAL ADVISER
September 5, 1970
TO: The Secretary THROUGH: S/S
FROM: L - John R. Stevenson

SUBJECT: Aircraft Hijacking -- Special Session of ICAO

I have asked for a meeting with you this afternoon at 2:30 to discuss our initiatives at ICAO (International Civil Aviation Organization). Charles Butler, Permanent U.S. Representative to ICAO, John Meadows, Director, Office of Aviation, Joe Sisco, John Rhinelander, Deputy Legal Adviser and I will attend.

The ICAO Council has scheduled a special Session on Friday, September 18, at 10 A.M. in response to our letter we sent to the President of the Council as directed by the President in paragraph 5 of his statement of September 11 (Tabs A and B, respectively). An interagency group has recommended that the only document the U.S. should submit in advance is a draft resolution calling for (a) joint action to suspend service and (b) preparation of a sanctions convention.

A draft resolution for adoption by the ICAO Council is attached (Tab C).

If approved by you, we would propose (1) to send a copy of the draft resolution to our ICAO office in Montreal immediately to begin informal discussions with ICAO Council members and (2) to cable the text to friendly capitals with ICAO Council members to enlist the strongest support possible. Even if the ICAO Council meets on Saturday, September 19, it is unlikely that any resolution will be adopted prior to the following week.

I would like to raise three issues with you this afternoon:

(1) Whether our call for joint action to suspend service should be phrased so that it could apply to the present situation in the Middle East. The present draft could apply, for example, in the event the UAR fails to extradite or prosecute the hijackers who destroyed the PANAM 747 in Cairo and would also apply to Jordan if we were to conclude that Jordan was not taking appropriate steps to facilitate the release of passengers and crews still held.

(2) Whether the U.S. should attempt to have the ICAO Council Session public rather than private. The inter-agency group which has reviewed our proposed resolution strongly recommends that we seek a public session and that the statement of the U.S. representative, together with the text of the proposed U.S. resolution, be released to the press in Washington (probably on Friday).

(3) Whether a high level Presidential appointee from Washington should initially present the U.S. position in ICAO. While the presence of a representative from Washington probably will neither help nor hinder whatever success we might have in achieving a successful resolution in ICAO, it could be important for domestic reasons to indicate the Administration's concern. On the other hand, the U.S. has never replaced its representative to ICAO for any Council session. If a representative from Washington were to make the initial statement, I believe it important that the follow-on efforts should be conducted by Mr. Butler.

Attachments

TAB A - Letter to Pres., ICAO
TAB B - President's Statement of September 11
TAB C - Draft U.S. resolution

Telegram 153122 From the Department of State to the
Embassy in Lebanon and Other Posts, September 17, 1970,
2232Z

The telegram consists of excerpts from Secretary of
Transportation Volpe's statement that was to be delivered
before the ICAO council.

Department of State
TELEGRAM '
17 SEP 70
Amembassy BEIRUT PRIORITY
BOGOTA
BONN
BRUSSELS
BUENOS AIRES
CANBERRA
COPENHAGEN
DAKAR
DAR ES SALAAM
DJAKARTA
GUATEMALA
LAGOS
LONDON
MADRID
MEXICO
NEW DELHI
OTTAWA
PARIS
PRAGUE
RIO DE JANEIRO
ROME
THE HAGUE
TOKYO
TUNIS

STATE

SUBJECT: SPECIAL MEETING OF ICAO COUNCIL RE AIRCRAFT HIJACKING

REF: STATE 151211

Following are excerpts from statement which will be made by Secretary of Transportation Volpe in ICAO Council tomorrow. Do not release before 10 am, September 18.

QUOTE The USA requested last Friday that a special meeting of the Council be convened to respond to the most serious threat to inter-national air transportation since its beginnings. President Nixon has described the threat of air piracy as an "international menace" -- I doubt whether any of us here concerned with international aviation would disagree.

The Contracting Parties to the International Civil Aviation Convention have obligated themselves to ensure the safe and orderly growth of international civil aviation. This basic mandate is now threatened by criminal acts which threaten the lives and well-being of passengers and crew and international air transport as a whole.

It is imperative that ICAO respond promptly, decisively and effectively to this threat.

In the past, ICAO has sought agreement on collective actions based on the recognition that the vital interests of all states are affected by air piracy.

These past attempts, while significant, are not sufficient to meet the grave threat posed by recent developments. New and more drastic action is required. We have asked that this session of this council be open to the public to demonstrate to the world that ICAO will now generate an international response to air piracy -- a cancer that requires swift and clean surgery -- to assure the safety of international air travel.

In times of emergency, it is clearly necessary for Contracting States to adopt national programs to thwart certain threats presented by air piracy and international blackmail involving the detention of passengers and crew and destruction of aircraft. Many countries, including the United States, have taken such actions in the past few weeks.

President Nixon, in announcing one week ago a seven-point program which the United States would undertake, directed that several actions be started at once. For instance, he directed that specially trained, armed government employees be placed on US Flag carriers. He also directed US Flag carriers to extend the use of electronic surveillance equipment and

other surveillance techniques at US gateway airports. He further directed the Secretary of State to consult with other governments and foreign carriers concerning the full range of techniques they use to prevent hijackings. These three programs are now underway.

However, while our government is taking action, it also seeks to establish a common front in the international community because it is through concerted action by that community that effective solutions can best be achieved.

The reasons for this heightened sense of emergency in the attitudes of our government and our public are clear: --We have seen aircraft of four international carriers hijacked and destroyed and other attempts frustrated during the past two weeks. -- We have seen--and still see--innocent airline passengers held as pawns in an international political struggle. -- We have seen hijackers and crew members shot on board aircraft. --We have seen planes hijacked not only for political blackmail purposes but also by passengers seeking political asylum and for other reasons. --We have also seen delays and inconvenience to passengers and airlines caused by stringent security measures adopted at most of the international airports of the world.

We believe that the most important action that the Council should and can--in fact must--now take, is the acceptance and establishment of certain basic principles directed to effective sanctions. This should be the overriding goal of this meeting.

It is essential that the basic principles set forth in the Tokyo Convention and the draft Unlawful Seizure Convention be applied universally to be effective. However, there are at the present time no agreed-upon sanctions to enforce them. Further efforts by ICAO are now plainly required.

The United States believes that the principal action of this meeting should be the adoption of a resolution establishing the basis for application of sanctions where appropriate and has presented for your consideration a resolution for this purpose.

In order to avoid any misunderstandings, let me describe and explain briefly the resolution, paragraph by paragraph.

The first paragraph recites a finding of a heightened threat to the safety and security of international civil air transport. The principal--though obviously not the only--cause is identified as the detention for blackmail purposes of passengers, crew and aircraft and the failure of States to extradite or prosecute persons responsible for such acts.

We believe that hijacking for purposes such as seeking political asylum--no matter how dangerous and reprehensible--does not approach the threat to human life or criminality of hijacking of aircraft for international blackmail purposes. It is this latter practice which squarely challenges the obligations of ICAO members to take further action to ensure the safety of passengers and aircraft engaged in international air transport. It is to this threat that the second paragraph of the draft resolution is directed.

The third paragraph calls upon states to take joint action by suspending services to and from any state in two specific circumstances: --The first set of circumstances is the detention for international blackmail purposes by a State of passengers, crew and aircraft, contrary to Article 11 of the Tokyo Convention, after the unlawful seizure of an aircraft. -- The second situation is the failure of any State to extradite or prosecute persons responsible for acts of unlawful seizure involving the detention of passengers, crew or aircraft for international blackmail purposes.

Let me make clear that this third paragraph of our proposed resolution is not self-implementing with respect to any particular situation. It is not intended to prejudge the existing situation. It is designed to establish agreement to the general principle that concerted, multilateral sanctions are appropriate in certain circumstances. It would require a triggering mechanism for international action--probably a request by an individual state--followed by concerted action of the international aviation community to implement the sanction of suspension of service.

This third paragraph cannot, and does not, create any finding legal obligation. However, it is intended to lay the basis for appropriate, concerted international action pending the entry into force of a new convention calling for the application of sanctions.

The fourth paragraph directs the Legal Committee to extend its session scheduled in London later this month in order to draft a sanctions convention at that meeting.

As you will note, the general principles of sanctions convention as stated in the fourth paragraph of the resolution are identical to those recited in the third paragraph. We do not believe greater detail is needed at this time. The United States will be prepared to submit a draft sanctions convention, as a working paper, at the Legal Committee session in London.

We believe that a sanctions convention should be submitted to this Council by the Legal Committee as soon as possible and thereafter very promptly to a diplomatic conference.

Telegram From the Department of State to the US Mission
to NATO, September 17, 1970, 0152Z

The Department outlined a major presentation on anti-hijacking measures scheduled to be presented at the CCMS meeting in October.

OUTGOING TELEGRAM Department of State

ACTION: U.S. Mission NATO

INFO: All NATO Capital

SUBJECT: CCMS: Aircraft Hijacks

REF: (A) USNATO 3292; (B) USNATO 3234

1. The U.S. will make a major presentation on the problem of aircraft hijacking and sabotage at the CCMS meeting Oct. 19-20. The President is highly desirous that everything possible be done to achieve the most effective level of international cooperation on this important subject and has approved a U.S. effort among our allies to gain their understanding and cooperation in this field.
 2. We intend to brief our allies at the CCMS meeting on U.S. policy and practices with respect to international hijacking and aircraft sabotage. In this smaller grouping we hope it will be possible to achieve a higher level of cooperation and exchange of views than would be possible in the larger ICAO forum. Further, we will brief at the CCMS meeting member countries on specific techniques and methods to foil hijackers including exchange of experience and examine together possible cooperative activities aimed at upgrading the technical capabilities of concerned countries in deterring hijackers and other acts of violence against international aircraft.
 3. It is our intention to gain the support of NATO member countries for U.S. -backed international initiatives, mainly in the ICAO including the drawing up of an international convention aimed at effective prosecution of persons responsible for acts of unlawful seizure of aircraft.
 4. To underline the seriousness of this problem and the importance the President attaches to gaining the cooperation of our allies, Mr. John H. Shaffer, Administrator of the FAA, will personally attend the meeting, assisted by Mr. Charles O. Cary, Assistant Administrator, International Affairs, FAA, along with Department's Legal Adviser or his Deputy, to conduct the briefing for the CCMS. In keeping with this Presidential initiative and the presence of high-level U.S. officials, we are requesting all of our allies to send to this meeting the highest possible policy-level officials in their countries concerned with this problem to participate in the discussion.
 5. The U.S. will shortly telegraph to USNATO and embassies a short paper outlining our views on hijacking with respect to the topics outlined above. This paper should be circulated by USNATO to our allies with a request that it be given high-level attention and requesting appropriate attendance at the CCMS meeting.
 6. The Ambassador should, at an early date, brief the Permreps on this subject and urge their support for this initiative. The Ambassador should stress that this special briefing and exchange of views is not meant to duplicate the work of ICAO but rather to supplement it and if possible achieve greater cooperation among our allies in this difficult field. The Ambassador should stress that this presentation was requested by the President in keeping with his desire that our allies be fully consulted on major issues affecting the international community. It is our feeling that this topic is appropriate for CCMS treatment since it relates to an area of high technology and is acutely felt among the industrialized countries of the Alliance given their very great dependence on international air travel.
 7. With respect to publicity, we have no objections to it being publicly known that the CCMS will be discussing the hijacking problem, but it is our intention to maintain, in this case, the privacy of the actual discussions which will include descriptions of highly advanced detection techniques. These will be discussed on a confidential basis at the CCMS session.
- END

Telegram From the Department of State to the Embassies in Jordan, Switzerland, the Federal Republic of Germany, the United Kingdom, and Israel, September 19, 1970, 0311Z

The telegram contained excerpts from Secretary Rogers' discussion with Israeli Prime Minister Meir on the hijacking and hostage problem in Amman.

Department of State
TELEGRAM
Amembassy AMMAN PRIORITY
Amembassy BERN
Amembassy BONN
Amembassy LONDON
Amembassy TEL AVIV

STATE

SUBJECT: PM Meir Discussion of Hostages Sept. 18

FOLLOWING EXCERPTED FROM MEMCON SECRETARY-MRS. MEIR MEETING MORNING SEPT. 18. IT IS UNCLEARED, NOFORN AND FYI ONLY, SUBJECT TO REVISION ON REVIEW.

