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TASK FORCE ON DETERRENCE OF AIR PIRACY

FINAL REPORT

H. L. Reighard, M.D.
John T. Dalley, Ph.D.

FAA Office of Aviation Medicine
800 Independence Ave., S.W.
Washington, D.C. 20591

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16. Abstract

In February 1969, as the frequency of hijacking of U.S. air carrier aircraft was rising to an all-time high, the Federal Aviation Administration established a multi-disciplinary Task Force on Deterrence of Air Piracy. The work of the Task Force in developing an airline passenger pre-boarding screening system and other actions to deter hijacking is summarized. The screening system combined a behavioral profile with a metal-detecting magnetometer to identify those persons who could be potential hijackers. The value of the epidemiological method and the multi-disciplinary approach to problems of the magnitude and complexity of hijacking is emphasized.

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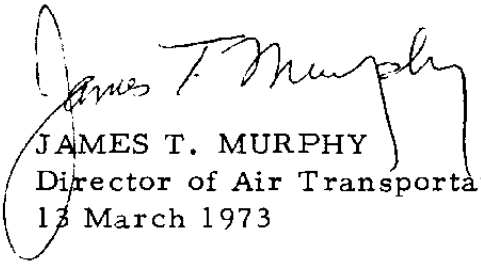
FOREWORD

The work of the FAA Hijack Task Force was of paramount importance in the government's effort to bring the hijacking menace to a halt. The analytical work and operational testing of the system devised by the Task Force formed the spinal column of the anti-hijack program until 5 January 1973 when new regulations requiring screening of all passengers and their carry-on items went into effect.

The current comprehensive screening program should not be construed as derogatory towards the Task Force system. It was a necessary evolutionary security development designed to meet the threat of a breed of hijacker unknown at the time of the Task Force effort--namely, the fleeing, armed and dangerous fugitive from justice.

The civil aviation industry owes a profound vote of thanks to the Task Force for their innovative pioneering efforts in developing the first workable anti-hijack screening system.



JAMES T. MURPHY
Director of Air Transportation Security
13 March 1973

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EXECUTIVE SUMMARY

The Problem

By February 1969, U.S.-registered aircraft hijackings or attempted hijackings totalled 46. Of these, two-thirds occurred between January 1, 1968, and February 3, 1969, with episodes in the latter part of that period numbering two to three per week. Air piracy had reached an all time peak in the United States and the rate of increase had become exponential.

An assortment of Congressional, Federal agency, and airline industry efforts to fight the hijack menace had proved largely unsuccessful. Testimony (beginning on February 6, 1969) before the House Committee on Interstate and Foreign Commerce, chaired by Representative Harley O. Staggers, revealed that current legal, diplomatic, and technological approaches were essentially unproductive. An atmosphere of hopelessness existed and few workable solutions emerged from testimony presented by Government and private industry.

Facts Bearing on the Problem

Prior to February, the FAA Office of Aviation Medicine had approached D. D. Thomas, Acting FAA Administrator, with the suggestion that psychological techniques offered promising alternatives to mechanisms then in use. With the Administrator, the Federal Air Surgeon and his staff worked out a format for a multi-disciplinary task force to examine the hijack problem on a crash basis. The proposal involved bringing together experts in security, operations, public relations, engineering, law, management, international aviation, behavioral sciences and medicine to study the phenomenon from all aspects and develop air piracy solutions. The proposal stressed examination and use of hijacker behavior characteristics to create deterrent capabilities and early, "before the fact" identification of hijackers. Operating under mandate provided by the Staggers Committee, Mr. Thomas created the FAA Task Force on Deterrence of Air Piracy on February 17, 1969, and it began work the following day.

Its charter stated:

> "There is an immediate need for the FAA to take positive action in such a way as to discourage would-be aircraft hijackers from making the attempt. Initial emphasis is to be placed on development, testing and installation of a system of weapons detection to be applied to airline passengers prior to boarding. The existence of such a system is to be made known to the public in a manner intended to have the greatest deterrent effect on would-be hijackers. The operation of such a system will be in a manner which will give the greatest state-of-the-art probability of detecting persons who have weapons on or about their persons.

"The following brief outline provides the terms of reference and plan of operation of the Task Force:

Purpose: To develop and provide for the installation and operation of a system of weapons detection to be applied to an appropriately identified portion of airline passengers in such a way as to discourage would-be hijackers from attempting to commit the act of air piracy.

Method: The following constitute the more significant actions to be taken:

1. Pre-trial testing of available detection instruments.

2. Short-term actions to improve detection instruments for the stated purpose, consistent with the state-of-the-art.

3. Completion of the analysis of available data on hijacker characteristics and establishment of criteria for identifying 'suspects' on whom specific monitoring efforts would be applied.

4. Fabrication, placement and trial testing of a surveillance station.

5. From the above, provision of an operational procedure (in detail) to detect weapons on or about the person of airline passengers before boarding. (Procedure will also specify method of handling persons suspected of possessing weapons.)

6. Identification of locations at which weapons detection efforts would be expected to produce results and which would produce the greatest deterrent effect.

7. Initiation of actions to develop more refined detection systems.

8. Publication of the general nature of FAA efforts at weapons detection.

Goals:

1. Single out, in a manner obvious to the air traveling public, persons for specific inspection for weapons detection.

2. Apprehend air travelers who carry weapons.

3. Publicize the results of successful detection efforts.

"The Administrator and other appropriate officials will be kept advised of progress of this specific effort. The Task Force will also, from the information it possesses or develops in the course of its work, make recommendations with regard to other actions the agency might take to reduce the threat of or abort attempts at air piracy."

Discussion

A. Approach

Recognizing the need to understand all facets of a highly complex problem relating to the activities of air carriers, airline crews, airport management and personnel, law enforcement officers (both Federal and local), the public at large, plus requirements dictated by the law and the attitudes of foreign governments, the Task Force assigned a specialist to deal with each of these areas. Simultaneously, it gave to its scientific component the task of creating a "behavioral profile" to alert airlines promptly to the presence of a potential hijacker, and it charged its engineering component with the job of determining if individuals so identified carried the weaponry to initiate a hijack attempt. These responsibilities formed two parts of a three-pronged effort to develop an effective "concept of deterrence." The third element fell to the Task Force public information component. It was determined that information techniques could be used in ways which would discourage potential hijackers at several points prior to actual air piracy attempts. Specifically, the public at large would be fully informed regarding (1) unfavorable treatment experienced by hijackers landing in foreign countries, (2) domestic penalties for carrying dangerous weapons aboard aircraft, (3) penalties involved in the crime of air piracy, (4) the manner of operation of weapons detection devices (magnetometers), and (5) the initiation of passenger screening using both behavioral profile and weapons detection systems.

To accomplish these goals, the group undertook extensive studies for passenger identification, let contracts for magnetometer development, prepared appropriate information materials and insured their dissemination. Basic thrust was along lines used in epidemiological research, i.e. use of a body of methods and principles effectively geared to examination of a wide array of problems--a technique applying assorted skills to gather and evaluate data to answer questions relating not only to individuals but to groups as well.

In its lifetime, the Task Force:

1. Made extensive studies of the motivational aspects of the hijacking phenomenon and became the unofficial spokesman for the nation on hijacking.

2. Developed behavioral profiles of characteristics of known hijackers.

3. Established a comprehensive data and statistical file, providing FAA with the capability for becoming the official clearinghouse for such information.

4. Procured and tested an improved "state-of-the-art" magnetometer device which incorporated an eight-sensor gradiometer array designed specifically for airline passenger screening.

5. Conducted on-site passenger screening tests with the cooperation and assistance of several air carriers.

6. Arranged with most of the major airlines for the display of posters at ticket counters and boarding gates.

7. Developed and placed in operation an effective Gate Plan preboard passenger screening system with Eastern Airlines, Continental Airlines (Boeing 747, Los Angeles to Honolulu), Trans World Airlines and Pan American Airlines, before disestablishment of the Task Force in August, 1970.

8. Placed in operation the Airport Plan which improved the cost effectiveness of the Gate Plan approximately 400%. This utilized one metal detector for every three to five boarding gates rather than one detector and one U. S. Marshal for each boarding gate.

9. Secured the interest of several other airlines in adopting the anti-hijack system in the near future.

10. Provided for local and nation-wide news media coverage of Federal anti-hijack efforts and accomplishments (primarily for purposes of reaching and deterring potential air pirates.)

11. Briefed and consulted with appropriate elements of the Departments of State, Justice, HEW, Agriculture and Defense.

12. Provided, through the State Department, information to Cuba on the criminal and/or psychiatric backgrounds of hijackers.

13. Requested, through the State Department, Cuban assistance in facilitating landings at alternate airports in Cuba if weather conditions at Havana created hazards.

14. Met with the Air Transport Association, individual airlines, and the Air Line Pilots Association to plan for placing the screening system in operation in a total airport environment. Secured ATA cooperation in providing leadership in this endeavor.

15. Made preliminary studies of bomb threats and bombings.

16. Developed contingency plans for possible later problems of serious national significance.

17. Suggested useful legislative directions.

18. Outlined system for effective, continuing FAA anti-hijack thrust.

19. Developed a classified, workable system for on-board apprehension of hijackers.

B. Specifics of the Operation

Hijack patterns and hijacker characteristics were identified through observation of more than 2500 air travelers in assorted airport locations. Videotapes of passengers were examined to establish a picture of the conventional traveler, and these later were compared with magnetometer readings to determine the kinds of objects travelers routinely carried. Anonymity of passengers was preserved by use of a numbering system, eliminating need for names.

In time, magnetometer settings and behavioral profile characteristics were adjusted to screen out 99.5% of air travelers--leaving only .5% to qualify as "selectees" for further questioning or search. Of 1,268 selectees noted among the first 226,000 passengers screened, 28/100 of 1% required interview. Over half of the 638 interviewed were cleared by this process, and 304 were searched voluntarily. Of these, 24 were denied boarding. Most subsequently were arrested for a variety of offenses, including narcotics violations, illegal entry, flight from justice, and carrying concealed weapons.

The impact upon would-be hijackers of well-publicized field trial deterrent techniques was pointed up by discovery of large numbers of discarded weapons found among airport furnishings and ornaments near boarding gates.

C. Field Trials

In early stages, one carrier--Eastern Airlines--participated in the developing screening program. In this period, the Task Force experimented with assorted gate procedures to insure suitability of techniques for junior airline personnel with a minimum of training.

By mid-point in the field testing phase, nine cities and more than 40 flights had been involved in hijack deterrent efforts. It was noted that where the program was in force, the number of hijackings fell to zero. It was, therefore, possible to assume that air piracy is preventable through mechanisms acting in restraint of hijackers attempting to board aircraft.

It was agreed, however, that human error or carelessness in use of these deterrents might permit a hijacker to slip through the course of obstacles, and the Task Force concerned itself with the possibility of mutations in the hijacker disease strain producing unique characteristics and methods of operation. It was determined, therefore, that systems for on-board apprehension should be carefully investigated.

A technique, still highly classified, was hit upon and presented to consultants for further development. It proved to be feasible and a prototype was ordered. A film explaining the method was prepared and briefing sessions regarding it were held with airline executives. They were advised that the prototype would remain in FAA hands--to be made available to any airline requesting it.

A workable contingency plan for future use grew out of analysis of intelligence data suggesting that both FAA and the air carrier industry would be well advised to prepare for possible future all out attack on American air carrier transportation. The contingency program (completed June 1970) suggested measures for temporary strengthening of anti-hijack techniques already developed, and it outlined procedures for use in situations involving serious threat to the national security or to air commerce as a whole.

Its basic objective was to develop a state of preparedness in partnership among the Federal Government, U.S. air carriers operating under Federal Aviation Regulations, the Air Transport Association, pilots and crewman organizations, airport managers and applicable law enforcement offices to meet essential needs, support military efforts, and to maintain an effective system of civil air transportation in times of emergency.

Results

Following field trials, the deterrent concept was introduced on a nation-wide basis, and foreign governments were briefed on its application to the growing problem they faced during the latter portion of Task Force life. In time, progressively stricter FAA requirements were introduced to insure that domestic carriers would receive ample benefit from the deterrent approach.

Recommendations

In an effort to assist Congress in dealing with present and future air piracy developments, the Task Force suggested a number of legislative steps to enlarge the arsenal of hijack prevention weapons.

A necessity was seen for review of existing laws to provide for:

1. Protective search as required (implied consent)

   In the most extreme case, a situation sufficiently dire to require that all or a significant portion of passengers and their effects be physically searched, it could be desirable to provide legislative authority for search without the justification of probable cause with regard to individual passengers.

2. Differential penalties

   It might be useful to have legislation making it possible for the crew of an aircraft being hijacked to inform the offender that, should he abandon his attempt, he could receive a sentence on conviction of less than the mandatory minimum of 20 years as now prescribed by the Air Piracy Act.

3. Increase the penalty for carrying concealed weapons

   The Air Piracy Act provides a penalty of $1,000 fine or one year imprisonment, or both, for carrying a concealed deadly or dangerous weapon aboard (or in an attempt to board) an aircraft. This places the act in the category of a misdemeanor. If the penalty were elevated to the felony level, the authority to search would be enhanced.

New laws were suggested for purposes of further determining or establishing authority and responsibility for deterrence, preventive and protective actions. It was noted, for example, that the FAA, under the provisions of the Federal Aviation Act relating to aviation safety matters generally, had recently assumed authority in these areas. Legislation to establish specific responsibility and authority for prevention of crimes against air transportation might be desirable for emphasis, precision, and clarification of the rules of agencies of government becoming involved in these efforts. As an example, the elements of government with authority for "protective search" (as contemplated above) might be identified by such legislation.

Moreover, it was suggested that anti-hijack measures would be significantly strengthened if clarification were provided of central jurisdictional authority for prevention of these offenses. In some cases, it would be necessary to establish new Federal authorities for this purpose. A Task Force communication in June 1970 advised: "The commission of a crime, such as murder, punishable under a local jurisdiction while the offender is in the process of committing a crime under the Air Piracy Act has raised a question of initial jurisdiction, custody and investigatory rights. Additional legislation would be desirable to provide that Federal authority will prevail, with its mandatory minimum penalty (20 years for conviction of air piracy)."

Finally, it was urged that legislation provide for a study of the determinants and methods of control of acts of violence against air transportation. It was recommended that specific authorization be included for the expenditure of funds for such a study--expressing the intent of Congress that this matter be given appropriate attention.

As part of its closing activity, the Task Force offered recommendations regarding steps FAA, other agencies of Federal Government, and the air carrier industry might take to further insure against hijack activity as seen during the 1968-1970 period.

In particular, it suggested the establishment of a permanent body within FAA to carry on programs developed by the Task Force. This would be multi-disciplinary in character, would enjoy top level assistance, adequate funding, and would use research tools proven by Task Force experience to be effective. It pointed out that--as times, people, motivations, and methods of operation change--a continuing research laboratory would be needed to meet challenges already identified on the horizon. A new division, separate from any then existing at FAA,

would perform the research function. Along with anti-hijack efforts, it would direct its attention to development of deterrent techniques appropriate in areas related to bomb hazards, cargo theft, transport of narcotics, and general transportation security.

Task Force activity had established the necessity, feasibility, and cost-effectiveness of an on-going multi-disciplinary program. It had proved that use of a variety of disciplines was essential to insure responsiveness to the assortment of problems presented by the hijacking phenomenon, and its efforts made clear that workable tools to increase air safety must include in-depth understanding of all aspects of air carrier activity. Its conclusions in this regard were buttressed by an independent management study made during the early summer, 1970.

Finally, the Task Force urged that the following "lessons learned" be considered in all future anti-hijack planning (memo dated April 1970):

"1. It is unlikely that world-wide agreement to return hijackers will be forthcoming in the near future. Accordingly, there will be a long-term need for programs to deter or control hijacking.

2. From all indications, the existence of the anti-hijack system has considerable deterrence value.

3. By the application of the screening system, more than 99% of air travelers can be cleared of suspicion of carrying weapons for hijack purposes.

4. The screening procedure which has been developed does not impede the passenger loading process nor has it caused passenger complaints. The American Civil Liberties Union has agreed the system does not violate civil rights of passengers.

5. Existing laws support interrogation and search of a person classified as a 'selectee' by the screening system.

6. The screening system is easy to operate but the elements of the behavioral profile (which is the most important part of the system) need to be protected. This requires the presence of a specially trained person at each operating location. The hardware part of the system is portable and simple to install and monitor.

7. The information and experience gained in operating the screening system is sufficient to justify its extension to all airlines and airports.

8. The presence of an experienced law enforcement officer is required during the interrogation and/or search of 'selectees' in operating the system.

9. The approach used to develop the system of selective passenger surveillance could be applied to the problem of bomb detection.

10. Since an FAA announcement in early February of 1969 regarding efforts underway to identify would-be hijackers, the U.S. hijacking phenomenon has changed in the following ways:

    a. The trend of hijacking events is now linear in nature, as compared to the exponential trends in January and February of 1969.

    b. Persons engaged in hijacking have changed in type--now including both Cubans and unstable or criminal white or black militant U.S. citizens.

    c. Airlines using the system have enjoyed a comparative respite from hijacking as compared to those not using it.*

    d. Hijackings are not now limited to flights along the eastern seaboard or to Cuba. Hijackers are aware that aircraft can make refueling stops.

    e. The ratio of U.S. hijackings to those involving foreign aircraft has reversed itself; while one year ago hijacking was predominantly a U.S. problem, it is now to a larger extent a foreign one."

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* During the period of Task Force life.

PART I - INTRODUCTION

THE PROBLEM:

In the last quarter of 1968, acts of air piracy in the United States reached epidemic proportions. A phenomenon noted sporadically from the earliest days of air commerce,[1/] hijacking escalated out of control in January of 1969.

As in the outbreak of virulent disease, the spread of air piracy threatened lives--of American flight crews, domestic air travelers, and foreign nationals both while airborne and at landing points. Hijacking, moreover, placed at risk equipment representing a potential multi-million dollar property loss for a critical segment of American business. With decline in passenger confidence and anticipated drop-off in air carrier use, substantial threat to the national economy was visualized. Equally serious, was an understanding of the opportunities for international blackmail--with possible effect on American foreign policy--which air piracy made possible.

With these considerations in mind, President Nixon, various Federal agencies, the United States Congress, airline executives, air transport organizations, and foreign governments mobilized themselves to attack the problem. As these efforts lacked an identifiable central coordinating point, early results were disappointing. In some cases, the product of growing concern was a poorly-coordinated rush toward prevention with assorted, often contradictory, determinations regarding useful means of control. It can be noted however that, among the most effective, were efforts by the Department of State to increase international cooperation

directed toward extradition of hijackers, efforts by the Department of Justice to protect the privacy of responsible travelers, and efforts by the Federal Bureau of Investigation to assist with arrest procedures within the confines of that agency's jurisdiction. Nonetheless, it was clearly understood that basic responsibility for the safety of commercial aircraft and passengers rested with the Department of Transportation through its Federal Aviation Administration and with those airlines and private organizations (local and international air transport associations, pilot unions, etc.) directly involved in the provision of air service.

AN ATTEMPT AT SOLUTION:

The FAA Office of Aviation Medicine saw in emerging control efforts two important considerations.

1. The total problem, in its similarity to epidemics of physical disease, should be amenable to analytical techniques proven useful in the control of medical disorders. Seen to be of particular value were the identification of reliable hijacker behavior characteristics and the introduction of investigatory procedures and methodologies commonly utilized by scientists familiar with the field of epidemiology.
2. Air piracy--as an act in defiance of law--was most simply defined as irrational (but not necessarily insane) behavior, with hijackers manifesting probable differences from the great body of air travelers.