1. Turning to hostage problem, Secretary said we were trying to keep our British, Swiss and German colleagues together. We did not know why they were so frenetic at times. Secretary noted that he and other Dept. officers had been recipients of middle-of-night calls from concerned diplomats. Mrs. Meir said US position had been very good, that we had held out beautifully. Israel had been asked what its contribution was. She said others seemed ready to contribute people who had tried to kill Israelis. Mrs. Meir described crimes against Israelis committed by fedayeen in British, German and Swiss hands. She said Swiss were good in this affair but Germans and British were awful.
2. Sisco said previous night there had been meeting in Bern and British had put forward draft communique. We have said there would be no partial deals. Our concern is greater that others may eventually want to go own way. British would have five countries including Israel say strongly it was question of total deal and that we as a group would consider what PFLP put forward provided it was a total deal. Israelis were familiar with fedayeen position that Israelis should hand over two Algerians and mixed bunch including Lebanese and agree in principle to release imprisoned fedayeen before fedayeen would give list those they wanted. This was pig in a poke. British communique would lay down position regarding total exchange. Sisco said he hoped Mrs. Meir would look at this proposal. Our concern was that if we could not proceed on unified basis there would be tendency toward separate deals.
3. Secretary said he wished state our position in detail. First, there would be no deal with fedayeen unless all hostages were given over. Second, we did not like idea of demand on Israel to accept in principle exchange of its passengers and would not accept this. Third, we were urging that Israel do nothing under pressure.
4. Mrs. Meir said British could not send out the girl (Lelia Khaled) without Israeli consent. Israel had treaty of extradition. It was question whether when hijacked, El Al plane was legally in British territory or Israeli territory. Sisco commented British communique would help avoid business of Israel committing itself to principle of exchange.
5. Mrs. Meir said she did not like make promises Israel did not intend to keep. Israel would not release these people. They are in jail because they are murderers who had blown up cafeteria and done other things. Israel would not be told later by world opinion that it had agreed to free these people. Secretary said he agreed with this. Now we are trying to avoid split in five. Mrs. Meir said she was not sure about the British but she was sure that the Germans would never agree to a separate exchange for their people, which left Jews still as hostages. This would be too much and they would not do it.
6. Secretary asked if Israelis had any information on where hostages were. Rabin said GOI did not. Mrs. Meir commented that she thought Israel agreed to the release of the ten Lebanese. Political Secretary Dinitz said GOI had announced the two Algerians would not be the stumbling block. There was uncertainty among Israelis in room that GOI actually had said it ready to give up ten Lebanese. Secretary suggested that Israel not say anything regarding Lebanese until it was sure of getting something in return. Secretary again emphasized getting together on some language to keep British and Germans calm.

Memorandum From Robert M. Behr of the National Security Council Staff to the President's Deputy Assistant for National Security Affairs (Haig), September 18, 1970
Moynihan had told interested agencies that the President wanted to use CCMS as a forum to deal with the hijacking problem.

MEMORANDUM

INFORMATION

NATIONAL SECURITY COUNCIL

September 18, 1970

MEMORANDUM FOR GENERAL HAIG

FROM: Robert M. Behr

SUBJECT: Hijacking

Dr. Moynihan held a meeting on hijacking last Tuesday evening (15 September 1970). All of the interested agencies were represented, including DOD.

The purpose of the meeting was to convey the President's desire to use the NATO Committee on the Challenges of Modern Society (CCMS) as one forum among others in which to attack the problem of hijacking.

Administrator Schaffer (DOT/FAA) and Legal Adviser Stevenson (State) reported the current status of the on-going efforts to combat air piracy.

The group consensus favored the NATO/CCMS initiative with no major reservations. OST is preparing a paper which will serve as the basis for discussions at the CCMS meeting of 19-20 October.

Attached at Tab A is a cable to our NATO Mission which provides additional detail.

Telegram From the Department of State to all Diplomatic
Posts except Gaborone, Maseru, Mbabane, and Moscow,
September 21, 1970, 2244Z

The Department transmitted information on the special
ICAO Council meeting held to consider U.S. proposals on
hijacking.

Department of State
TELEGRAM

ACTION: ALL DIPLOMATIC POSTS:EXCEPT Gaborone, Maseru, Mbabane, Moscow.

INFO: Amconsul MONTREAL

STATE

MONTREAL FOR US REP ICAO

SUBJECT: Special Meeting of ICAO Council on Aircraft Hijacking

REF : STATE 151211 and 152430

1. ICAO Council considered in open meeting Sept 18 US proposal for concerted ICAO action to suspend air services to States which for international blackmail purposes detain passengers, crew and aircraft after a hijacking or fail to extradite or prosecute hijackers. Secretary of Transportation Volpe's statement (STATE 153122) received with great deal of interest. Canada presented draft resolution containing its proposal for amendment of bilateral air transport agreements to implement sanctions. US draft resolution will be considered first when Council next discusses subject on September 29.

2. Preliminary reaction from Governments represented on ICAO Council indicates some confusion on US objectives and general feeling that sanctions may well be desirable but pose certain difficulties.

Missions are urged to draw on info previously furnished in following up earlier representatives.

Briefing Memorandum From the Legal Adviser (Stevenson) to
Acting Secretary of State Irwin, September 28, 1970

Stevenson prepared the briefing memorandum and the
attached talking points in advance of Irwin's meeting
with the French and German Ambassadors to discuss the
hijacking proposals made in the ICAO Council.

DEPARTMENT OF STATE
Washington, D.C. 20520
TO: The Acting Secretary

THROUGH: S/S

FROM: L - John R. Stevenson

SUBJECT: Hijacking US Initiative in the ICAO Council

BRIEFING MEMORANDUM

You have agreed to meet today with the Ambassadors of France and the Federal Republic of Germany on the subject of hijacking. The United States has made a proposal in the ICAO Council for sanctions to be applied where States either detain passengers for blackmail purposes or fail to extradite or prosecute hijackers responsible for such actions.

We understand that France and the FRG are opposed to the US proposal because of their relations with the Near East. We have instructed our Ambassadors to countries represented on the ICAO Council to deliver a note (Tab B), if possible to the respective Foreign Ministers, urging support for the US proposal. You may wish to urge the French and FRG Ambassadors to impress upon their Governments the need for supporting the US proposal, drawing on the talking points at Tab A.

The Deputy Legal Adviser, Mr. John B. Rhinelander, and the Director of the Office of Aviation will be present during your meetings.

Attachments:

Tab A - Talking Points

Tab B - Proposed Note

TALKING POINTS

1. President Nixon is very seriously concerned with recent acts of hijacking which involve international blackmail. He has announced a 7-point program to deal immediately and effectively with the menace of air piracy. One of these points called on the international community to take joint action to suspend international airline services with States which either detain passengers for international blackmail purposes or fail to extradite or prosecute hijackers involved in such acts. Tomorrow a special meeting of the ICAO Council is meeting to consider a United States proposal to this effect. While we are making representations to all the countries represented on the ICAO Council, in view of the President's concern we are making special representations to France (FRG) because that government is understood to oppose the United States proposal.

2. You may wish to express the hope that the Government of France (FRG) will respond favorably to this United States initiative despite possible difficulties that the proposal may cause all of us. The essential concern here is that hijacking for international blackmail purposes is such a serious danger to the safety and security of international civil aviation that it transcends other considerations. It is for this reason that President Nixon has suggested the severe remedy of economic sanctions. We would hope that due to these overriding circumstances, the Government of France (FRG) would lend its support.

Telegram 5465 From the Embassy in Jordan to the
Department of State, September 20, 1970, 1210Z

At the request of the PFLP, the United Arab Republic
provided a list of names of the detained fedayeen to be
released in exchange for the remaining hostages.

Department of State TELEGRAM
Z 301210Z SEP 70 FM AMEMBASSY AMMAN
TO SECSATEI WASHDC FLASH 1793
AMEMBASSY TEL AVIV
AMEMBASSY BERN
AMEMBASSY BONN
AMEMBASSY LONDON. USMISSION GENEVA
AMMAN 5465

SUBJ: HIJACK LIST

1. AT 1215 LOCAL SEPTEMBER 30, UAR SECOND SECRETARY TURNED OVER LIST OF NAMES OF DETAINEES TO BE RELEASED AS QUID PRO QUO FOR RELEASE HOSTAGES. NAMES BEING SENT SEPTEL.

2. INTERLOCUTOR MADE FOLLOWING POINTS AS ARGUMENTS FOR COMPLIANCE WITH FEDAYEEN DEMANDS THIS SUBJECT:

A. HE (THE INTERLOCUTOR) WHO SPOKE IN NAME OF FEDAYEEN CENTRAL COMMITTEE SAID THAT IF DEMANDS ARE MET FEDAYEEN MOVEMENT WILL GIVE WORD OF HONOR THAT THERE WILL BE NO FUTURE HIJACKINGS.

B. NUMBER OF DETAINEES TO BE RELEASED IS 56 -- SAME AS NUMBER OF HOSTAGES RELEASED. GERMAN, SWISS AND BRITISH GOVERNMENTS HAVE ALREADY ANNOUNCED WILLINGNESS TO, RELEASE "SEVEN." GOI HAS AGREED TO RELEASE ALGERIANS.

C. TEN LEBANESE PLUS TWO ALGERIANS ARE NOT MEMBERS OF FEDAYEEN ORGANIZATIONS. TOTAL NUMBER OF FEDAYEEN TO BE RELEASED IS 44.

D. INTERLOCUTOR STRESSED THAT IF DEMANDS ARE MET, THIS WOULD BE STRONG WEAPON TO USE IN CONVINCING FEDAYEEN THAT GOAL CAN BEST BE REACHED THROUGH NEGOTIATION. FRUSTRATION OF THIS EFFORT MIGHT HAVE OPPOSITE EFFECT -- I.E., THAT ESCALATING VIOLENCE IS ONLY WAY TO ACHIEVE RESULTS.

3. EMBASSY COMMENT: WE ARE SKEPTICAL ABOUT VALUE OF PLEDGE RE NO FUTURE HIJACKINGS. AT SAME TIME, PUBLIC STATEMENT ESCHEWING SUCH ACTIVITY WOULD BE OF SUCH OBVIQUS VALUE THAT EFFORTS TO OBTAIN IT WORTH CONSIDERABLE RISK. ALTHOUGH INTERLOCUTOR HARDLY IN POSITION TO SPEAK FOR FEDAYEEN MOVEMENT, WE MUST GIVE HIM CREDIT FOR QTE BRINGING HOME THE BACON UNQTE ON FINAL HOSTAGE RELEASE.

BROWN

Memorandum From the Deputy Legal Adviser (Rhineland) and Deputy Assistant for Transportation and Telecommunications (Rein) to the President's Assistant Flanigan), October 9, 1970

Rhineland and Rein communicated to Flanigan the measures proposed by the Department of State to maintain international momentum after adoption of the ICAO resolution.

OCT 9 1970
MEMORANDUM FOR MR. PETER FLANIGAN, THE WHITE HOUSE

FROM: John B. Rhinelander Deputy Legal Adviser and
Bert W. Rein Deputy Assistant Secretary for Transportation and Telecommunications

SUBJECT: Air Piracy Follow-on International Action Following Adoption by ICAO Council of US Resolution

Adoption by the Council of the International Civil Aviation Organization (ICAO) of a somewhat modified version of the US proposal¹ calling for joint sanctions against states participating in hijackings for international blackmail purposes or failing to extradite or prosecute their perpetrators constitutes a significant advance in our diplomatic effort to deter future acts of this kind. This memorandum describes measures the Department proposes to take in order to maintain the international momentum achieved through the ICAO resolution.

By its recognition that all states were obligated to act against hijackings for international blackmail purposes by observing the principles of Article 11 of the Tokyo Convention (return of the passengers, crew and aircraft) and Articles 7 and 8 of the draft convention on unlawful seizure of aircraft (extradition or prosecution of offenders), the Council clearly served notice that states could not avoid their responsibilities by failing to adhere to these conventions. Equally important, in recognizing the possibility of action against offending states, the Council provided a recognized international framework for future US action to cut off services and to persuade others to join us. It is worth noting that most of the major civil aviation countries supported the Council's action.

To drive home the image of the Council action, and to emphasize need to follow through with an effective international convention, we recommend that the President sign attached (draft) letter (Tab A) to the President of the ICAO Council, making it and the text of the ICAO Resolution (Tab B) a White House press release. The wide publicity such a release would generate would help inform the American public of the Administration's continuing efforts against hijacking while indicating to foreign nations the President's continuing concern and his interest in effective action. The President's August 13, 1970 letter to the President of the ICAO's Council commending ICAO on its declaration against unlawful interference with civil aviation provides an appropriate precedent for this channel of correspondence.