As the air piracy phenomenon was multi-faceted, it appeared equally likely that contributions of various disciplines would be essential to its

control. Finally, there was immediately evident a need for a central point of focus to serve as an established liaison among the many groups affected by the air piracy crisis.

Recognizing its capacity for contribution in a non-medical area susceptible to control by essentially medical means, the Office of the Federal Air Surgeon proposed the creation of a Task Force to be directed by Dr. H. L. Reighard, Deputy Federal Air Surgeon. It was to be multi-disciplinary in character and structured to have at its disposal health personnel especially equipped to understand and deal with human behavior. This recommendation was approved by Acting Administrator D. D. Thomas, on February 17, 1969, and the Task Force began its work the following day. It continued in existence until August 1970 when its responsibilities were assumed by a newly-created FAA Office of Air Transportation Security.

The Air Piracy Task Force included representatives from the FAA Office of Aviation Medicine, Flight Standards Service, Office of Compliance and Security, Office of Public Affairs, Aircraft Development Service, Office of General Counsel, Office of Management Systems, and Office of International Aviation Affairs.[2/] The Task Force's first step was to determine an appropriate philosophy under which to operate--to examine the utility of multi-disciplinary, epidemiological, and behavioral approaches. This was established by means of the following discussions:

Value of Multi-Disciplinary Attack

Inherent in social and criminal problems are a variety of factors requiring identification, research leading to understanding of

character and origin, and (in problem solving phases) development of methods for control or manipulation.

A multi-disciplinary--or "matrix management"--technique provides the opportunity to explore all facets of phenomena in a simultaneous, coordinated and systematic manner. A body of professionals drawn from each of several disciplines concerned with a problem can function effectively to meet the above requirements and can develop methods of intellectual cross-fertilization to supply fresh insights and open new avenues of investigation.

If group size is limited, a multi-disciplinary body is especially well suited to provide quick reaction and appropriate flexibility in dealing with phenomena involving dynamic or highly fluid manifestations.

The task force approach stimulates significant independent effort by representatives of each discipline. This is due, in large part, to the fact that individual members are assigned complete blocks of material with which they can work knowledgeably. Each can identify his segment of the operation and deal with it from beginning to end, utilizing all special talents with which he is equipped.

Productivity also is enhanced through coordination between "parent" offices and their representatives serving the special group. Clerical, budgetary, accounting and other requirements can be shared by parent elements--thus minimizing the impact on any one administrative entity. The group receives needed services without traditional time-consuming procedures and can function with limited funding and support personnel.

Value of Epidemiological Attack

Epidemiology has been defined as the study of the distribution and determinants of disease frequency in man.[3/] Investigators in this field are called upon to establish the nature of a disease, to substantiate this conclusion statistically, to pinpoint locations of outbreak and to define within reasonable levels of accuracy the elements of the outbreak and the probabilities for its continued spread. This involves understanding not only of the characteristics of the disorder and those afflicted by it, but a careful analysis of patterns among those remaining untouched. The epidemiologist begins with a thicket of possibilities and works his way through it--sifting out useful material and discarding the irrelevant. In his effort to control spreading pathology, he recognizes that "the most significant purpose of epidemiology is to acquire knowledge of causal mechanisms that can form a basis for preventive measures against diseases not currently preventable. This aim encompasses a number of subsidiary objectives:

"1. Developing hypotheses that explain patterns of disease distribution in terms of specific human characteristics or experiences.

2. Testing such hypotheses through specially designed studies.

3. Testing the validity of the concepts on which disease control programs are based, through the use of epidemiologic data collected in conjunction with programs.

4. Aiding in the classification of ill persons into groups that appear to have etiologic factors in common. Even if the etiological factors are not fully identified, similarity of epidemiologic behavior may point to etiologic similarity even of clinically distinct entities. Conversely, differences in the epidemiologic distributions of sub-groups of a clinical entity may suggest that such sub-groups should be regarded as separate disease entities for purposes of etiologic investigations."[4/]

The foregoing discussion points up similarities to be found in effective efforts to track down elusive disease-causing entities and control of the kinds of circumstances involved in air piracy--assuming, of course, that epidemiological methodology is appropriately modified and applied to this phenomenon.

Value of Behavioral Approach

Human behavior--in both its productive and unproductive forms--is usefully predictable. Psychological evaluation of groups has proven to be especially helpful in identifying general motivation, tendency toward certain actions, and basic potential. Although precise and personalized individual projections require much time and study (and often show a significant margin of error) behavioral examinations are demonstrably effective where simple screening is called for. Examples of common use of this procedure are found in situations where studies are undertaken

to evaluate motivation for military careers, motivation for schooling and for civilian occupations and employment.

The process is statistical in character and involves analysis of such factors as:

1. What kinds of persons engage in a particular activity?
2. How do they go about it?
3. Why do they do it?

In determining the likelihood that unlawful behavior will take place, the psychological study will apply these questions to the activity, screening out those demonstrating little evidence that they are about to display such behavior. Simple and easily applied criteria can be developed to distinguish between the two groups, with resultant identification of potential lawbreakers.

When the unlawful activity is further defined, i.e., when the investigator seeks not to screen out a potential breaker of <u>any</u> law, but a potential hijacker, the identification process becomes more specialized and presents, therefore, a greater likelihood of success.

A second step is undertaken when psychological studies are utilized to thwart undesirable behavior. Examination of statistical probabilities tends to reveal when and under what circumstances the unwanted activity may take place. Understanding of motivational mechanisms can then be applied to strengthen or weaken unlawful impulses under the sets of circumstances thus identified.

THE PHILOSOPHY IN ACTION:

A working philosophy offering such key pegs as proven investigative techniques, interraction among involved disciplines, and before-the-fact identification of those likely to commit air piracy clearly represented sound basic tools for cutting the prevention problem to manageable proportions. There was general agreement among Task Force members that these approaches offered promising alternatives to attempts to influence highly intransigent factors. The latter included such notions as: The challenge could be met if all nations agreed to extradite hijackers, if there were passage of legislation with dubious constitutionality, and if weapons detection technology were advanced several years beyond its state of development in February 1969.

CONGRESSIONAL INTEREST:

As previously indicated, various public and private entities had taken action to resolve the air piracy problem prior to establishment of the FAA Task Force. Among these was the United States Congress, which had sought to define helpful directions during each hijacking outbreak.

Congressional effort in 1961 had resulted in Public Law 87-197 (the so-called air piracy act) which makes it a crime to:

1. Commit or attempt to commit aircraft piracy
2. Interfere with a flight crewmember or flight attendant
3. With certain exceptions, carry weapons aboard an air carrier aircraft.

4. Commit certain other crimes aboard aircraft.

5. Give false information about any of those crimes.

The minimum penalty imposed for aircraft piracy is 20 years in prison. The maximum penalty is death. The legislation also authorizes an air carrier, subject to reasonable FAA rules, to refuse to transport persons or property that it believes would endanger safety in flight. The Federal Bureau of Investigation is charged with the investigation of these crimes.

However, the effect of Public Law 87-197 tended to be nullified by situations in which hijackers were not returned to the United States for punishment. There also was little deterrent effect on those offenders not concerned for their own safety or possible future consequences. Further, many potential hijackers were uninformed about the penalties provided by this legislation.

In an effort to determine the need for additional Congressional action, Congressman Harley O. Staggers in February 1969 reopened the question before his House Committee on Interstate and Foreign Commerce. After hearing extensive testimony, the Committee issued a preliminary report concluding as follows:[5/]

> "The crux of the hijacking problem is that a person successful in hijacking a flight to Cuba cannot be returned for prosecution. As such, the problem is largely one of foreign relations, a field which does not offer immediate or complete solutions....

"The witness for the Department of State indicated that the Department will continue its efforts to establish international agreements on the treatment of hijackers, for they believed that the adoption of international standards may evoke a positive response from a state such as Cuba, even though that state does not formally endorse those standards. The witness also indicated in his testimony that the Department has not given up on negotiating for the return of hijackers who land in Cuba."

"There is one further step which should be undertaken outside the area of diplomacy. That step is to attempt to uncover more information respecting the fate of hijackers who land in Cuba. If it is true, as some fragmentary reports indicate, that the welcome the hijackers receive is somewhat less favorable than they bargained for, it might be beneficial to publicize widely the type of treatment they receive. This should help discourage would-be hijackers."

Task Force members worked with the Staggers Committee and others during its lifetime, offering continuing information on procedures adopted by the FAA and its progress in the development of hijack deterrents. Its members discussed the total hijacking problem with interested legislators, made available statistical data at regular intervals, and--later--developed suggestions for useful new legislation.

THE INTERNATIONAL PICTURE:

As Task Force work began to gain momentum, the need for appraisal of the existing legal situation was seen--in particular the need for understanding of international instruments already available. To accomplish this, the Task Force turned simultaneously to the U.S. State Department and to the International Civil Aviation Organization--a 122-member specialized agency of the United Nations, set up in 1944 to assure the safe, orderly and economic development of world civil air transportation.

This group had not failed to note that, while many hijackings involved U.S. aircraft, other nations had reason for deep concern. According to a report issued by ICAO in November 1971,[6/] "Aircraft of 12 Latin American countries, most frequently those of Argentina, Colombia, Brazil, Mexico and Venezuela were involved in 61 successful and 17 attempted hijackings. In most of the cases during this period, the destination of hijackers...(was) Cuba.... Another major area of hijackings during the past four years has been the Middle East--with most of the incidents involving airlines operating on one of the routes to Israel.

"So far, aircraft registered in 52 countries have been subjected to hijacking. The number of countries that have been directly affected by hijacking--and therefore have a direct interest in stopping this international crime--nearly doubles if the nationality of passengers on hijacked aircraft is also taken into account. Between January 1969 and

June 1970 alone, for example, there were 118 incidents of hijacking and 14 of sabotage and armed attack against civilian aviation, involving airlines of 47 nations and more than 7,000 passengers of 83 nationalities."