As noted in the proposed letter, the Department has prepared a draft convention (Tab C) to implement the principles of the ICAO Resolution which we are tabling in the ICAO Legal Committee now meeting in London. This commotion would have the following features:

- a) An agreed premise that hijackings for international blackmail purposes and acts of sabotage which damages aircraft or kills or injures passengers is a threat to aviation that requires concerted action by all states directly affected.*
- b) Consultative procedures and a framework for determining failures by a State to meet their international obligations in two cases, detention of passengers, crew or aircraft for international blackmail purposes and failure to take into custody, and thereafter extradite or prosecute, hijackers involved in blackmail and saboteurs causing serious harm.

* Sabotage is not covered by the ICAO Resolution, but is an equally serious threat to civil aviation. Similarly, we would have no objection to broadening the provisions of the proposed convention to cover all failures to prosecute or extradite in hijack cases if this proved tactically feasible.

(C) Decision-making machinery to take joint action, including suspending air services, is binding on States upon vote by a majority.

While the convention may appear "tough" to other governments, you should be aware of several important points. First, even if ratified by some states, a convention cannot bind states not party to it to take joint action. Second, while the draft convention is designed to deter air piracy by making states live up to their international obligations, unfortunately the underlying obligations are full of loopholes. For instance, in many cases the laws of a particular state (limited jurisdiction of their criminal laws, exceptions in bilateral extradition agreements) are legally inadequate to deal with the extradition or prosecution of aircraft hijackers or saboteurs, and the key multilateral treaties in the extradition/prosecution areas (Unlawful Seizure and Unlawful Interference Conventions) have not yet been finally negotiated. Third, since we do not expect any obvious "target" state will likely become a party to the draft convention, the convention cannot dispose of the legal arguments raised by many states (including Canada, our strongest supporter) that their bilaterals with "target" states would prevent them from suspending the airline services of the "target" state. Our attempt to dispose of this argument will probably not be accepted as valid by many.

In summary, we are tabling draft convention which we believe appears comprehensive, fair and tough. However, appearance and posture may be more important at this time than any immediate expectation that an effective sanctions convention will come into effect.

On another front, several states (notably the Philippines, Japan and the Netherlands) have inscribed a hijacking item on the calendar of the United Nations General Assembly. We are actively engaged in efforts to direct this initiative toward a resolution supporting the ICAO initiative.

While it is almost certain that there will be efforts to talk our proposal to death at the legal committee meeting and that enthusiasm for the full scope of our Draft will be limited, we believe that given the added thrust of a Presidential letter and the recent efforts of Secretary Volpe there may, nevertheless be an opportunity for progress at the ICAO legal committee meeting.

To obtain optimum tactical benefit from the Presidential letter, we believe it could be desirable for it to be released to the press at 9:00 A.M. on Monday, October 12. We would have this followed up with background material at the "noon-briefing" at the Department of State.

Memorandum From the President's Assistant for National
(Security Council Kissinger) to the President's Assistant
(Flanigan), October 31, 1970

Kissinger provided the ideas his staff had generated for
leveling possible sanctions on countries that were
uncooperative in combating hijacking.

MEMORANDUM
THE WHITE HOUSE
WASHINGTON
October 31, 1970

MEMORANDUM FOR PETER FLANIGAN

FROM: Henry A. Kissinger

SUBJECT: Possible Actions Against Countries Which Are Uncooperative on Hijacking

As we agreed, my staff has prepared from their own resources the attached memorandum on the possible sanctions we might impose on countries which are uncooperative on hijacking. I recognize that the product is insufficient for your purposes, but I believe we must tap outside sources if we are going to get a more comprehensive paper. Accordingly, I am asking the NSC Under Secretaries Committee to develop a complete package by November 13.

Attachment

SANCTIONS AGAINST COUNTRIES WHICH ARE UNCOOPERATIVE ON HIJACKING

Checklist

Jordan

Receives US economic and military assistance.

Syria

No leverage except through international forums associated with air travel.

Lebanon

Receives US military and economic assistance.
US air carriers land regularly at Beirut.

UAR

We are engaged in an effort to reschedule the Egyptian debt.

Algeria

No leverage except through international bodies.

North Korea and Cuba

We have already severed all financial and trade relations under the Trading with the Enemy Act.

Other Sanctions

.. Agreement by US and foreign air carriers to boycott certain airports or take other action associated with air travel through various international forums (ICAO, LATA, pilots' associations, etc.).

... Refuse to grant Eximbank loans.

... Embargo all exports to a country under the Export Administration Act.

... Economic boycott similar to that against Rhodesia.

... Restriction of passports for travel.

DISCUSSION

The following are countries which have been uncooperative in punishing hijackers or in releasing planes or passengers:

Jordan. The most notorious case of hijacking recently was in Jordan; here the question was not the intention of the Government, but its ability to control the guerrillas.

Syria in September 1969 held for several days all passengers on a hijacked TWA aircraft. They then released non-Israeli passengers and Israeli women and held the handful of Israeli men until they were finally included in a broader UAR-Israel prisoner exchange arranged by the Red Cross. The Syrian government released the hijackers.

Lebanon. The Lebanese have been involved in several hijacking cases, either as a transit point or, in one instance, as the final destination. In almost every case there have been indications of official-inspired laxity in accepting the hijacked aircraft and/or attempting to capture and prosecute the hijackers. Pan American Airways, after the recent hijackings threatened to stop landing in Beirut, and the Lebanese Government has instituted new security procedures.

The UAR should not be placed fully in this category. The UAR Government immediately released all passengers from the Pan Am 747 blown up in Cairo in September. They apprehended the hijackers and still have them in prison. They may falter when it actually comes to sentencing the hijackers, but it is too soon to make that judgment. Cairo for a time closed its airport to hijacked aircraft.

Algeria. Algeria has been less active recently in the hijacking business; but, sometime ago it held Moshe Tschombe until his death and also some Israeli victims of hijacking.

North Korea. North Korea has not been involved in many cases, but it did hold the hijacker of a Japanese plane while allowing the plane and passengers to return to Japan. (Somewhat the same is the treatment given hijackers from Communist countries in Germany and Austria; though both states often prosecute the hijackers, they give very light sentences.)

Cuba. Cuba has now become one of the best-behaved of the hijacking states, since it immediately allows the planes and passengers to return and often jails the hijackers. It recently returned its first hijacker, and offered to return all hijackers provided we would do the same (a commitment we cannot make because of the political asylum aspect).

Appropriate Sanctions

In deciding which economic weapons to use in hijacking cases, we need to decide first whether we are acting only in cases involving U.S. citizens and aircraft, or whether we are speaking of more general action.

The cases of both Lebanon and Jordan raise the question of whether pressure on governments is an answer. Here the governments are ineffective because of civil strife, and foreign pressure is easily likely to make it harder for these governments to cooperate.

In the case of Lebanon, the Pan American Airways threat to stop landing at Beirut had some effect, and there is no reason why similar sanctions should not be applied provided there is broad international support so that US carriers will not be exploited by those of other flags.

As far as other sanctions are concerned against Lebanon, the U.S. faces a dilemma. On the one hand, everything that can be done to prevent hijacking should be done. On the other, the U.S. has a major interest in buttressing the responsible government of Lebanon against Syrian-backed radical guerrilla groups that operate in Lebanon -- as much to undercut the government as to operate against Israel. In the broad political context, the U.S. is providing military and economic assistance to Lebanon in order to help the government contain the radical Palestinians. It is these Palestinians who perpetrate the hijackings. So cutting off aid or trade would run directly counter to the U.S. assistance to the government in controlling these radical groups.

The way to deal with the problem in Lebanon is to apply pressure through the international groups and the carriers in ways directly related to air travel and then to work with the government in providing the capacity to restrict guerrilla activity.

In Syria, the 1969 TWA hijacking experience showed that the U.S. --without even, diplomatic relations -- has no leverage to use against Syria except for those pressures that can be generated through the international forums associated with air travel (ICAO, IATA, pilots). Boycotting Damascus airport was seriously considered in the 1969 hijacking case, but the idea was dropped because U.S. carriers would have been hurt when other governments and non-US carriers refused to go along.

The choice of sanctions also depends upon whether they are unilateral sanctions or whether there is wide international cooperation. Multilateral sanctions are the only effective economic means of pressure, since the United States is not

sufficiently important as an external trading or financial partner of the above countries to give us decisive influence through multi-lateral economic measures.

We have proposed in the ICAO a resolution which calls upon member states to take joint action suspending all air connections with states detaining passengers, crew or aircraft for international blackmail purposes, or which fail to extradite or prosecute hijackers. We are also calling for rapid completion of a treaty to accomplish the same ends. These proposals amount to a joint boycott using civil air weapons.

However, even these proposals have been resisted by a number of states, and it is by no means certain that our proposals will prevail. There is much less chance of a multilateral agreement using boycott weapons beyond the civil air field. (Several nations have told us that they would support our proposals at some other time, but that they are unwilling to join an effort which, in view of recent happenings, would be interpreted as anti-Arab.)

There are a number of unilateral actions we could take. However, our importance to these countries is so small that U.S. action alone could not be decisive, though it could be highly annoying to the countries involved. By using instruments outside the civil air field, we would be declaring ineffectual economic war; costing ourselves business to no end other than the marginal gains of a moral stance on the issue; and thus subordinating our entire foreign policy to the hijacking incident.

Of the countries listed above, Jordan and Lebanon are recipients of U.S. aid or arms sales, and we are engaged in an effort to reschedule Egyptian debt.

Another possibility of action would be to cut off loans from the Export-Import Bank, but these are not large for the countries concerned, and the damage in lost export sales would be heavier to us than to the purchasing country.

The main instrument of economic boycott available to the U.S. Government is the Trading with the Enemy Act. This Act has allowed us to sever all financial and trade relations with China, North Vietnam, North Korea, Cuba and Rhodesia. Somewhat similar authority under the Export Administration Act allows us to embargo all exports to those destinations. (Restriction of passports for travel accomplishes the same thing in a more limited field.)

Use of either of these instruments is the equivalent of economic war. No major industrial power uses any instrument of this intensity with the exception of those countries adhering to the Rhodesian boycott. However, though there would be a great symbolic significance in use of these two Acts, the practical effect on the countries concerned would be relatively small and we would be leaving as hostage whatever American investment exists in these countries.

Where American investment in these countries is larger than their holding of assets in the United States, as it is in most, we would lose more than we would take, in a reciprocal confiscation of assets maneuver.

The chances of effective action are better if we continue to pursue the multilateral civil air boycott possibilities, at least until we have thoroughly exhausted them.

Memorandum From the President's Assistant for National Security Council (Kissinger) to the Chairman of the Under Secretaries Committee, October 31, 1970

Kissinger asked the committee to prepare a list of countries that were expected to be uncooperative during hijackings, as well as a list of possible sanctions that could be used against them.

THE WHITE HOUSE
WASHINGTON
October 31, 1970

MEMORANDUM FOR CHAIRMAN, UNDER SECRETARIES COMMITTEE

SUBJECT: Possible Actions Against Countries Which Are Uncooperative on Hijacking

You will recall that the President, in his September 11 statement on air piracy, said the U.S. would hold those countries in which hijacked planes are landed responsible for taking steps to protect the lives and property of U.S. citizens.

This seems an appropriate matter for the Under Secretaries Committee. Will you please have prepared a package which should include the following subjects:

...a list of those countries which have been or might be expected to be uncooperative in this regard;

...an indication of the full range of possible multilateral and bilateral sanctions we might use against each country in this event, including such things as airline rights, trade sanctions, actions on loans, etc.

We would like to have this package by November 13.

Circular Telegram From the Department of State to the Embassy in Ethiopia and 38 Other Posts, November 2, 1970
Posts were asked to invite host governments to attend the Washington Conference on International Air Transportation Security scheduled for January 1971.