To meet both international and domestic challenges, the Task Force identified, in addition to Public Law 87-197, two legal instruments: an extradition treaty with Cuba and the Convention on Crimes and Certain Other Offenses Committed on Board Aircraft (known as the Tokyo Convention[7/]).

The State Department pointed out that the extradition treaty had been signed near the turn of the century and had not been revised since. While it did not include hijacking among the crimes with which it dealt, its references to kidnapping and robbery were valuable.

It contained, however, certain customary exceptions for political crimes--which tended to limit its use in hijack situations, and its value in dealing with the air piracy crisis was further diminished by the absence of diplomatic relations between the United States and Cuba.

The Tokyo Convention, also designed to treat matters other than air piracy did make reference to hijacking in its Article 11. Here, a requirement was made that a member state in which a hijacked airplane lands will take all appropriate measures to restore the aircraft, its passengers, crew and cargo to the plane commander, and to facilitate the onward movement of the aircraft. There was no provision for return of the hijacker and, more important, the Convention had limited utility at the time because only 11 of the necessary 12 nations required to bring it into force had acceded.

Thus, it was necessary to move in new directions, to seek additional international action and, in particular, to examine the possibility of developing mechanisms for dealing with the Cuban Government. In the latter area, several proposals were made--most of them unsuccessful--but all aimed at alleviating the hijacking problem.

The United States' first suggestion dealt with the need to develop a separate procedure for the return of hijacked aircraft and passengers. Customarily, when a hijacked plane landed at Havana airport, passengers and baggage were sent to a hotel on the north coast of Cuba and remained there until another aircraft could be provided to return them home. The crew of the hijacked plane returned with it, empty, to Miami. Thus, while the aircraft normally was retrieved in a matter of hours, one to several days passed before passengers were allowed to leave Cuba. The Cuban Government, in time, did agree to allow passengers and baggage to travel to Miami on board the returning hijacked aircraft--if it were understood that the United States Government, the airline involved and the pilot in command accepted safety responsibility. This appeared to relate to concern on the part of the Cuban Government about the appropriateness of landings and takeoffs of large aircraft from the Havana Airport.

It is to be noted that an ongoing part of Task Force effort dealt with landing safety at a number of airports as well as the suitability of certain types of aircraft for itineraries demanded by hijackers, adequacy of fuel supplies, and so on.

In connection with an early State Department proposal involving use of an existing refugee airlift for persons wishing to go to Cuba (as an alternative to hijacking), it was suggested that the Cuban Government review lists of names of Cuban nationals living in the United States who sought return to their homeland, and that a decision be solicited from the Castro Government regarding its willingness to admit any of the persons listed. This information was to be supplied on a periodic basis. However, the Cuban Government found the airlift proposal unattractive, apparently disturbed about the possibility of a sizeable influx of returning Cubans. They did, later, agree to take back a few persons on the list if this were done by way of Mexico and not through the American Refugee Air-Lift Program.

Of primary concern, and at this point in time, perhaps more fundamental than efforts to find legal passage for potential hijackers, was the matter of concluding arrangements for the return of actual hijackers once air piracy had occurred. During the early period of Task Force effort, it was clear that the Cuban Government was not interested in making progress in this direction.

The Task Force concluded that supplying background data on Cuba-bound hijackers to the Castro Government might prompt that country to view the newcomers with distaste and stimulate a desire to return them to the United States. Through State Department efforts, information collected from FBI reports, FAA sources, and data secured through other agencies

was communicated to the Cuban Government on a regular basis. Once this began, the United States found an increasing number of hijackers routed home by Fidel Castro. These included individuals who spoke in negative terms about their reception in Cuba and added to the growing impression that life there--at least for hijackers--was not particularly pleasant. Reports included information to the effect that hijackers had been jailed or put to work in cane fields on arrival in Cuba.

Cuban extradition concerns were similar to those expressed by other nations whenever the subject of asylum came up for consideration in international forums. This problem was discussed by Frank E. Loy, Deputy Assistant Secretary of State for Economic Affairs, before a Committee of the American Bar Association in August of 1969. Mr. Loy outlined ICAO resolutions relevant to the hijacking problem (see Appendix A) and added: "To the end of inducing concerted international action against hijacking, in November 1968...we proposed in the Council of ICAO a protocol to the Tokyo Convention which would require member states to return a hijacker to the state of registration of the hijacked aircraft without regard to considerations of political asylum. Almost needless to say, we ran into rather heavy going when it became clear that our proposal abrogated the historic right of political asylum in relation to hijackers. And I might add that we crossed this bridge ourselves only after considerable soul-searching. But it had become our judgment, after many weeks of mental and moral agonizing, that the magnitude of this 20th century crime outweighed the right of political asylum which had come to us sacrosanct almost from

the ages. When the November meeting of ICAO broke up, we stood about alone in our contention that hijackers were not entitled to political asylum. The position of the great majority of states was that the state in which the hijacker landed had the prerogative of determining whether political asylum should be granted and that this prerogative should not be abridged by an international commitment.... But I have reason to believe that we can work out some type of multilateral undertaking--whether called a protocol to the Tokyo Convention or something else--which will provide considerably more deterrence to hijacking than currently is provided by international legal instruments."

The absence of strong possibilities for prompt, effective international controls produced understandable anxieties in airline crews and the organizations representing them. While it was understood by these groups that extradition of hijackers might be expedited through a combination of multilateral and bilateral treaties, the difficulties in achieving this goal also were fully appreciated by them. Therefore, other international approaches were brought forward and examined. These included boycott of air travel, economic sanctions and cut-off of American aid to countries not cooperating in the air piracy effort. Each of these was found to be lacking in feasibility to one degree or another.[8] The Task Force undertook a number of meetings with interested groups and counselled with them in their efforts to develop increased protection for airline flight personnel.[9]

The International Federation of Airline Pilots' Association developed in March 1969, a Freedom of Transit and Human Rights Resolution to ban all air traffic to countries not cooperating in anti-hijack efforts. It made possible action with other organizations to restrict transportation of air and surface cargo to such countries and provided for pilots' strikes to insure that these provisions were carried out. Because the IFALPA represents some 44,000 flight crewmembers in 54 countries, its strike threats showed some promise of creating movement toward increased international cooperation.

It was recognized by the Task Force, however, that such actions were designed to treat specific episodes rather than the hijack phenomenon as a whole, and could not be expected to produce results over a long period. Moreover, airline strikes are disturbing episodes for all concerned and may focus attention of potential hijackers on weaknesses in control measures and, thus, offer encouragement to susceptible individuals. There was concern that actions of this kind would be perceived by the hijacker pool as evidence that the phenomenon was out of hand and that control measures were not effective. Well publicized strike activities, possibly resulting in undesirable psychological impact were discouraged by the Task Force.

In September of 1969, the Task Force Chairman discussed pending strike plans with Captain Ola Forsberg, President, IFALPA. Reassurances regarding Federal activity then underway appeared to be responsible for averting strike in that critical period.

The Task Force carried its efforts to achieve international cooperation not only to organizations such as those just described but to foreign countries which had begun to experience increased frequency of hijacking. In recognition of the fact that the United States held the dubious distinction of knowing more about air piracy than any other country, the Task Force in June 1970 called a meeting to present to all interested nations its program for hijack deterrence. Some 54 countries[10/] attended a Washington, D.C. briefing to discuss screening system elements, behavioral characteristics of hijackers, and mechanical detection devices in detail. The group was also informed about methods and techniques used by the Task Force in developing a two-pronged anti-hijacking system. The meeting served to highlight the value of inter-disciplinary Task Force techniques in problem solving. A verbal and visual presentation was made covering Task Force activities to that date, and a vigorous question and answer session followed. It was evident that there existed a growing international interest in Task Force progress in dealing with the air piracy phenomenon.

DOMESTIC PROBLEMS:

In order to render significant service, it was important for the Task Force to maintain an appreciation for the varied problems faced by those interested in hijack deterrence. It could not, for example, simply develop a system with promise of control and offer it to the foreign and domestic airline industry; it required of itself capabilities for dealing with questions and objections air carriers might raise.

A certain negative airline attitude developed around the belief that public notification of penalties associated with hijack attempts might frighten travelers or provoke potential hijackers to make attempts that might not previously have been considered. This issue became especially sensitive regarding the placement of warning signs near airline ticket desks or airport gates--areas of greatest anticipated usefulness.

In response, the Task Force offered repeated assurance that hijacking was a crime generally planned well in advance of ticket purchase. It also pointed out a Lewis-Harris survey available in March 1969 which indicated that 64% of persons polled favored the search of every passenger for weapons before takeoff. The Task Force believed that if the general public were prepared to submit to the greater inconvenience of search, the majority of airline travelers would not be unduly disconcerted by notification of penalties associated with the carrying of firearms or of hijacking. It was, therefore, decided that posters would be placed at ticket counters and at boarding gates at all air carrier airports. The placement of these would be such that each passenger would have an opportunity to read the message carried by the posters before boarding the aircraft. FAA planned to depend upon the voluntary cooperation of the airlines in placing the posters, which would be provided for use on the basis of one poster for each three ticket handling positions and one poster at each boarding gate. Failure of a carrier to display the posters was to be noted by FAA, and it was made clear that significant airline

resistance could result in rulemaking to require compliance with specific poster placement instructions.

During the life of the Task Force, use of the posters tapered off in times of low-hijack activity. The group found it necessary to concern itself, on a continuing basis, with airline tendencies toward over-optimism regarding the hijack phenomenon and to enlist the cooperation of the Air Transport Association to insure regular use of this and other anti-hijacking measures.

PUBLIC RELATIONS:

As the provision of information to the general public, as well as to potential hijackers was clearly a vital part of Task Force responsibility--considerable attention was given to appropriate means for dealing with the media.

Of special concern to the Task Force were questions of:

*Credibility (Both with news media and the general public)

*Security (Not compromising confidential information)

*Psychology (Using information to deter potential hijackers)

Credibility

This required approaching the news media in a spirit of complete honesty--with willingness to admit whatever limitations anti-hijack systems presented. It was publicly admitted that Task Force-developed approaches (discussed in detail elsewhere) were not infallible and could be circumvented in certain circumstances.

Steady contact was maintained with the news media, and the Task Force regularly supplied newsmen with the only official air piracy statistics in existence. As a result, excellent coverage and outstanding cooperation with Task Force objectives came about.

In addition, a series of news conferences all over the country insured press rapport and continuing points of contact for the media. Perhaps the most interesting of these took place in March of 1969. At that time a magnetometer selected for widespread airport use was demonstrated and an explanatory presentation was provided. Information materials used at that meeting proved highly useful and were in much demand during the months that followed.

Security

Once having established credibility, the Task Force was successful in maintaining the security of certain confidential data. The press accepted "no comment" in sensitive areas because all other information was readily supplied. Moreover, it had been made clear that a certain few facts were withheld for reasons vital to the safety of aircraft, passengers and crew.

The extent of media acceptance of Task Force concern on this point is indicated by the fact that, in some 200 articles in the first 18 months, there were only approximately 6 taking a negative approach.

It is important to note, however, that the media was advised that pre-boarding detection efforts involved no racist or discriminatory conclusions and were not directed toward any group or economic level.

Psychology

It was understood that a significant psychological deterrent was available through dissemination of information regarding the fate of hijackers (unfavorable treatment in Cuba, likelihood of capture while in this country, etc.). To reach those in the potential hijacker pool, it was necessary to have frequent contact with and full cooperation from the media.

This was insured through availability of Task Force members who met repeatedly with members of the press. World-wide coverage was supplied without FAA inducement as a result of satisfactory relationships built up through these meetings and the many press conferences or briefings which were scheduled. The Task Force took particular care to offer the same advantage to each press representative and to supply the same story no matter which media was served.

Fortunately, the press--along with Task Force staff--recognized the growing urgency of the air piracy problem and the need to offer its assistance in bringing the phenomenon under control. It was perceived, for example, that the epidemic had struck in a period of significant public vulnerability and control must be effected through refinement of

methods already at hand. As in the case of epidemic disease, there was no time for protracted study or futuristic planning. It was understood that the threat of major disaster represented by hijacking incidents was sufficiently great to rule out possibilities of treating the problem in convenient, clinical surroundings, at a leisurely, bureaucratic pace.

Publication, in June 1970, by Airways magazine of an article by Congressman Jim Wright of Texas helped underscore the dimensions of the crisis:

"Even if all goes well (for the passengers) a hijacking is an expensive adventure. The Department of State says the Cubans collect from $2500 to $3000 for each incident. This covers landing fees, food and lodging for passengers, and incidentals. The airline foots the bill.... But these costs are small compared to the average $15,000-a-day revenue an airline loses when a big commercial jet is out of service.

"Hanging over every act of air piracy is the possibility of an international incident. Congressman Jake Pickle has pointed out that since President Nixon takes occasional vacation trips to Florida, there's an outside chance that a mad man might even try to hijack Air Force One....

"Another possibility is that a government courier taking sensitive papers to the Florida White House might happen to be on board a commercial airliner hijacked to Cuba....

"Impractical for other reasons is the idea of putting armed 'skymarshals' aboard for all carriers--or even those on Florida flights. For one thing, the cost would be astronomical.

"There are 57 cities in the United States with direct non-stop air service to Miami, Thomas (David D. Thomas, former Deputy Administrator, FAA) points out. Miami International Airport has approximately 1200 landings and take-offs a day. Even if sky marshals were used selectively, they probably would need to cover 500 flights a day.

"But assuming that you could hire for $10,000 a year the type of cool, level-headed men you would need for this work--and assuming they would be willing to work 7 days a week--the tab for salaries alone would run five million bucks a year. Then there are side expenses--not a small matter for a force of 500 men constantly flitting back and forth between Miami and the 57 other cities.

"Even worse than the financial cost, though, would be the danger of setting the stage for possible gun battles between sky marshals and hijackers. Shootouts may be all right in the OK Corral, but not in a crowded airliner six miles up in the sky."

As Task Force members also viewed with concern "cops and robbers" approaches in the skies, they turned full attention to on-the-ground deterrent mechanisms. Refinement of these involved increasing sophistication in understanding hijacker characteristics and pointed up the necessity

for a detailed air piracy history. This was undertaken in four parts: an early history (dealing with the period of minimal U.S. involvement); a recent history (covering years in which the phenomenon developed in this country); a hijacker psychological history (correlating dates of air piracy episodes with circumstances affecting hijacker positive and negative "learning"); and a weapons detection history (summarizing the "state of the art" in the period of Task Force activity).

PART II - BASIC NATURE OF THE AIR PIRACY PHENOMENON

EARLY HISTORY:

While hijacking probably is as old as commercial aviation, the Task Force documented it back to 1930. In that year a Pan American Ford Trimotor plane was commandeered by Peruvian rebels and forced to land at Arequipa during a revolution. When the pilot refused to take to the air to drop propaganda leaflets, rebels held him, his plane and crew for several days. All eventually were released after the intervention of British officials responding to American concern directed, in part, to the safety of mail on board. It is interesting that this first episode involved political interests--a factor common to the phenomenon through its succeeding history.

The next hijacking involved a Rumanian civilian aircraft landing in a "closed" area of Turkey in August 1947. One crewman, refusing to fly to that destination, was killed.

In April 1948, 30 Czech nationals seized a plane in mid-air and forced it to land in a U.S. zone. In this case, three of the crewmembers were a part of the plot.

Another Czech plane was hijacked in May 1948 when five non-Communist passengers forced the pilot at gunpoint to bring them into Germany. One of the group was a pilot who threatened to take the controls if the regular pilot refused to cooperate.

A fifth hijacking took place in June 1948 when a radio operator and an unidentified passenger used guns to force a Yugoslav to land a commercial aircraft in Italy.

The same month, a flight from Rumania to Austria was diverted. This plane had 23 persons aboard, only one of whom expressed a wish to return to Rumania.

Also in June 1948, a hijacked plane landed in Turkey with 20 Bulgarians aboard. Before the anti-Communists gained control, attendants had fought a violent battle with Communists in the skies. The pilot was killed and two crewmembers wounded shortly after takeoff. A passenger then took the controls and managed to land the plane after six perilous approaches to the airport.

Hijacking for purposes of robbery was first seen in July 1948 on a flight from Macao to Hong Kong. A group of bandits killed both pilot and copilot just after takeoff. The plane and its occupants were lost

when the two bodies jammed its controls and it fell into the sea. The sole survivor was one of the bandits.

September 1948 saw the first hijacking to an Iron Curtain country. Eight armed Greek Communist passengers overpowered the crew of a commercial airliner on an Athens to Salonika flight and forced the pilot to land in Yugoslavia.

The tenth documented hijacking occurred in April 1949. A young Rumanian anti-communist student aboard a Soviet-Rumanian Airways plane held a revolver on the pilot, forcing him to fly to Greece.

In December of that year, four Rumanians forced the pilot of a Soviet-Rumanian airliner transport plane to fly to Yugoslavia. Soon after the plane was in the air, four passengers attacked and killed a security officer. They entered the pilot's cabin and directed the plane to Bulgaria.

Again, in December of 1949, 16 Poles hijacked a Polish airliner to Denmark. Political asylum was granted by the Danish authorities.

The first U.S. hijacking took place on May 1, 1961. It involved a Puerto Rican Castro sympathizer who told the Cubans he was bringing them a plane to compensate for Cuban aircraft hijacked to the U.S.

The details of these early hijackings were of considerable interest to the Task Force. It was seen, for example, that:

1. Air piracy historically relates to political problems perceived by the hijacker.

2. While a substantial proportion of episodes involved persons familiar with aircraft, many hijackers were non-pilots.
3. Early episodes typically involved more than one hijacker and tended to be extremely bloody.
4. There appears in the historical listing an almost exclusive reliance on pistols.
5. The apparent hiatus in hijacking between 1930 and 1947 is not significant for research purposes. It is probable that other similar episodes simply were not reported. Evidence of this possibility lies in the fact that the 1930 hijacking was not widely reported, but came to light only in 1961 when the same pilot was hijacked again.
6. The air piracy problem experienced in 1968-1969 was primarily in the United States.
7. It involved only persons wishing to go to Cuba.

The seven bits of data had the following significance for the Task Force:

Recognition that hijacking attempts are closely related to political concerns narrowed the number of travelers likely to engage in air piracy, increased the likelihood that a useable hijacker profile might be developed, suggested the possibility of correlation between international events and hijacking frequency projections, and indicated the need to investigate--perhaps lay to rest--questions of possible conspiracy.

The fact that some hijackers were non-pilots suggested possibilities for development of techniques to manage these individuals while airborne.

Information that hijackers often did not work alone and that some grew violent if thwarted, provided considerable insight into the value of solutions requiring on-board guards and attempts to subdue hijackers while in flight. As, in view of past experience, these actions might prove unduly dangerous, the Task Force could place this approach low on its agenda.

Frequent use of handguns and other metal objects pointed up the utility of investigating mechanical devices capable of detecting such weapons before they were brought on board. It was determined that the efficiency of these devices could be increased if they were used in combination with other deterrents.

An epidemic involving only the United States and Cuba offered greater promise of control <u>because</u> it was restricted by geographic boundaries. Moreover, its restricted nature made possible the drawing of a composite picture of the kinds of individuals likely to engage in this activity. In the process of its investigation, however, the Task Force recognized that geographical confinement might not be a permanent condition--that there are too many people in too many parts of the world with motivations for violence to argue against expectations that the phenomenon would not only spread but become differentiated in character.