Department of State

TELEGRAM

ACTION: Amembassy ADDIS ABABA

ATHENS

BANGKOK

BEIRUT BERN

BOGOTA BONN

BRUSSELS

BUENOS AIRES

CANBERRA

COPENHAGEN

DAKAR~

DUBLIN

THE HAGUE

LISBON

LONDON

MADRID

MEXICO CITY

MOSCOW

NEW DELHI

OTTAWA

OSLO

PARIS

PRETORIA

RAWALPINDI

RIO DE JANEIRO

ROME

SEOUL

SINGAPORE

STOCKHOLM

TAIPEI

TEL AVIV

TOKYO

INFO: Amembassy BRASILIA

Amconsul MELBOURNE

MONTREAL

KARACHI

NATO

ACTION: Amembassy ADDIS ABABA

MONTREAL FOR US REP ICAO

SUBJECT: Washington Conference on International Air Transportation Security, January 11-13, 1971

1. Addressee missions are requested extend following invitation to their host governments to participate in Washington Conference on International Air Transportation Security, January 11, 12, and 13, 1971:

QUOTE I have the honor to extend to your government on behalf of the Secretary of Transportation, John A. Volpe, and the Administrator of the Federal Aviation Administration, John H. Shaffer, of the United States Government an invitation to participate in an International Air Transportation Security Conference to be held in Washington, D. C. on January 11, 12 and 13, 1971. The Conference will be devoted primarily to (1) exchange of information on implementation of specific security specifications and practices, (2) procedures for exchanging intelligence information with respect to threatened or potential acts of hijacking or sabotage, and (3) review of the state of research and development in the field of weapons and explosives detection, including identification of possible areas of cooperative research and development projects.

It would be appreciated if we could be informed, at an early date, whether your Government will be able to accept this invitation and, if possible, the number and identity of your representatives. UNQUOTE

2. In extending this invitation addressee missions are requested to make known to host governments USG's particular interest in their attendance at this Conference, as States providing major international air transport services and/or international airport facilities.

3. Missions are requested to stress that Conference is in no way intended to derogate from the responsibilities of ICAO but should be viewed as an effort to promote implementation of recommendations already made by that Organization. Although November 1970 had originally been mentioned as the month the conference would be held, it was later found that January 11013, 1971 were more suitable dates.

4. An early report on reaction of host governments to this invitation, together with indication of whether it will be accepted and number and identity of participants, is important. If the question is raised, missions may inform their host governments that personnel from their national airlines and international airports on their delegation would be appropriate.

5. A detailed agenda and possible request for papers on specific subjects from some participants will be forwarded after receipt of information on attendance.

6. FYI Identical invitations being extended through US missions to most other governments which are members of ICAO, but those missions are being asked to present invitations in low key and not repeat not stress US interest in attendance of those governments at this conference. END FYI

FOR DAKAR: Request Embassy, in transmitting invitation to Senegal, suggest twelve Air Afrique nations may find it convenient to designate one or small number of persons to represent them jointly at conference in accordance ABIDJAN 3288. Similar request being made to US missions in other Air Afrique countries in connection extension invitations mentioned in para. 6.

FOR BERN: This invitation is not repeat not being extended to Cuba.

Memorandum From the Chairman of the Under Secretaries
Committee (Irwin) to President Nixon, December 7, 1970

In response to Kissinger's request, the committee
transmitted a list of possible actions against countries
that were uncooperative on hijacking.

THE UNDER SECRETARY OF STATE
WASHINGTON

December 7, 1970

NSC UNDER SECRETARIES COMMITTEE

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Possible Actions Against Countries Which are Uncooperative on Hijacking

The Under Secretaries Committee has prepared the enclosed memorandum in response to Dr. Kissinger's request of October 31. Section I of the memorandum lists by category those countries which have been or might be expected to be uncooperative in taking steps to protect the lives and property of United States citizens when hijacked planes are landed there. Section II indicates the full range of possible multilateral and bilateral sanctions we might use against such countries. Section III analyzes the actual situation in a number of specific countries to indicate the concrete problems which will be posed in using these sanctions in any particular instance.

Both the Department of Defense and the JCS feel that the study is deficient with regard to "political-military implications" as indicated in Mr. Packard's attached memorandum to me. The Committee has assumed, however, that an analysis of possible military sanctions was not called for at this time. We have, therefore, dealt only with non-military sanctions.

Our general conclusion is that while the United States could apply bilateral economic sanctions against a number of uncooperative states, such application is likely to be costly and may not substantially affect such states' behavior. While economic sanctions can hurt, politically motivated behavior can usually withstand substantial pain. In the case of some states, such as North Korea, North Vietnam and mainland China, there are no bilateral sanctions available short of military action. Multilateral sanctions which would combine economic and political pressure may be more helpful, but will have to overcome the general reluctance of most Western European countries to become involved in the actual implementation of sanctions.

The Under Secretaries Committee believes that we should concentrate our efforts in this field in continuing to urge the states involved in particular cases to take effective action, even before new treaties are in effect. We should also continue our efforts to create a more effective international legal framework. As you know, we are now working to establish by treaty an international legal obligation to extradite or prosecute hijackers and saboteurs and an international legal framework for the imposition of multilateral sanctions, including the suspension of air services.

John N. Irwin II

Chairman

Enclosure:

As stated.

Possible Actions Against Countries Which Are Uncooperative on Hijacking

SECTION I - Dimensions of the Problem

In our view, the actual or potential failure of a state to cooperate to protect the persons or property of US citizens after a hijacked plane lands involves factors beyond that state's anti-US political orientation or ideology. To understand these failures, one must examine both the actions of states which have participated in or condoned similar behavior (regardless of whether US citizens or property were targets) and the reluctance of other states to aid in the development and implementation of the strong international aviation legal framework which the President considers necessary to deter and to levy sanctions against this type of behavior. States responsible, in varying degrees, for these failures might be divided into five groups.

States where hijacked aircraft landed and in which US passengers have been unreasonably detained or US property destroyed with state participation or with no action taken against identified participants in the act. These states include (as explained in more detail in Section III), Jordan, UAR,* Lebanon, Syria and, in one recent instance, Cuba. Cuba has, however, normally cooperated in protecting US lives and property and returning them without delay.

States where hijacked aircraft landed and in which non-US passengers have been unreasonably detained or non-US property destroyed with state participation or with no action taken against identified participants in the act. These states include Cuba, Algeria, which unlawfully detained an Israeli aircraft and some Israeli

* The UAR has taken the hijackers of the PAA 747 into custody, but it is not clear whether they will be prosecuted.

passengers, and Turkey, which held a small hijacked Soviet aircraft, and has also yet to complete action against two Soviet hijackers who killed a crew member and injured two others. North Korea has held for almost a year an ROK civilian passenger aircraft, several passengers and the crew.

States which have espoused "revolutionary" causes and which, valuing these causes above the accepted standards of international aviation, might find it attractive to cooperate with revolutionary hijackers or at least find it difficult to take action against such hijackers. Arab states such as Iraq, Libya and the Sudan may fall into this category; other "third world" states in Asia and Africa such as Pakistan and Tanzania may be sympathetic to "anti-Zionist" or "anti-imperialist" exploits or to revolutionary actions directed against South Africa, Rhodesia or Portugal; leftist Latin American states including Peru, Bolivia and Chile as well as Cuba may be sympathetic to anti-US gestures. Communist China, North Korea and North Vietnam are likely to be uncooperative in the event of a hijacking, but this will depend, in any particular case, on whether they see an advantage to be gained by being flexible. The situation is aggravated in the case of Communist China by the fact that it was not invited to The Hague Conference.

States not actual or potential direct threats to US citizens or property but which have resisted US efforts to develop effective legal instruments to deal with hijacking. France, protecting its political ties with third-world states, has been active in opposing US international initiatives. Belgium and the Scandinavians, while not overtly hostile, have not been enthusiastic in support.

States which, while supporting international joint action to enforce hijacking obligations in theory, are reluctant to bear any political or economic costs for achieving this objective. In this category, we might include West Germany, the United Kingdom, other European states and Japan. While the attitude of the USSR remains to be tested in practice, it is probable that it would fit into this category.

SECTION II- Possible Sanction Actions

A. Multilateral Sanctions

1. ICAO

The ICAO Council resolution of October 1 called for consultations upon request of a contracting state, to determine what joint action, including suspension of civil air services, should be taken in accordance with international law in the event (a) hijacked passengers, crew or aircraft are detained by a state for "international blackmail purposes," contrary to the principles of Article 11 of the Tokyo Convention, or (b) a state refuses contrary to the principles of Articles 7 and 8 of the draft unlawful seizures convention, to extradite or prosecute hijackers involved in such blackmail cases. It should be noted that the resolution calls only for consultations, not automatic sanctions. It is recommendatory only and not legally binding on members of ICAO. Nevertheless, it does provide a framework for seeking joint action including multilaterally applied suspension of air services.

If we are successful in obtaining adoption and significant ratification of the draft sanctions convention we have proposed, this could be a more effective instrument for seeking multilateral sanctions.

2. UN

While we could in theory seek a UN Security Council resolution calling for imposition of mandatory sanctions against an offending state or states along the lines of SC resolutions 232, 253 and 277 on Southern Rhodesia (concerning severance of diplomatic, consular, trade and other relations), this is little more than a theoretical possibility. Such action under Chapter VII of the UN Charter would require a finding of a threat to the peace, breach of the peace, or act of aggression, and it is unlikely that there would be much support for such a finding based on a hijacking incident, even one as serious as the recent case involving the holding of hostages in Jordan. Action of a recommendatory nature, which would not require such a finding, might still meet considerable resistance and would add little to the basis for action already contained in the ICAO Council resolution of October 1. Either type of Council action would be subject to veto by any one of the five permanent Council members (United States, United Kingdom, France, USSR, Republic of China).

3. Embargo on International Financial Agency Assistance

We would have to be able to marshal a majority of the voting strength in the IBRD (and IDA) and in the IMF to block approval of loans or IMF standby assistance to target countries. We have only 24 percent voting power in these agencies. We could, however, use our influence to block or delay action and we might be able to get the support of

some of the leading industrial states, who have important voting power in these institutions, on loans to countries who demonstrate a record of consistent uncooperativeness on hijacking.

In the case of soft loans in the Inter-American Development Bank we have veto power, and we are able to influence the consideration of specific projects at the "hard" window, but cannot unilaterally block loans if IDB management chooses to proceed despite US opposition. In the Asian Development Bank we and the Japanese are the dominant stockholders. With Japanese cooperation we can exert considerable leverage on loan decisions.

4. Private Boycotts

International private groups, such as IFALPA (the association of airline pilots) ASTA (travel agents), and IFTW (transport workers), have frequently shown a disposition to take boycott action in connection with particularly aggravated hijacking cases. They have generally held back, in the belief that governments should be given a chance to deal with the situation. An indication from the United States, or other responsible governments that such action would be favored might very well lead to the imposition of boycotts of states that are uncooperative in dealing with hijackings.

B. Bilateral Sanctions

1. Aviation Services

Where a state demonstrably fails to take proper action under the Tokyo Convention or in the circumstances foreseen in the ICAO Resolution on "international blackmail" hijacking, we believe we would be within our legal rights to suspend all air services to and from such a state, whether or not we have a bilateral air transport agreement with that state. We believe the same legal arguments could be adduced even in instances of "non-blackmail" hijacking.

2. Travel

We could refuse to validate US passports to a particular country. While this might not legally cut off travel, it would undoubtedly discourage tourism.

3. Trade

a. Total Embargo on all Trade Relations

This would require invoking the "trading with the enemy act." The case would be weak and subject to challenge in Court; though lower courts, at least, have been willing to pay great deference to the Executive judgment on such questions. A new proclamation expressly linking hijacking to national security, would be helpful.

If the target country were a GATT member, in the absence of a UN sanctions resolution, we might have considerable difficulty in justifying such action under the "security", or any other, exception and we might either seek a waiver from GATT or elect to ignore GATT. (We did not seek a GATT waiver for our action against Cuba, nor have the Cubans ever challenged us on this in GATT.)

Where we have a bilateral trade agreement, or FCN Treaty, with the target country, the problems would be similar.

b. Denial of M-F-N Concessions

No existing authority would justify such action in response to a failure to take appropriate action to curtail hijacking. Specific legislative authorization would be required unless we could label a country as communist, or cite independent trade actions by the target country justifying retaliation.

Similar GATT and treaty considerations as in a. above would obtain.

c. Denial of Import Quotas

--Denial of import quotas on long staple cotton would require legislative action.

--If the President finds that a sugar quota is not in the national interest he may suspend it.

--Reduction or elimination of petroleum import quota's would probably require a finding by OEP that such action is required on security grounds.

--Cotton textile import quotas might be reduced to a limited extent by terminating or failing to renew existing bilateral agreements. Where no bilateral agreement exists, new quotas could be imposed if consistent with the criteria of the LTA. Imposition of quotas on participants or non-participants at lower levels than permitted by the LTA could be challenged in the courts by interested importers as outside the President's domestic legislative authority to carry out the LTA.