Thus, the Task Force found its mission expanded. It was necessary, first, to deal with a social disorder in the form it presented itself in 1968-1969 and to anticipate changes which might take place in the disease strain as soon as effective controls were developed. The result was a program of effective deterrence for the present plus development of a "contingency plan" to meet problems arising in the future. This will be discussed elsewhere.

As examination of the state of the hijacking art proceeded, the Task Force discovered little evidence that the epidemic involved organized conspiracy or significant connection among the various episodes. Rather, it appeared to be an amateur undertaking with little organization or tie-in with known political groups. In some situations, both goal and destination of the hijacker were unclear. There were two episodes during the first half of 1970 in which crewmembers were shot by hijackers with no announced destination--in both the hijackers indicated a desire to crash their aircraft with all occupants. Plainly, these were highly disturbed psychopathic personalities, unlike the typical hijacker of either early or recent history.

RECENT HISTORY:

In general, the U.S. air pirate in the epidemic period fell into four categories:

1. Homesick Spanish-speaking individuals (or families) seeking return to Cuba by the most convenient means available.[11/]

2. Anti-establishment whites--many with leftist philosophies--seeking a political system with which they felt compatible.
3. Misguided guerilla-oriented Cubans seeking to aid that country by supplying it with aircraft and passengers to be detained as hostages (efforts, it developed, of little interest to the Cuban Government).
4. Black power fanatics expressing hostility to the U.S.

Those in each category were distinguished by preoccupation with anti-establishment ideologies expressed in non-activist, disorganized, and individual fashion.

Statistics--going back some 25 years--on world-wide activities further supported the observation that politically-motivated individuals were involved in a majority of hijackings. INTERPOL reported in 1970, for example, that while 35.6% of all such episodes are perpetrated by the mentally deranged (or, on occasion, ordinary criminals), 64.4% are undertaken by those with political concerns.[12/]

It is worth noting that among commercial carrier American hijackings between February 1968 and February 1970, 25 episodes involved persons of Latin extraction, 35 did not. Hijacker changes were observed as Task Force work proceeded. The first episodes in the 1968-1970 period involved Latins to the virtual exclusion of all others; in time, these fell into

a minority and by early 1969, hijackers were predominantly black and white American citizens with Communist inclinations or desire to escape punishment for previous crimes.

In all but seven of the 60 cases, the hijackers' destination was Cuba. Another interesting facet of the air piracy phenomenon uncovered by the Task Force was a tendency for the problem to occur in waves. In August 1969, the State Department's Frank E. Loy stated in an address: "There was (for that period) a considerable wave between 1961 and 1962; another between 1964 and 1965; and a tremendous surge in the latter part of 1968 and the early part of 1969. In fact, there were more during this last period than during the entire prior period of over seven years. Since last winter and early spring, hijackings have leveled off again. But they still occur at the average rate of about four a month."

It was of interest to the Task Force to note that of 48 attempted or actual hijackings of U.S. aircraft from 1961 to February 23, 1969, 34 were successfully hijacked to Cuba and the other twelve were unsuccessful. By June 7, 1970, the number of U.S. registered aircraft involved in a hijacking incident totaled 80.

Estimated motivations for the 36 events in the 1967 to 1969 period are distributed as follows:

ESTIMATED REASONS FOR HIJACKINGS IN 1967-69

Reason	Air Carrier Success	Air Carrier Fail	Private Plane Success	Private Plane Fail
1. Political Demonstration	9			
2. Seeking safe haven in Utopia	2	1	1	
1+2	5			
2+1	3			
3. Highly disturbed		5	1	
4. Some private mission in Cuba	2		1	
5. Fleeing justice	2	1		
6. Insufficient data	1		1	
	24	7	6	

One conclusion to be drawn from this table is that few of the hijackers were highly disturbed and these were failures in every attempt involving an air carrier. Five of the seven failures are classified as highly disturbed. Only six out of 36 were highly disturbed.

In examining figures for the period extending to June 7, 1970 (80 hijackings), it was discovered that hijackers placed a high degree of dependence on guns or other metal weapons.

Type of Weapon	Frequency of Use*
Firearms	55
Knives	20
Bombs, explosives (alleged/real)	14 [13/]
Razor or razor blade	3

Type of Weapon (Cont'd)	Frequency of Use*
B-B- gun	1
Tear gas pen	1
Broken bottle	1
Total	95

*In some cases, a combination of weapons was used bringing the number of devices used in 80 hijackings to 95.

It was determined by the Task Force that the act of hijacking was essentially non-utilitarian (successful hijackers in the 1960's received no material reward). Primary gratification, therefore, resulted from an act of high drama, a brief moment of glory and power for a previously ineffectual and unsuccessful individual. It was analogous to a dramatic suicide--such as self-immolation by fire--or the commission of a sensational crime of violence. The Task Force also found an "Indian Coup" quality in the air piracy problem. That is, an element of hijacker gratification in demonstrating masculine prowess in the manner of Indian braves proving manhood through the performance of dangerous acts. It was soon obvious that a common denominator for all hijackers was the desire for public attention to what they were doing and their enjoyment of extensive personal publicity.[14/]

HIJACKER "LEARNING": HISTORY

Of the various deterrents examined by the Task Force, the most important to emerge was a "barrier philosophy"--which maintained a consistent lead among techniques considered. It was understood from

the beginning that no solution could be expected to stand alone, that in this area--as in all others with which the Task Force dealt--several methods must be simultaneously available and each used in concert with others. It was determined, therefore, that the Task Force would work to develop and implement a barrier philosophy, complemented with efforts to encourage more effective domestic and international progress toward insuring punishment of hijackers, and to increase on-board security for passengers once a hijacking occurs.

In specific terms, the first of these involved:

Minimizing rewards and maximizing punishments a hijacker might expect. In efforts to convince susceptible individuals that hijacking is not worthwhile, the necessity was seen for researching the ultimate outcome of previous acts of air piracy and insuring that this information was well publicized. A learning experience regarding unsatisfactory outcomes of hijacking attempts constitutes a negative reinforcement and plays on any fears of failure that might exist in a potential hijacker.

A second approach was to place obstacles in the path of those not reached through negative learning. From information available about previous hijackers, it was concluded that they were neither very resourceful nor very determined. It would follow that obstacle-placing represented a particularly useful method of control.

The third approach was to find safe, workable means of dealing with those undeterred by the first two efforts. While this might be

expected to involve professional law enforcement personnel, such service cannot be guaranteed in every period of need. The possibility of developing on-board apprehension techniques not dependent on trained officers or gun play was included as a high priority agenda item.

Of great value at this point in time was the following detailed discussion of the "hijacker learning experience" provided the group by its psychological component:

> Disturbed individuals, as well as the normal run of persons, are capable of learning, and their learning is influenced by reinforcement--that is, by reward and punishment. Such learning is particularly affected by immediate reinforcement; long-delayed reinforcement usually is much less effective.
>
> The first U. S. hijacking in May 1961 received wide publicity--and the pool of potential hijackers learned that it <u>was</u> possible to hijack a passenger aircraft to Cuba and get away with it. On the 24th of July 1961, another hijacker, armed with a pistol, forced his way into the pilot's compartment of a passenger aircraft flying from Miami to Tampa, Florida. He held a gun at the pilot's head and forced him to fly to Cuba. This was widely publicized, and the May lesson was reinforced. As a result, the next hijacking attempt came only a very few days later on July 31, 1961. A disturbed individual boarded the aircraft without a ticket and, when he was told to deplane, shot the passenger agent and fired at the passengers. He

then entered the pilot's compartment and shot the pilot. He drew a knife and fought with the copilot until he was finally subdued by the other passengers. This was the first unsuccessful hijacking attempt.

The next attempt came four days later--on August 3, 1961--when a father and son team of hijackers armed with pistols hijacked an aircraft flying from Los Angeles to Houston. This was a B-707 with 67 passengers aboard. The hijackers attempted to have the aircraft refueled at El Paso for the trip to Cuba, but Border Patrol policemen shot out tires and engine, preventing takeoff. The hijackers eventually were disarmed and taken into custody.

In only six days, on August 9, 1961, a DC-8 flying from Mexico City to Guatemala was hijacked at gunpoint and flown to Havana, Cuba.

In September 1961, Congress--as already stated--passed the tough Air Piracy Act (Public Law 87-197). Publicity attending this and the preceding pair of unsuccessful hijackings "taught" the potential hijacking population that it was dangerous to attempt this crime--and that risks of failure and imprisonment were great. Severity of penalties in the Air Piracy Act also were well publicized in late 1961, and this strengthened public impressions that hijacking was viewed at the highest levels of Government as a very serious crime. The flurry of hijackings (four attempts in some 17 days) came to a halt and no more episodes involving air carrier aircraft occurred during the next two years.

On April 13, 1962, two men hijacked a chartered Cessna 170 and forced the pilot to fly to Cuba. Both hijackers were returned as alleged CIA agents, both were prosecuted and convicted under the Air Piracy Act and sentenced to 20 years. Publicity associated with this effort apparently acted to further deter the potential hijacker population, and there were no attempts during the next year, 1963. In 1964, there were no attempts on air carriers.

However, people forget, as well as learn, and another attempt eventually was made on February 18, 1964, when two Cuban exiles--wanted on bad check charges--hijacked a Piper PA-23 from Miami and forced the pilot to fly it to Cuba. They were successful and were not returned. Thus, reinforcement now had swung in another direction--suggesting that there were opportunities for safe hijacking as well as the possibility of success.

In 1965, there were four hijacking attempts--none of them successful. As might be expected, there were no further attempts for an extended period of time.

On November 20, 1967, a chartered aircraft was successfully hijacked to Cuba.

The next attempt came on February 9, 1968, with an unsuccessful attempt to hijack a Pan American airline's plane and force it to fly to Saigon. Shortly afterward, on February 17, 1968, there was a successful hijacking of a private aircraft, and on the 21st of

February, a B-727 was hijacked to Cuba. This was the first successful hijacking of a U.S. air carrier to Cuba since before the passage of the Air Piracy Act in September 1961.

There was a flurry of hijackings in June and July of 1968, but in July there were three averted attempts and the rate fell off for several months. It peaked again in November of 1968 when there was an averted hijacking, and then fell off slightly in December. However, in January 1969, air piracy began to climb upward at an exponential rate and the problem escalated out of control.

By December 1968, the large pool of potential hijackers apparently had concluded that it was easily possible to hijack the most impressive aircraft with very inferior weapons, that the possibility of failure was low, that the likelihood of being returned from Cuba was limited -- further, that the general public seemed to regard the matter as a joke rather than a serious crime. (The latter conclusion is supported by a pilot study involving a group of 16 to 18 year old ghetto Sunday school students who verbalized the impression that hijackers should not be punished very much because "they had not hurt anybody.")

The tide of positive reinforcement began to turn about the third week in January 1969. By this time information was becoming available to the effect that hijackers were not really welcome in Cuba and that they were not happy with their lot there. Further, much publicity appeared to indicate the possibility that the U. S. and Cuban

Governments might get together on an agreement to stop air piracy and return hijackers. This was reinforced when the Cuban Government instituted the policy of permitting passengers to return immediately on the same airplane.

There were, moreover, several averted hijackings or aborted hijacking attempts occurring in a short period of time in the spring of 1969. At about this time, FAA Acting Administrator Thomas announced that the agency was going to begin Task Force field trials of devices to detect weapons.

The pool of hijackers again had learned that it wasn't as safe as it had earlier appeared to hijack, that the probability of success was not as great as had been thought, and that the safety of the haven sought might not be certain. Along with this came the possibility that hijacking an aircraft might not be as attractive a solution to basic personality problems as it had appeared. It is believed that these factors were responsible for a drop-off in February and the substantially lower rate (in this month) than in January of 1969.

Thus, it was established that information disseminated to the general public could, in fact, teach individuals to hijack and that it could be utilized to teach them not to hijack.

The ideas presented in this discussion were, in the early days of Task Force life, only impressions, unsubstantiated by the kind of formal analysis which later became possible. However, they were sufficiently

impressive to lead Task Force members to undertake further examination of psychological factors involved in the phenomenon of hijacking.

Information on which to base estimates of the psychological characteristics of those committing this crime was assembled from every available source. These included FBI reports, FAA Office of Compliance and Security files, newspaper clipping files and wire news service information supplied by the FAA Office of Information Services and Department of State reports on hijacking.

All the sources were of value in assembling required information as no individual file was complete and each source offered some valuable data not included in the others.

Psychological studies and interest in data collection led to the development of a list of questions for use in interrogating airline crewmembers and other key persons involved in hijacking incidents. This information also was collected for use in minimizing the threat of air piracy. In this effort, emphasis was placed on using care equal to that prescribed by the Government for investigation of airline crashes and other serious air carrier accidents.

Questionnaires were designed to determine:

1. What kinds of individuals were involved in the hijack incident. Of particular interest were:

   (a) Age

   (b) Sex

(c) Residential situation at time of ticket purchase

(d) Dress and appearance, mannerisms

(e) Education

(f) Occupational status and work history

(g) Ethnic group

(h) Nationality

(i) Interrelationships among members of hijack group, including dependents

(j) Political affiliations and group memberships

(k) Foreign travel

(l) Police record

(m) Medical and psychiatric status and history

(n) Family situation

(o) Military status record

(p) Experience with firearms and other weapons

(q) Experience in aviation

2. How was the hijacking attempted? Of particular interest were:

(a) What weapons were employed and how were they concealed?

(b) Exactly what was done? A detailed step-by-step description from each crewmember and from selected passengers was recommended.

(c) Exactly what was the danger or threat imposed on the aircraft or crew by the hijacker?

(d) What were the weak spots in the hijacker's imposition of the threat? What opportunities did he offer for averting the hijacking?

(e) How familiar was he with the aircraft and its capabilities for flying to Cuba or elsewhere? Was he familiar with the fuel supply situation?

(f) How and where did the hijacker buy his ticket and board the aircraft? What class ticket did he have? Where did he sit? What hand baggage did he have? What other baggage did he check?

(g) What was the reaction of the passengers?

(h) What did the hijacker say during the flight? It was suggested that an attempt be made to reproduce as much of this as possible verbatim from testimony of witnesses--to record conversations if feasible. It was thought that, among other uses, the individual's "voice print" or sound-spectrograph of his speech would be valuable as a means of identification later. Publicizing the use of this technique might help to deter potential hijackers.

3. What were important characteristics of the aircraft, the airline company and the flight schedule?

(a) What were the destination and origin of the flight?

(b) What intermediate stops were made?

(c) What aircraft was used?

(d) What time of the day was the flight made?

(e) How many passengers were aboard?

(f) What was the fuel situation?

(g) What was the composition of the crew?

(h) What potentially protective equipment was aboard?

4. What was the relationship of hijacker to Cuba?

(a) Had he ever been to Cuba?

(b) What had he done in Cuba?

(c) What did he expect to do there?

"STATE OF THE ART" HISTORY: WEAPONS DETECTION:

On December 18, 1968, two months before Task Force work began, an all-day symposium had been held on the subject of detection of concealed weapons. Representatives to this meeting included officials of the Department of Defense (the Office of the Secretary, Research and Development, and Army), Institute for Defense Analyses, NASA Electronic Research Center, Illinois Institute of Technology Research Institute, Johns Hopkins Applied Physics Laboratory, MITRE Corporation, Battelle Memorial Institute, Riverside Research Institute, Office of the Secretary of Transportation, Federal Aviation Administration, the Air Transport Association of America, and scientists from the Universities of Michigan, Kansas, Princeton, Northwestern, and Virginia.

Seven general requirements for a theoretical pre-boarding firearms detection system were suggested:

1. High probability of detection.
2. Low "false alarm" probability.
3. Discrimination between concealed firearms and other metallic materials normally carried by passengers.
4. Safety of detection devices for passengers and airline personnel.
5. Real time detection (instantaneous).
6. Automatic recognition/alarm.
7. Economic acceptability to industry.

Department of Defense R&D efforts in the general detection field were examined, and scientists representing the universities and interested Government agencies took under active, detailed discussion theoretical aspects of each concept.

It was determined by adjournment that the following detection technologies showed some promise.

1. Magnetic devices
2. Non-linear scattering
3. Short pulse X-ray [15/]
4. Polarization imaging radar
5. Ultra-sonic imaging
6. Chemical detectors
7. Infrared and ultraviolet
8. Vapor-sensing
9. Visual optics
10. Physiological techniques

In sum, the symposium pointed out the importance of research into systems for detecting concealed weapons and provided encouragement for use of this approach in dealing with air piracy problems. It was generally concluded that no identified technology had reached a point of development such that weapons could be clearly and certainly distinguished from many other objects likely to be carried by passengers. Passive magnetometers, adapted to airport environments, were the only devices available for application in the near future. It was further determined that non-linear scattering and short pulse X-ray were the most promising future technologies for the advancement of the art of detection toward greater precision. All other techniques listed had some potential but would require considerable work before this might be realized.

FAA announced its intention to continue its program to detect concealed weapons--with plans to further investigate the "magnetic-portal detector" with representatives of the U.S. Army at Fort Belvoir. Also to be continued were close coordination with representatives of the Department of Defense, especially the Advanced Research Projects Agency, Institute for Defense Analyses, and the Air Transport Association.

Faced with the immediacy of technical need existing in early 1969, the Task Force selected the available passive magnetometry. It was determined to use this in conjunction with a prescreening element--the "behavioral profile."

PART III - THE SYSTEM AT WORK: PRESENT AND FUTURE

PROFILE AND MAGNETOMETER:

Using systems analysis techniques, a profile of 25 to 30 characteristics likely to be found in an aircraft hijacker was developed. In its preparation, highest priority was given to finding an instrument which could readily be explained to airline customer services personnel, and which could be utilized by them without the necessity of independent value judgment. Only a simple mental check-off should be required to determine quickly the presence of a possible hijacker. Moreover, the profile had to be structured as a "secure" instrument.

Because not all of the characteristics need be used at any one time, this was not an insurmountable problem. If, for example, items listed on a profile in use at one ticket desk were revealed, additional characteristics--equally valuable in identifying potential hijackers--could be substituted. It was thought that, by this means, the profile could be protected for a period of at least one year (in fact, it has remained "secure" from the time it was first used to the present--an unexpected, positive development).

A profile meeting the above specifications held considerable appeal for air carriers because it could eliminate the need to search all passengers. The Task Force recognized that air travelers might submit to mass examination for short periods of time, but anticipated eventual complaint, particularly when hijack activity fell off. Because the Task Force study of hijacker characteristics revealed hijackers to be very

different from typical passengers, an effective profile could eliminate search procedures for all but a fraction of air travelers.

However, the Task Force did not wish to recommend that even this small number be subjected unnecessarily to suspicion. Thus, the only acceptable solution was profile use to identify the few potential hijackers, combined with use of a metal detection device to determine whether those individuals carried with them at that particular time the means to commit a hijacking.

At this point, it was decided to launch an observation phase to test machinery already available and to provide information to serve as a basis for profile refinement. Manufacturers of three magnetometers were contacted and their instruments placed in operation at Eastern Airlines gates at Washington National Airport.