Such restrictions might give rise to GATT and bilateral agreements problems similar to those mentioned under a. above.

d. Export Control

In addition to authority under the Trading with the Enemy Act, broad or partial limitations on US exports to the target country could be instituted under the Export Administration Act and the Munitions Control Act by citing security or foreign policy grounds. Such limitations might be attacked in court on the ground that protection against hijacking is not the kind of foreign policy objective that can be enforced under these Acts.

Such restrictions might give rise to GATT and bilateral agreements problems similar to those mentioned under a. above.

4. Financial Assistance and Military Aid

We can, of course, unilaterally decide whether or not to extend Export-Import Bank loans, guarantees and insurance, AID grant or loan assistance as well as PL 480 sales, or military aid to a target country.

In regard to the Interest Equalization Tax levied on foreign borrowing in the United States and on purchases by US citizens of foreign bonds and notes, a developing country might be taken off the exempt list if statutory notification procedures are followed; however, such action would not find support in the purposes of the Interest Equalization Act. We could also put a developing country in a more restrictive category under the Foreign Direct Investment Controls on US direct investment abroad, but this action would similarly be outside the purposes of the FDIC program. In both cases, actions could probably be brought to test the validity of the action involved.

SECTION III - Possible Target Countries and Consideration of Action that Might be Taken

A. Cuba

Since 1962, almost sixty planes of US registry have been hijacked to Cuba and over fifty planes of other registry. It is noteworthy -- well nigh miraculous -- that to date neither a life nor a plane has been lost in these hijackings, although death or serious injury resulted from abortive hijacking attempts. US registered planes and their passengers have generally been returned promptly from Cuba. In many instances the hijacker has been jailed or otherwise given harsh treatment by the Cuban Government, to the point where 21 eventually left Cuba and were returned or turned themselves in for prosecution in the United States. We have been discussing with Cuba, through the Swiss Embassy in Havana, an arrangement for the return of hijackers, excluding those seeking political asylum. Cuba, however, continues to be regarded as a goal or haven for potential hijackers. This is particularly so in cases where the hijackers claim revolutionary motivation. The Castro Government continues to value its image as a model for revolutionaries and is unlikely to deal harshly with hijackers who act out of what Cuba views as political motives. As long as this is so, the danger of death to US citizens or destruction of property will be present.

On October 21, a Costa Rican plane was hijacked to Cuba. In this instance the hijackers, apparently Central American extremists, threatened the lives of American citizens unless other Central Americans in jail in Costa Rica were released. The jailed extremists were released by the Costa Rican Government almost immediately. However, the passengers were detained for over five days in Cuba. The plane was held for 20 days and only released on provision of a guarantee for \$65,000 in charges. There are no indications yet of any intent to prosecute or extradite the hijackers. While it may be difficult to prove a case of detention of the passengers, this was clearly a case of hijacking for international blackmail purposes.

If the Cubans take no action against the hijackers of the Costa Rican plane, there would be a clear basis for invoking the ICAO Council Resolution of October 1. We have urged the Costa Ricans to seek extradition or prosecution in Cuba and have indicated we propose to follow up with Cuba. Costa Rica has this question under consideration. We could, as a second step, urge the Costa Ricans to call for consultations with Spain, Czechoslovakia and the USSR whose airlines serve Cuba, as well as Mexico to which the Cuban airline flies, and Portugal, Canada and France which extend technical landing rights to the Cuban airline. We could urge these states that provide civil air services to Cuba to consider suspending their services. We cannot be sanguine as to the cooperation such an approach would elicit. The Czechs and the Soviets would be unlikely to take an action hostile to Cuba despite their hard and loud demands that hijackers should be extradited. The Mexicans are already angered by the Cubans' lack of response to their requests for extradition of hijackers of Mexican aircraft and might cooperate. Spain may resist. She values her trade with Cuba and her airline's

aviation business with Cuba. Portugal and possibly Canada might be willing to terminate the technical landing rights they provide Cuba.

B. Lebanon

The Government of Lebanon has as yet not acted to take into custody the Arab guerrillas who participated in the destruction of the PAA 747 by passing on explosives when the hijackers forced the plane to land at Beirut airport. Also, the Lebanese have just given a mild sentence (three years reduced to the actual nine months imprisonment served while awaiting trial) to a Frenchman (Belon) who hijacked a TWA plane to Beirut in January, 1970. (It should be noted, nevertheless, that Western European countries which have prosecuted hijackers from Eastern Europe have also dealt out light sentences and, presumably, not all the sentences will be served.)

If the Government of Lebanon takes no action against the conspirators in the PAA 747 dynamiting, we would have grounds for invoking the ICAO Resolution of October 1. However, to be effective, a suspension of civil air services to Lebanon would have to be widespread since Beirut is served by a broad spectrum of foreign civil airlines.

Bilateral trade sanctions would offer only modest leverage on Lebanon. Exports to the United States are small (about \$10 million per annum) representing only about 5 percent of the country's total exports. On the other hand, Lebanon has been purchasing about \$90 million per annum from us. Our bilateral assistance program has been running at only modest levels. We provided only about \$7.5 million in PL 480 sales and \$100,000 in MAP assistance in FY 1970. Recent Export-Import Bank activity has also been low, although in FY 1969, Export-Import Bank loans, guarantees or insurance involving Lebanon totalled over \$50 million, mainly for aircraft.

Travel restrictions might have greater leverage. Tourism has long been important to Lebanon's balance of payments. Lebanon's tourist industry has already been suffering since the destruction caused by the six-day war in 1967 and successive military flare-ups in the Middle East since then. Although declining, US tourists entering Lebanon have been in the range of 50,000 per annum.

We have a bilateral air transport agreement with Lebanon and recently agreed to a cargo route for Lebanon air carriers to the United States. We have not yet provided the certification for a Lebanon carrier on this route.

We must, of course, recognize that any action we might take to sanction Lebanon would run counter to what has been our general approach of seeking to bolster this relatively moderate Arab regime, which faces a serious internal problem with the Arab guerrillas. Sanctions imposed by the United States and other Western States, against Lebanon, could seriously affect our efforts to bring about a Middle East settlement.

C. UAR

In the past, the Government of the UAR has acted cooperatively, with regard to the treatment given passengers, crew and plane, in instances where a US plane has been hijacked to Egypt. In the case of the PAA 747 destruction on the ground in Cairo on September 7, although the hijackers were taken into custody, no move to prosecute them has been made. The UAR has also permitted the departure of Leila Khaled, who participated in the hijacking of and serious damage to a US plane hijacked to Damascus in August of 1969 and was also involved in the abortive hijacking attempt on September 6 of an EI Al plane.

If the UAR takes no action against the hijackers who destroyed the PAA 747 plane, we would have grounds for invoking the ICAO Resolution of October 1. We have suggested to the United Kingdom, the Federal Republic of Germany and the Swiss (members of the "Bern Group" of countries) that they make independent and coordinated approaches to the UAR, as well as to Lebanon and Jordan. To be effective, the denial of civil air services would have to be widespread. The UAR is served by a long list of East and West European airlines, as well as African and Arab airlines.

If we were to attempt bilateral sanctions, we could not seriously affect the UAR economically and could only open the door to economic retaliation such as counter-embargo and action against oil companies.

US trade with the UAR is at only modest levels and the balance is in our favor. In 1969, we sold the UAR \$67 million and bought \$38 million. Included in our purchases have been long-staple cotton, considerably reduced from earlier years, and crude oil, almost exclusively company owned (Standard of Indiana). We recently concluded a bilateral cotton textiles agreement with the UAR under which the UAR can ship us about \$5 million per annum on textiles.

Other than a few scientific research projects, we have no assistance programs with the UAR, nor are we currently providing Export-Import Bank loans.

We have a bilateral air transport agreement under which TWA serves Cairo (of marginal commercial value). The UAR has landing rights in New York, but has not exercised them. UAR earnings from US tourists are estimated at \$5 million annually.

Again, sanctions against the UAR, the key Arab State, insofar as a Middle East peace settlement is concerned, would have repercussions adverse to attainment of this objective.

D. Jordan

There has been no indication that the Government of Jordan has made any effort to take into custody the fedayeen involved in the hijacking and destruction of the three planes blown up at Dawson Field on September 14.

If Jordan takes no action against the hijackers who destroyed the aircraft at Dawson Field, we would have grounds for invoking the ICAO Resolution of October 1. We have no direct civil air services with Jordan. However, Jordan is served by the Dutch, Soviets, Italians and several Arab states. Jordan airlines also fly to Greece, Turkey and Germany, as well as to nearby Arab states.

Our imports from Jordan are insignificant. However, our exports have been running at as much as \$70 million per annum. Over the years 1946 to 1970 we have provided about \$214 million in military assistance to Jordan. During FY 1970 our assistance program consisted of only about \$1.6 million in technical assistance, \$600,000 in PL 480 sales, and \$210,000 in MAP assistance. Plans for 1971 involve increased aid. Tourism, once important, has been cut to very low levels as a result of the 1967 war and subsequent disturbances and civil war.

In the case of Jordan--and also Lebanon--sanctions might put us at cross purposes with our efforts to bolster the regime in its dealings with the fedayeen. Were we to impose sanctions against Jordan, our efforts to bring about a Middle East settlement could very well be wiped out.

E. Syria

In August of 1969, Arab guerrillas hijacked a TWA 707 to Damascus. After passengers were disembarked damage estimated at from \$3 to 5 million was wreaked on the plane. Although most of the passengers were allowed to leave, two Israeli passengers were held for an extended period. While the hijackers were taken into custody there has never been any indication they were actually prosecuted. In fact, Leila Khaled, one of the hijackers, surfaced this year as a participant in the attempted hijacking of the EI Al plane.

Bilateral Syria-US trade is very small nor has there been any US tourism to Syria of any significance since 1967. We do not provide Syria with economic and military assistance.

We have a bilateral air transport agreement with Syria, but it does not provide for a Syrian route to the United States. Pan Am makes a weekly stop at Damascus. The Syrians have made it clear that unless we continue to provide some air service to Damascus, they will not permit US planes to overfly their country. Pan Am places great value on these overflight rights, an important link in its round-the-world flights. It also would be useful to TWA to be able to overfly Syria.

F. France

Our various initiatives in ICAO to develop international legal instruments to deal with hijacking have not always obtained widespread cooperation. Most recently, and most egregiously, the French, perhaps determined to maintain their ties with Arab and other third world countries, were particularly uncooperative with respect to our efforts to obtain adoption of the ICAO resolution on "international blackmail hijacking" and to promote consideration of our draft convention on sanctions. They have also proposed a number of weakening amendments to a draft UNGA resolution on this subject. The question of French cooperation on a specific case may arise, should Belon, the French hijacker, recently freed in Lebanon, return to France and should we elect to request his extradition.

We have a bilateral air transport agreement with France under which the French have recently called for consultations. We can anticipate they will ask for additional landing rights. We doubt that they have a case and would be unlikely to extend them new rights even absent our concerns on hijacking. We could show our displeasure by refusing to meet with them. However, we are obligated under the bilateral to consult when requested.

We, of course, have extensive trade and financial relations with France as we do with all leading industrial states. However, we doubt these could afford us opportunities to take action against France. Inevitably, action would give rise to counter action, with a potential spiraling effect that could have broad political as well as economic implications. Moreover, we are co record against taking trade action affecting France for other than trade reasons.

Telegram From the Embassy in the Netherlands to the
Department of State, December 16, 1970, 1330Z

The telegram communicated the final text of the
Convention for the Suppression of Unlawful Seizure of
Aircraft agreed upon at the Hague.

O R 161330 DEC 70
FM AMEMBASSY THE HAGUE
TO SECSTATE WASH DC
IMMEDIATE 6447
INFO USUN NEW YORK 389

AMCONSUL MONTREAL

USUN FOR STEVENSON MONTREAL FOR USREP ICAO

SUBJECT: FINAL TEXT OF HIJACKING CONVENTION

REF: STATE 203473

CONVENTION FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT

PREAMBLE

THE STATES PARTIES TO THIS CONVENTION

CONSIDERING THAT UNLAWFUL ACTS OF SEIZURE OR EXERCISE OF CONTROL OF AIRCRAFT IN FLIGHT JEOPARDIZE THE SAFETY OF PERSONS AND PROPERTY, SERIOUSLY AFFECT THE OPERATION OF AIR SERVICES AND UNDERMINE THE CONFIDENCE OF THE PEOPLES OF THE WORLD IN THE SAFETY OF CIVIL AVIATION:

CONSIDERING THAT THE OCCURRENCE OF SUCH ACTS IS A MATTER OF GRAVE CONCERN:

CONSIDERING THAT, FOR THE PURPOSE OF DETERRING SUCH ACTS, THERE IS AN URGENT NEED TO PROVIDE APPROPRIATE MEASURES FOR PUNISHMENT OF OFFENDERS:

HAVE AGREED AS FOLLOWS:

ARTICLE 1

ANY PERSON WHO ON BOARD AN AIRCRAFT IN FLIGHT:

(A) UNLAWFULLY, BY FORCE, OR THREAT THEREOF, OR BY ANY OTHER FORM OF INTIMIDATION, SEIZES, OR EXERCISES CONTROL OF THAT AIRCRAFT, OR ATTEMPTS TO PERFORM ANY SUCH ACT, OR

(B) IS AN ACCOMPLICE OF A PERSON WHO PERFORMS OR ATTEMPTS TO PERFORM ANY SUCH ACT COMMITS AN OFFENCE (HEREINAFTER REFERRED TO AS "THE OFFENCE"),

ARTICLE 2

EACH CONTRACTING STATE UNDERTAKES TO MAKE THE OFFENCE PUNISHABLE BY SEVERE PENALTIES.

ARTICLE 3

1. FOR THE PURPOSES OF THIS CONVENTION, AN AIRCRAFT IS CONSIDERED TO BE IN FLIGHT AT ANY TIME FROM THE MOMENT WHEN ALL ITS EXTERNAL DOORS ARE CLOSED FOLLOWING EMBARKATION UNTIL THE MOMENT WHEN ANY SUCH DOOR IS OPENED FOR DISEMBARKATION. IN THE CASE OF A FORCED LANDING, THE FLIGHT SHALL BE DEEMED TO CONTINUE UNTIL THE COMPETENT AUTHORITIES TAKE OVER THE RESPONSIBILITY FOR THE AIRCRAFT AND FOR PERSONS AND PROPERTY ON BOARD.

2. THIS CONVENTION SHALL NOT APPLY TO AIRCRAFT USED IN MILITARY, CUSTOMS OR POLICE SERVICES.

3. THIS CONVENTION SHALL APPLY ONLY IF THE PLACE OF TAKE-OFF OR THE PLACE OF ACTUAL LANDING OF THE AIRCRAFT ONBOARD WHICH THE OFFENCE IS COMMITTED IS SITUATED OUTSIDE THE TERRITORY OF THE STATE OF REGISTRATION OF THAT AIRCRAFT; IT SHALL BE IMMATERIAL WHETHER THE AIRCRAFT IS ENGAGED IN AN INTERNATIONAL OR DOMESTIC FLIGHT.

4. IN THE CASES MENTIONED IN ARTICLE 5, THIS CONVENTION SHALL NOT APPLY IF THE PLACE OF TAKE-OFF AND THE PLACE OF ACTUAL LANDING OF THE AIRCRAFT ON BOARD WHICH THE OFFENCE IS COMMITTED ARE SITUATED WITHIN THE TERRITORY OF THE SAME STATE WHERE THAT STATE IS ONE OTHER THAN THE STATE OF REGISTRATION OF THAT AIRCRAFT.

5. NOTWITHSTANDING PARAGRAPHS 3 AND 4 OF THIS ARTICLE, ARTICLES 6, 7, 8 AND 10 SHALL APPLY WHATEVER THE PLACE OF TAKE-OFF OR THE PLACE OF ACTUAL LANDING OF THE AIRCRAFT, IF THE OFFENDER OR THE ALLEGED OFFENDER IS FOUND IN THE TERRITORY OF A STATE OTHER THAN THE STATE OF REGISTRATION OF THAT AIRCRAFT.

ARTICLE 4

1. EACH CONTRACTING STATE SHALL TAKE SUCH MEASURES AS MAY BE NECESSARY TO ESTABLISH ITS JURISDICTION OVER THE OFFENCE AND ANY OTHER ACT OF VIOLENCE AGAINST PASSENGERS OR CREW COMMITTED BY THE ALLEGED OFFENDER IN CONNECTION WITH THE OFFENCE, IN THE FOLLOWING CASES:

(A) WHEN THE OFFENCE IS COMMITTED ON BOARD AN AIRCRAFT REGISTERED IN THAT STATE;

(B) WHEN THE AIRCRAFT ON BOARD WHICH THE OFFENCE IS COMMITTED LANDS IN ITS TERRITORY WITH THE ALLEGED OFFENDER STILL ON BOARD;

(C) WHEN THE OFFENCE IS COMMITTED ON BOARD AN AIRCRAFT LEASED WITHOUT CREW TO A LESSEE WHO HAS HIS PRINCIPAL PLACE OF BUSINESS OR, IF THE LESSEE HAS NO SUCH PLACE OF BUSINESS, HIS PERMANENT RESIDENCE, IN THAT STATE.

2. EACH CONTRACTING STATE SHALL LIKEWISE TAKE SUCH MEASURES AS MAY BE NECESSARY TO ESTABLISH ITS JURISDICTION OVER THE OFFENCE IN THE CASE WHERE THE ALLEGED OFFENDER IS PRESENT IN ITS TERRITORY AND IT DOES NOT EXTRADITE HIM PURSUANT TO ARTICLE 8 TO ANY OF THE STATES MENTIONED IN PARAGRAPH 1 OF THIS ARTICLE.

3. THIS CONVENTION DOES NOT EXCLUDE ANY CRIMINAL JURISDICTION EXERCISED IN ACCORDANCE WITH NATIONAL LAW.

ARTICLE 5

THE CONTRACTING STATES WHICH ESTABLISH JOINT AIR TRANSPORT OPERATING ORGANIZATIONS OR INTERNATIONAL OPERATING AGENCIES, WHICH OPERATE AIRCRAFT WHICH ARE SUBJECT TO JOINT OR INTERNATIONAL REGISTRATION SHALL, BY APPROPRIATE MEANS, DESIGNATE FOR EACH AIRCRAFT THE STATE AMONG THEM WHICH SHALL EXERCISE THE JURISDICTION AND HAVE THE ATTRIBUTES OF THE STATE OF REGISTRATION FOR THE PURPOSE OF THIS CONVENTION AND SHALL GIVE NOTICE THEREOF TO THE INTERNATIONAL CIVIL AVIATION ORGANIZATION WHICH SHALL COMMUNICATE THE NOTICE TO ALL STATES PARTIES TO THIS CONVENTION.

ARTICLE 6

1. UPON BEING SATISFIED THAT THE CIRCUMSTANCES SO WARRANT, ANY CONTRACTING STATE IN THE TERRITORY OF WHICH THE OFFENDER OR THE ALLEGED OFFENDER IS PRESENT, SHALL TAKE HIM INTO CUSTODY OR TAKE OTHER MEASURES TO ENSURE HIS PRESENCE. THE CUSTODY AND OTHER MEASURES SHALL BE AS PROVIDED IN THE LAW OF THAT STATE BUT MAY ONLY BE CONTINUED FOR SUCH TIME AS IS NECESSARY TO ENABLE ANY CRIMINAL OR EXTRADITION PROCEEDINGS TO BE INSTITUTED.

2. SUCH STATE SHALL IMMEDIATELY MAKE A PRELIMINARY ENQUIRY INTO THE FACTS.

3. ANY PERSON IN CUSTODY PURSUANT TO PARAGRAPH 1 OF THIS ARTICLE SHALL BE ASSISTED IN COMMUNICATING IMMEDIATELY WITH THE NEAREST APPROPRIATE REPRESENTATIVE OF THE STATE OF WHICH HE IS A NATIONAL.

4. WHEN A STATE, PURSUANT TO THIS ARTICLE, HAS TAKEN A PERSON INTO CUSTODY, IT SHALL IMMEDIATELY NOTIFY THE STATE OF REGISTRATION OF THE AIRCRAFT, THE STATE MENTIONED IN ARTICLE 4, PARAGRAPH 1 (C), THE STATE OF NATIONALITY OF THE DETAINED PERSON AND, IF IT CONSIDERS IT ADVISABLE, ANY OTHER INTERESTED STATES OF THE FACT THAT SUCH PERSON IS IN CUSTODY AND OF THE CIRCUMSTANCES WHICH WARRANT HIS DETENTION. THE STATE WHICH MAKES THE PRELIMINARY

ENQUIRY CONTEMPLATED IN PARAGRAPH 2 OF THIS ARTICLE SHALL INDICATE WHETHER IT INTENDS TO EXERCISE JURISDICTION.

ARTICLE 7

THE CONTRACTING STATE IN THE TERRITORY OF WHICH THE ALLEGED OFFENDER IS FOUND SHALL, IF IT DOES NOT EXTRADITE HIM, BE OBLIGED, WITHOUT EXCEPTION WHATSOEVER, AND WHETHER OR NOT THE OFFENCE WAS COMMITTED IN ITS TERRITORY, TO SUBMIT THE CASE TO ITS COMPETENT AUTHORITIES FOR THE PURPOSE OF PROSECUTION. THOSE AUTHORITIES SHALL TAKE THEIR DECISION IN THE SAME MANNER AS IN THE CASE OF ANY ORDINARY OFFENCE OF A SERIOUS NATURE UNDER THE LAW OF THAT STATE.

ARTICLE 8

1. THE OFFENCE SHALL BE DEEMED TO BE INCLUDED AS AN EXTRADITABLE OFFENCE IN ANY EXTRADITION TREATY EXISTING BETWEEN CONTRACTING STATES. CONTRACTING STATES UNDERTAKE TO INCLUDE THE OFFENCE AS AN EXTRADITABLE OFFENCE IN EVERY EXTRADITION TREATY TO BE CONCLUDED BETWEEN THEM.

2. IF A CONTRACTING STATE WHICH MAKES EXTRADITION CONDITIONAL ON THE EXISTENCE OF A TREATY RECEIVES A REQUEST FOR EXTRADITION FROM ANOTHER CONTRACTING STATE WITH WHICH IT HAS NO EXTRADITION TREATY, IT MAY AS ITS OPTION CONSIDER THIS CONVENTION AS THE LEGAL BASIS FOR EXTRADITION IN RESPECT OF THE OFFENSE. EXTRADITION SHALL BE SUBJECT TO THE OTHER CONDITIONS PROVIDED BY THE LAW OF THE REQUESTED STATE.

3. CONTRACTING STATES WHICH DO NOT MAKE EXTRADITION CONDITIONAL ON THE EXISTENCE OF A TREATY SHALL RECOGNIZE THE OFFENCE AS AN EXTRADITABLE OFFENCE BETWEEN THEMSELVES SUBJECT TO THE CONDITIONS PROVIDED BY THE LAW OF THE REQUESTED STATE.

4. THE OFFENCE SHALL BE TREATED, FOR THE PURPOSE OF EXTRADITION BETWEEN CONTRACTING STATES, AS IF IT HAD BEEN COMMITTED NOT ONLY IN THE PLACE IN WHICH IT OCCURRED BUT ALSO IN THE TERRITORIES OF THE STATES REQUIRED TO ESTABLISH THEIR JURISDICTION IN ACCORDANCE WITH ARTICLE 4, PARAGRAPH 1.

ARTICLE 9

1. WHEN ANY OF THE ACTS MENTIONED IN ARTICLE 1 (A) HAS OCCURRED OR IS ABOUT TO OCCUR, CONTRACTING STATES SHALL TAKE ALL APPROPRIATE MEASURES TO RESTORE CONTROL OF THE AIRCRAFT TO ITS LAWFUL COMMANDER OR TO PRESERVE HIS CONTROL OF THE AIRCRAFT.

2. IN THE CASES CONTEMPLATED BY THE PRECEDING PARAGRAPH, ANY CONTRACTING STATE IN WHICH THE AIRCRAFT OR ITS PASSENGERS OR CREW ARE PRESENT SHALL FACILITATE THE CONTINUATION OF THE JOURNEY OF THE PASSENGERS AND CREW AS SOON AS PRACTICABLE, AND SHALL WITHOUT DELAY RETURN THE AIRCRAFT AND ITS CARGO TO THE PERSONS LAWFULLY ENTITLED TO POSSESSION.

ARTICLE 10

1. CONTRACTING STATES SHALL AFFORD ONE ANOTHER THE GREATEST MEASURE OF ASSISTANCE IN CONNECTION WITH CRIMINAL PROCEEDINGS BROUGHT IN RESPECT OF THE OFFENCE AND OTHER ACTS MENTIONED IN ARTICLE 4. THE LAW OF THE STATE REQUESTED SHALL APPLY IN ALL CASES.

2. THE PROVISIONS OF PARAGRAPH 1 OF THIS ARTICLE SHALL NOT AFFECT OBLIGATIONS UNDER ANY OTHER TREATY, BILATERAL OR MULTILATERAL, WHICH GOVERNS OR WILL GOVERN, IN WHOLE OR IN PART, MUTUAL ASSISTANCE IN CRIMINAL MATTERS.

EACH CONTRACTING STATE SHALL IN ACCORDANCE WITH ITS NATIONAL LAW REPORT TO THE COUNCIL OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION AS PROMPTLY AS POSSIBLE ANY RELEVANT INFORMATION IN ITS POSSESSION CONCERNING:

- (A) THE CIRCUMSTANCES OF THE OFFENCE;
- (B) THE ACTION TAKEN PURSUANT TO ARTICLE 9;
- (C) THE MEASURES TAKEN IN RELATION TO THE OFFENDER OR THE ALLEGED OFFENDER, AND, IN PARTICULAR, THE RESULTS OF ANY EXTRADITION PROCEEDINGS OR OTHER LEGAL PROCEEDINGS.

ARTICLE 12

1. ANY DISPUTE BETWEEN TWO OR MORE CONTRACTING STATES CONCERNING THE INTERPRETATION OR APPLICATION OF THIS CONVENTION WHICH CANNOT BE SETTLED THROUGH NEGOTIATION OF THIS CONVENTION WHICH CANNOT BE SETTLED THROUGH NEGOTIATION, SHALL, AT THE REQUEST OF ONE OF THEM, BE SUBMITTED TO ARBITRATION. IF WITHIN SIX MONTHS FROM THE DATE OF THE REQUEST FOR ARBITRATION THE PARTIES ARE UNABLE TO AGREE ON THE ORGANIZATION OF THE ARBITRATION, ANY ONE OF THOSE PARTIES MAY REFER THE DISPUTE TO THE INTERNATIONAL COURT OF JUSTICE BY REQUEST IN CONFORMITY WITH THE STATUTE OF THE COURT.

2. EACH STATE MAY AT THE TIME OF SIGNATURE OR RATIFICATION OF THIS CONVENTION OR ACCESSION THERETO, DECLARE THAT IT DOES NOT CONSIDER ITSELF BOUND BY THE PRECEDING PARAGRAPH. THE OTHER CONTRACTING STATES SHALL NOT BE BOUND BY THE PRECEDING PARAGRAPH WITH RESPECT TO ANY CONTRACTING STATE HAVING MADE SUCH A RESERVATION.

3. ANY CONTRACTING STATE HAVING MADE A RESERVATION IN ACCORDANCE WITH THE PRECEDING PARAGRAPH MAY AT ANY TIME WITHDRAW THIS RESERVATION BY NOTIFICATION TO THE DEPOSITARY GOVERNMENTS.

ARTICLE 13

1. THIS CONVENTION SHALL BE OPEN FOR SIGNATURE AT THE HAGUE ON 16 DECEMBER 1970, BY STATES PARTICIPATING IN THE INTERNATIONAL CONFERENCE ON AIR LAW HELD AT THE HAGUE FROM 1 TO 16 DECEMBER 1970 (HEREINAFTER REFERRED TO AS THE HAGUE CONFERENCE). AFTER 31 DECEMBER 1970, THE CONVENTION SHALL BE OPEN TO ALL STATES FOR SIGNATURE IN MOSCOW, LONDON AND WASHINGTON. ANY STATE WHICH DOES NOT SIGN THIS CONVENTION BEFORE ITS ENTRY INTO FORCE IN ACCORDANCE WITH PARAGRAPH 3 OF THIS ARTICLE MAY ACCEDE TO IT AT ANY TIME.

2. THIS CONVENTION SHALL BE SUBJECT TO RATIFICATION BY THE SIGNATORY STATES. INSTRUMENTS OF RATIFICATION AND INSTRUMENTS OF ACCESSION SHALL BE DEPOSITED WITH THE GOVERNMENTS OF THE UNION OF SOVIET SOCIALIST REPUBLICS, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, AND THE UNITED STATES OF AMERICA, WHICH ARE HEREBY DESIGNATED THE DEPOSITARY GOVERNMENTS.

3. THIS CONVENTION SHALL ENTER INTO FORCE THIRTY DAYS FOLLOWING THE DATE OF THE DEPOSIT OF INSTRUMENTS OF RATIFICATION BY TEN STATES SIGNATORY TO THIS CONVENTION WHICH PARTICIPATED IN THE HAGUE CONFERENCE.

4. FOR OTHER STATES, THIS CONVENTION SHALL ENTER INTO FORCE ON THE DATE OF ENTRY INTO FORCE OF THIS CONVENTION IN ACCORDANCE WITH PARAGRAPH 3 OF THIS ARTICLE, OR THIRTY DAYS FOLLOWING THE DATE OF DEPOSIT OF THEIR INSTRUMENTS OF RATIFICATION OR ACCESSION, WHICHEVER IS LATER.

5. THE DEPOSITARY GOVERNMENTS SHALL PROMPTLY INFORM ALL SIGNATORY AND ACCEDING STATES OF THE DATE OF EACH SIGNATURE, THE DATE OF DEPOSIT OF EACH INSTRUMENT OF RATIFICATION OR ACCESSION, THE DATE OF ENTRY INTO FORCE OF THIS CONVENTION, AND OTHER NOTICES.

6. AS SOON AS THIS CONVENTION COMES INTO FORCE, IT SHALL BE REGISTERED BY THE DEPOSITARY GOVERNMENTS PURSUANT TO ARTICLE 102 OF THE CHARTER OF THE UNITED NATIONS AND PURSUANT TO ARTICLE 83 OF THE CONVENTION ON INTERNATIONAL CIVIL AVIATION (CHICAGO, 1944).

ARTICLE 14

1. ANY CONTRACTING STATE MAY DENOUNCE THIS CONVENTION BY WRITTEN NOTIFICATION TO THE DEPOSITARY GOVERNMENTS.

2. DENUNCIATION SHALL TAKE EFFECT SIX MONTHS FOLLOWING THE DATE ON WHICH NOTIFICATION IS RECEIVED BY THE DEPOSITARY GOVERNMENTS.

IN WITNESS THEREOF THE UNDERSIGNED PLENIPOTENTIARIES, BEING DULY AUTHORIZED THERETO BY THEIR GOVERNMENTS, HAVE SIGNED THIS CONVENTION.

DONE AT THE HAGUE, THIS SIXTEENTH DAY OF DECEMBER, ONE THOUSAND NINE HUNDRED AND SEVENTY, IN THREE ORIGINALS, EACH BEING DRAWN UP IN FOUR AUTHENTIC. TEXTS IN THE ENGLISH,

FRENCH, RUSSIAN AND SPANISH LANGUAGES.
MIDDENDORF

Memorandum From the Executive Secretary of the Department of State (Eliot) to the President's Assistant for National Security Affairs (Kissinger), March 24, 1971 The Department of State sent to the President, for submission to the Senate, the Convention for the Suppression of Unlawful Aircraft.

DEPARTMENT OF STATE
Washington, D.C. 20520
March 24, 1971

MEMORANDUM FOR Mr. HENRY A. KISSINGER

THE WHITE HOUSE

Subject: Convention for the Suppression of Unlawful Seizure of Aircraft, Recommended for Submission to the Senate

There is enclosed for signature by the President a message transmitting to the Senate for advice and consent to ratification the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague December 16, 1970.

The Convention, directed toward alleviating the increasingly serious global threat to international aviation posed by aircraft hijacking, is designed to ensure the prosecution of hijackers no matter where a hijacking takes place or a hijacker is found. A State which becomes a party to the Convention will be required to submit the case of a hijacker to its competent authorities for the purpose of prosecution if it does not extradite him.

The Convention has the support of all interested agencies in the Executive Branch. The Department anticipates Senate approval without serious opposition, but we recognize that some question maybe raised regarding our hijacking policy as it affects political refugees.

Implementing legislation is being prepared for submission to the Congress and should be ready shortly; however, it is not necessary to delay submission of the Convention until then.

The Department would appreciate being informed when the Convention is about to be submitted to the Senate, so that all signatories since the international conference, particularly some expected Arab countries, can be indicated in press guidance.

Theodore L. Eliot, Jr.
Executive Secretary
Enclosure:

Message to the Senate for Signature by the President.

Letter From Under Secretary of State for Political
Affairs (Johnson) to Secretary of Transportation Volpe,
July 23, 1971

The Departments of State and Transportation agreed upon
closer coordination of action in response to hijackings
of international commercial aircraft.

UNDER SECRETARY OF STATE
FOR POLITICAL AFFAIRS
WASHINGTON
July 23, 1971
Dear Mr. Secretary:

This is to confirm arrangements we discussed the other day by telephone for closer coordination between the Departments of State and Transportation on hijackings of international commercial aircraft.

When such an event takes place, the Operations Center in the Department of State immediately begins close surveillance of the situation and alerts representatives from the geographic bureau or bureaus concerned, as well as our aviation office in the Economic area. In addition, Jack Irwin, Bill Macomber and I are informed and one of us is always available for such direction as is necessary. If the gravity and complexity of events so dictate, a task force may be organized, physically located in the Operations Center, comprised of the representatives I have mentioned, to coordinate action until resolution of the episode.

Recognizing your Department's interest in these matters, I propose that our Department Operations Officer alert General Benjamin Davis whenever an international hijacking occurs or whenever it appears that a domestic hijacking is evolving into an international incident. General Davis would be informed who is directing action for the Department and would be notified immediately if a formal task force is organized in order that Department of Transportation representatives might be provided. I believe these measures will meet your requirements. If you agree, I suggest that a member of your staff contact Mr. Theodore Eliot, our Executive Secretary, to work out appropriate details.

I should note that hijackings directly to Cuba are normally handled by our Coordinator for Cuban Affairs directly with the Cubans through the Swiss Embassy. We have had no problems with this arrangement, so that these incidents are never likely to require establishment of a task force. We will, however, keep your Department informed on these cases, as we have in the past.

Sincerely,

U. Alexis Johnson

Memorandum From the Deputy Under Secretary of State for Administration Macomber) to the Associate Director of the Office of Management and Budget Carlucci), June 10, 1972
Macomber outlined an international action program to deal with failure to punish hijackers or return aircraft, crews, passengers, or property; upgrading the safety of international aviation; and specifically bringing pressure on Algeria to resolve the Western Airlines hijacking. Two Americans had hijacked a Western Airlines aircraft to Algeria with \$500,000 in ransom money.

DEPARTMENT OF STATE
Washington, D.C. 20520
June 10, 1972

MEMORANDUM FOR MR. FRANK CARLUCCI OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: Western Airline Hijacking

It now appears doubtful that the Algerians will expeditiously return Western's \$500,000 and unlikely that they will punish or extradite the hijackers. These circumstances combined with the recent Czech hijacking, the Tel Aviv affair, and the boycott threat by IFALPA create an urgent requirement for action and a favorable international atmosphere for high level positive consideration of means for dealing with menaces to civil aviation security.

This morning, Under Secretary Johnson firmly stated our position to the Algerian charge. He indicated that we were now beginning to consult broadly with other nations on ways to deal with the overall problem of aviation security illustrated in the Western case (see attached telegram). This is the final bilateral approach we intend to make to Algeria before we instruct all posts to inform their host governments that we now intend to seek broader international action. We do not, however, exclude additional contacts with the Algerians.

We are now planning to pursue immediately an international action program aimed at three specific goals:

- (a) Establishing formal international machinery to deal with future failures to punish hijackers or return planes, crews, passengers or property;
- (b) Affirming the commitment of all nations to take necessary unilateral measures (including physical security measures) to make international aviation secure; and
- (c) Bringing international diplomatic pressure to bear on Algeria to resolve the Western case and exploring the possibility of a (government or private) boycott of air services.

Certain preliminary steps toward each of these goals have already been taken. These steps and our proposed further actions, are summarized below:

A. Establishing Formal International Machinery to Deal with Future Failures to Punish Hijackers or Return Planes, Crews, Passengers or Property.

In October 1970, ICAO passed a US resolution acknowledging the right of ICAO states to consult together to take actions, including the suspension of air services, against a state which failed to extradite or prosecute persons committing a hijacking for blackmail purposes. Since that time, the US and Canada have been seeking to establish a sanctions convention which would create implementing machinery for this resolution and would give clear warning to states in Algeria's position that their actions could be reviewed and dealt with internationally in relatively short order. Our efforts have been resisted by a number of countries, most actively the USSR and France.

We believe that the present circumstances, including IFALPA's express endorsement of the US-Canada approach may give us an opportunity to get the sanctions convention moving in ICAO. We have instructed our ICAO representative to seek support for this approach and have prepared an implementing resolution (see attached telegram). To give priority to this approach, two further steps will be required.

(a) We must disassociate our approach from a similar sanctions endeavor by Israel based on the Tel Aviv incident. Express connection with Arab-Israel politics will almost certainly spell defeat. To this end, we would seek to have Israel withdraw its proposal to ICAO or, alternatively (and less desirably) seek to have our resolution heard first. We are prepared to discuss this matter with the Israelis in Washington and Montreal on Monday morning.

(b) We must make strong high level approaches to ICAO council members likely to be sympathetic in principle but concerned with their Arab relations. These states would include the UK, France, Germany, Japan, Belgium and Italy. We would also plan to coordinate with the Soviet Union and work with Czechoslovakia.

There is no guarantee that this effort would succeed, but we may never have a better chance to try it. The consequences of failure are somewhat mitigated by the fact that this is a standing rather than new, U.S. initiative. Also, we could fall back to a resolution calling for a special ICAO council meeting to consider implementation of the October 1970 resolution.

B. Affirming the Commitment of All Nations to Take Necessary Measures to Make International Civil Aviation Activity Secure.

We are actively exploring the possibility of placing the weight of the Security Council behind international cooperative efforts to ensure the safety of international civil aviation. In order to avoid a contentious Arab-Israeli debate on the LOD incident, which would probably force the Soviets and Chinese to oppose our proposal, we are working to develop support for a statement which could be endorsed by the Council without a formal meeting or debate.

We have, therefore, approached the Soviet delegation in New York with a view to developing a consensus resolution which would avoid the political aspects of recent hijacking incidents but express concern over and condemn the threat to lives stemming from hijacking or other interference with international civil aviation, call on states to take measures to suppress such acts and prosecute those who commit them, and to expand and intensify cooperative efforts in this field.

If we can obtain a consensus on this essentially hortatory statement, it should facilitate our task of moving ICAO and the international community to place into effect the existing conventions and move toward a convention which would invoke sanctions against offending states. It should also help if we decide now or later to seek cooperative sanction action outside the ICAO framework.

Perhaps influenced by the commitment in the US-Soviet declaration and the recent hijacking incident from Czechoslovakia, the Soviet delegation has appeared receptive. We should have their response by Monday, June 12. If it is favorable we should have a good chance to obtain SC action on a consensus statement by the middle of the week. We informed the UK delegation of our proposal and their initial reaction seemed favorable.

C. Bringing International Diplomatic Pressure to Bear on Algeria to Resolve the Western Case and Exploring the Possibility of a (Government or Private) Boycott of Air Services.

We have already requested our posts in countries having air connections with Algeria (including France, Soviet Union and Czechoslovakia) to seek the assistance of those countries in resolving the Western case. By Monday we should know how much assistance we can expect in terms of diplomatic pressure. We could attempt to increase this pressure by a more public or wider effort but this might be counter-productive since it might dig the Algerians in harder and not impose a substantial cost deterrent on "revolutionary" states.

IFALPA (International Federation of Air Line Pilots Associations) has called for a boycott of air services to and from Algeria by its members as well as a secondary boycott of those continuing to fly to Algeria. ALPA (American Pilots Association) strongly supports this initiative and we have not quarrelled with it in the way in which we have opposed the idea of a worldwide shutdown. We could continue to encourage this private initiative either by a public effort to secure the same result on a governmental basis or by private encouragement. A boycott, while perhaps creating short term political intransigence, would hurt and would substantially deter future actions of this kind. An IFALPA boycott was threatened at the time of the release of an EI Al plane held by Algeria in 1968. On the other hand, any boycott which seems to be inspired by the US Government runs the risk of Arab countermeasures against US interests.

If we were to pursue a boycott on a government basis, we could do so in an ad hoc meeting convened under the October 1970 ICAO resolution. We would not seek to convene such a meeting unless:

- a) There was sympathy for action on the part of a number of states serving Algeria; and/or
- b) We believed that the public and IFALPA pressure stirred by such a meeting would obtain meaningful results; or
- c) Despite the possibility of failure, we wished to underline USG concern.

With respect to invitees, we could either:

- a) Limit the meeting to states serving Algeria and the US as aggrieved party, or
- b) Add other states with a major interest in inter-national air transportation, e.g., Canada, Japan, UK, Netherlands, or
- c) Broaden the consultations to include states interested in the Czech hijacking (i.e. those serving Germany) and reduce the focus on Algeria.

William B. Macomber, Jr.
Deputy Under Secretary

Memorandum From Melvin Levine of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger), June 13, 1972

Levine updated Kissinger on recent activities generated by new acts of air piracy.

MEMORANDUM
NATIONAL SECURITY COUNCIL
MEMORANDUM FOR HENRY KISSINGER
INFORMATION June 13, 1972

FROM: Melvin H. Levine

SUBJECT: International Efforts to Stop Air Piracy

The following is to bring you up to date on recent activities generated by the newest acts of air piracy.

The Lod Airport massacre along with the recent hijackings of a Czech airliner to West Germany (by 9 Czechs who killed the pilot) and of a Western Airlines jet to Algeria (by two Americans with \$500,000 in "ransom money") have touched off renewed international efforts to stop air piracy. The International Federation of Air Line Pilots Associations (IFALPA) has warned that it will stop world air service on June 19 unless effective action against air piracy is taken. Our own pilots (American Air Line Pilots Association) have endorsed IFALPA's stance. In addition to tightening up existing domestic procedures for screening airline passengers, we are seeking more effective international action to prevent hijacking.

Security Council Action. The pilots associations have called for Security Council consideration of the hijacking problem. However, this is the wrong forum for serious action because the Arab-Israeli question could too easily polarize the Council, and, in any case, the veto will preclude anything but the blandest of resolutions. We are in fact asking the Soviets to go along with a toothless consensus resolution. If they do, which is still problematical, we will still have to get other countries like the PRC and France on board.

Action on Air Piracy Conventions. More significant action could come in the International Civil Aviation Organization (ICAO) whose Council is now meeting in Montreal. We are seeking to use the present climate to gain support for a sanctions convention -- an old objective -- which would, among other things, provide for the suspension of commercial airline services to states which fail to extradite or prosecute certain air pirates. Until now, the USSR and France have opposed such sanctions, which are strongly favored by the airline unions.

We are also mounting a diplomatic campaign seeking wider adherence to two existing conventions:

The 1970 Hague Convention requiring the extradition or prosecution of hijackers has been signed by 81 states. We are encouraging states to ratify rapidly. We ourselves have done so, and we should soon have implementing legislation.

The 1971 Montreal Convention seeks extradition or prosecution of all airline saboteurs. So far, it has only 39 signatories. State is speeding up our own request for Senate advice and consent (not yet submitted).

The Algeria Case. The Algerian Government is taking its time deciding what to do with the authors of the June 3 hijacking of a Western Airlines jet to Algiers. The hijackers (whose extradition or prosecution we have requested) remain in custody there, along with \$500,000 in ransom money, which the Algerians have promised to return. The Algerians have complained to us about the international pressure they feel we have brought to bear on them. In fact, we did not instigate the Air Line Pilots boycott threat (as the Algerians suspect), but impatience with Algerian procrastination -- which could encourage other hijackers -- is running high in the U.S. Government, and State has instructed low-key approaches in a number of capitals to see if third country intercession with Algiers might be possible. This will set back the evolution of bilateral relations, but that is a storm that will just have to be weathered.

Overall responsibility for air piracy matters has been assigned by the President to the Department of Transportation which is working closely with State. Over here, Frank Carlucci of OMB is coordinator for these matters with Ehrlichman, Flanigan and ourselves.

Hal Saunders concurs with this memorandum.

Memorandum From Secretary of State Rogers to President Nixon, June 15, 1972

Rogers reported that the Department of State had introduced a resolution in the ICAO calling for a resumption of work on an international convention to provide sanctions against governments that aided hijackers.

June 15, 1972

MEMORANDUM FOR THE PRESIDENT - Evening Report

1. United States Action in International Civil Aviation Organization Regarding Aviation Security - In view of the Lod Airport massacre in Tel Aviv and the recent hijacking of a U.S. aircraft to Algeria, the United States has introduced a resolution in the Council of the International Civil Aviation Organization (ICAO) calling for the resumption of work on an international convention to provide for sanctions against Governments which fail to prosecute or extradite hijackers. This resolution will be considered by the ICAO Council on June 16. Although only last month the Legal Committee of ICAO voted to suspend work on a sanctions convention, our Embassies in most of the other ICAO Council member States, including the USSR, are endeavoring at high levels to obtain support for our proposal. We are hopeful that the recent incidents will spur sufficient support for our proposal to be adopted tomorrow. We are also making efforts to obtain a consensus statement at the UN Security Council which would back up our efforts in ICAO.

The International Federation of Airline Pilots Association has called for a strike on June 19 unless in the meantime action has been taken by the UN and ICAO on aviation security.

We are continuing to press the Algerians to prosecute the hijackers and return the ransom money from the recent Western Airlines hijacking.

Airgram A-6325 From the Department of State to All
Diplomatic Missions, June 23, 1972

The Department of State provided the text of the resolution on aircraft hijacking and violence against civil aviation adopted by the ICAO Council and the text of a statement incorporating the UN Security Council's consensus on hijacking.

DEPARTMENT OF STATE
AIRGRAM

TO: ALL AMERICAN DIPLOMATIC MISSIONS
FROM: Department of State DATE: JUN 23 2:17 PM 72

SUBJECT: ICAO and UN Action Regarding Aircraft Hijacking and Violence Against Civil Aviation

Following is the full text of the resolution adopted by the ICAO Council on June 19 QUOTE

THE COUNCIL,

DEPLORING the continuing frequency of acts of unlawful interference which cause serious safety problems, endanger lives and undermine confidence in international air transport;

MINDFUL of the solemn declaration of the 17th Session of the Assembly condemning all acts of violence which may be directed against aircraft, crews and passengers engaged in, and against civil aviation personnel, civil airports and other facilities used by, international civil air transport;

RECALLING the resolutions of the ICAO Assembly, the United Nations General Assembly and the Security Council relating to unlawful interference with international civil aviation;

CALLS UPON Contracting States to implement to the fullest extent possible the security measures contained in Resolution A17-10, which are amplified in the ICAO Security Manual, and to report, as soon as possible and not later than 31 October 1972, on measures they have taken to implement them, for review and analysis by the Council within 30 days of that date, and decides that all communications in this field with Contracting States should be treated as being of a strictly confidential character;

DIRECTS the Legal Committee to convene immediately a special Subcommittee to work on the preparation of an international convention to establish appropriate multilateral procedures within the ICAO framework for determining whether there is a need for joint action in cases envisaged in the first resolution adopted by the Council on 11 October 1970 and for deciding on the nature of joint action if it is to be taken;

URGES Contracting States to cooperate in the development of practical and effective security provisions which may form the basis for the adoption of ICAO Standards and Recommended Practices at the earliest possible date, so that the uniform application of such Standards and Recommended Practices will enhance the safety of civil aviation;

URGES States to become parties as soon as possible to the Tokyo Convention on Offenses and Certain Other Acts Committed on Board Aircraft; the Hague Convention for the Suppression of Unlawful Seizure of Aircraft; and the Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation;

URGES States, in the interim, prior to their becoming parties to the above mentioned Conventions, to observe to the maximum extent possible under their national laws the provisions of those Conventions. UNQUOTE

Following is the text of the statement incorporating the UN Security Council's consensus on Hijacking: QUOTE

Decision of the Security Council on Hijacking. The President of the Security Council announces that the members of the Security Council adopted on June 20, 1972 by consensus the following decision:

"(1) Members of the Security Council are gravely concerned at the threat to the lives of passengers and crews arising from the hijacking of aircraft and other unlawful interference with international civil aviation. In these circumstances, they wish to reaffirm Security Council Resolution 286 (1970) of 9 September 1970 and to recall that General Assembly has expressed its deep concern about the situation.

"(2) Members of the Security Council condemn and consider it necessary to put an end to acts that are directed against the safety of civil aviation and that are being perpetrated in various parts of the world presenting serious obstacles to normal use of air transportation, an important means of inter-national intercourse.

"(3) The Security Council calls upon States to take all appropriate measures within their jurisdiction to deter and prevent such acts and to take effective measures to deal with those who commit such acts.

"(4) The Security Council invites all States to expand and intensify cooperative international efforts and measures in this field, in conformity with charter obligations, with a view to ensuring maximum possible safety and reliability of international civil aviation. UNQUOTE.