Task Force members, along with representatives of the companies manufacturing metal detection devices, spent some 30 working days evaluating the profile/magnetometer operation in this phase. Specifically, they placed emphasis on accumulating data such as the following:

Examples of Characteristics Studied

Age

Sex

Method of ticket purchase

- -Place
- -Time
- -Payment

Boarding sequence

Preboarding activity

Flight characteristics

- -Time of day
- -Origin
- -Type of aircraft
- -Destination
- -Duration
- -Phase of flight (segment)
- -Geographic direction of flight

Accompanied/Unaccompanied

Checked/Unchecked baggage

Seat selection

Task Force members supplemented their airport observations with videotapes of travelers as they moved through the preboarding system. No effort was made to stop any passenger who appeared suspicious, but careful attention was given to characteristics making up his behavior.

As indicated, magnetometers used were of the passive type, already on the market. The observation procedure was undertaken to evaluate the efficiency of such machines--and like the profile effort--resulted in no challenges to passengers.

Those Task Force members equipped to work with problems of engineering and mechanical design promptly undertook to develop a series of magnetometer "signatures." These were machine response levels for objects ordinary passengers could be expected to carry (keys, cameras, etc.), for heavier or more complicated objects (including such sophisticated devices as heart

pacemakers), and for objects likely to be weapons containing ferrous metals. In time, a "normal range"--at which the magnetometer would give no signal--was established to eliminate the first two categories.

With the above information in hand, individual passenger "signatures" were recorded along with the simultaneous videotape pictures of individuals producing that signature. Thus, without an actual search--and from documentation of visible objects carried by passengers--a range of magnetometer readings was established for various categories of passengers.

Through contract with the Naval Ordnance Laboratory, the Task Force arranged for calibration studies which produced high reliability in the production of passenger magnetometer "signatures." This effort, and close liaison with manufacturers of these machines, resulted in a device which cleared up to 80% of air travelers--those with insufficient metal to trigger the alarm.[16/]

During the same period, Task Force physicians and engineering staff involved themselves in studies of possible health risks for travelers subjected to detection devices. Contacts were made with the U.S. Public Health Service to evaluate the impact of short pulse X-ray and non-linear scattering techniques being investigated under FAA contract.

FIELD TESTING/OPERATIONAL PHASE:

After the passive magnetometer was selected and the behavioral profile was established, a subgroup of the Task Force embarked, with the cooperation of Eastern Airlines, on a series of field tests. These

involved actual application of the behavioral profile, passive magnetometers and the videotape filming of passengers.

Task Force members provided complete briefings on the profile/magnetometer approach to all Eastern personnel falling in the "need-to-know" category. They also conducted press briefings at each test location to inform about the nature of FAA efforts to develop a hijacker detection system. These were intended as part of the strategic use of public information for deterrence purposes.

By mid-point in field testing, nine cities and more than 40 flights had been involved--where the program was in force, no hijackings occurred.

The field testing phase also involved training responsibilities, assumed by Task Force members, for ticket desk and boarding gate employees in the use of personality profile and magnetometer. FAA, as indicated earlier, produced and distributed warning signs and posters highly visible to the traveling public.

It is worth noting that during the field trial period some 2500 pictures of passengers were taken for comparison with magnetometer signatures being recorded.

The field tests proved that it is possible to determine whether or not a weapon were being carried and, more importantly, if it were carried by a potential hijacker--i.e., selectee under the profile. They also validated Task Force impressions that use of the profile could clear of suspicion more than 99% of the airline traveling public.

Ultimately, field testing gave way to an operational phase--expanded to cover the entire Eastern Airlines system (east coast and southern routes). Later, Pan American World Airways, Trans World Airlines, and Continental Airlines also began to use the screening system. The first magnetometers were loaned by the Task Force, training was provided by its field operations group, and arrangements were made through it for Deputy U.S. Marshals to be provided at each station as it was added. Additional magnetometers were purchased by the airlines as needed.

While the magnetometers generally were not visible to the public, warning signs regarding search were prominently displayed.[17/] After their placement, airline personnel and airport managers began to report an assortment of weapons left behind by passengers who dropped them into ornamental planters, behind airport furniture, and into trash receptacles. The Task Force could only guess at the number of these brought to the airport by persons dissuaded from hijack attempts by information about the screening program.

Task Force members monitored all activities in the operational phase and made appropriate modifications in procedure on a continuing basis. They dealt with associations and unions involved with the air carrier industry, with international groups interested in the experiment, with other federal agencies involved directly or indirectly, and with local law enforcement personnel. In this facet of its work, the Task Force functioned as a focal point for information, a mediator in disputes, and an advisor regarding useful procedures.

At all times, its purpose was to foster a spirit of cooperation between industry and government rather than to become involved in rule-making. It was perceived that the diversity of interests among those working to control air piracy could be highly counterproductive. It was essential to secure from such groups a voluntary commitment to sacrifice some autonomy, alter some cherished priorities, and develop concern for all facets of the problem if early solutions were to be found.

As the Task Force made clear its view of itself as advisor rather than enforcer, and as it continued to supply complete and detailed information about its findings and objectives, the necessary cooperation was forthcoming. In addition to the large numbers of meetings required to conduct itself in this manner, and the extensive manhours devoted to refining the screening process it had developed, the Task Force was engaged in constant testing of the usefulness of the system. Perhaps the most valuable statistical data secured during Task Force life emerged from the operational phase. It was found, for example, that of the first 226,000 passengers screened by three airlines, some 1,268 selectees were identified for further checking. This is something more than one-half of one percent. Of the 1,268 selectees, only 638 failed the magnetometer test and required interviews. Thus, only 28/100th of one percent of total passengers screened required interview following profile and magnetometer application. Of those interviewed, over half were able to provide satisfactory explanation for high magnetometer readings. The balance, 304, submitted to search voluntarily. Of the

638 interviewed, 24 were denied boarding--and most of these were placed under arrest for offenses relating primarily to narcotics or concealed weapons violations.

In addition to the 24 denied boarding, several were allowed to enter the aircraft after being disarmed. Although these passengers were relieved of such weapons as hatchets, swords, daggers, and other large knives, interview did not indicate the intent to hijack at that time.

It was determined, therefore, that proper application of profile and magnetometer would eliminate as hijack candidates 99.5% of air travelers; when interview by Deputy U.S. Marshals was added to the statistics, the figure cleared rose to 99 3/4%.

The method of administering psychological profile and magnetometer tests has been described in detail by Michael J. Fennello, Vice President-Operational Coordination, Eastern Airlines.[18/]

> "Airline check-in personnel, psychologically screened for characteristics that might work against their impartial application of the profile, are briefed orally about traits the profile identifies. Passed on from supervisor to agent and treated confidentially, these are never written down. If an agent suspects that a passenger attempting to board may be a potential hijacker, that person becomes a 'selectee' and is identified as such by the ticket agent to personnel manning magnetometers (the weapons screening devices) at the boarding gate.

"Before entering the aircraft, but after completion of the check-in procedure, passengers pass between a set of sensors in the magnetometer. The device is a passive one which does not send out radiation and which is not harmful in any way. It consists of two alarm poles placed three feet apart; these are connected to a warning light visible only to airline personnel. The light goes on when an individual carrying enough metal to indicate a potential weapon passes between the poles.

"Prior to boarding, passengers are informed that they will have to pass through the metal detection device as part of FAA's anti-hijacking program. Two agents are stationed at the magnetometer and the first, by predetermined signals, warns the second when a selectee is passing through. The second agent monitors the machine and stops the selectee if he causes the light to go on. The selectee is advised that he has set off the metal detection device and his carry-on luggage is opened and inspected.

"United States Marshals may be present to assist in this effort throughout the check-in process or they may be requested by the check-in agent when he knows he has at least one selectee for his flight.

"If the individual passes through the magnetometer without his carry-on baggage and does not set off the device, he is cleared.

If the metal is on his person, he is asked to identify the material causing the alarm. If he can satisfactorily do so--and without this metal can be subsequently cleared through the magnetometer--he is permitted to board. If the selectee declines to cooperate and insists on boarding, he is confronted by a law enforcement officer, usually a United States Marshal or Deputy Marshal. At this point a body search is generally conducted as--according to the Justice Department--the passenger has aroused sufficient suspicion to legally justify this action. (Airline personnel normally are not authorized to search passengers and they make no attempt to do so.) It is to be noted that posters telling passengers that they are subject to search are prominently displayed in boarding areas. If a weapon is found or a violation of federal law is discovered, the individual is placed under arrest.

"Detection systems also include inspection of baggage, mail, freight, and other articles representing possible flight safety hazards which may be carried on board. Devices used for this purpose are passive in nature and do not cause damage to articles accepted as common freight or mail. Also they must have a low alarm rate and a reliability factor of more than 90% to detect explosives and other potentially harmful items.

"An alternative method based on the behavioral profile also has been used. Once a selectee was identified by check-in agents,

he was requested to produce two pieces of identification (a drivers license, credit card, etc.)

"If the passenger met the profile and there was question about his identification, he was escorted to a private area and interviewed. A senior agent or supervisor conducting the interview requested appropriate explanations and assisted in clearing up the question of identification. If the agent obtained an acceptable explanation and found nothing amiss in the carry-on luggage, the individual normally was cleared for boarding. If not, boarding was denied."

HIJACKER DETERRENCE AND THE LAW:*

In conference with the Department of Justice, the Task Force worked out arrangements for search and surveillance which protected the constitutional rights of passengers.

Basic legal questions with which they dealt related to legality of search procedures of persons suspected of intent to hijack. The law requires that sound reasons for search exist before individuals may be subjected to this procedure at the hands of law enforcement officers.

The Task Force was advised that, under the Federal Aviation Act of 1958, the Administrator of FAA has the authority and responsibility to promote civil aviation and to provide adequately for national security and safety in air commerce. Section 1111 of the Act authorizes air carriers to refuse to transport passengers and property when, in the opinion

*See Appendix B

of the air carrier, such transportation would or might be inimical to safety of flight.

CAB tariffs applicable to various air carriers provide that such carriers will deny transportation to any passenger who refuses to consent to a search of his person or baggage. Thus, while neither the FAA nor the air carriers have criminal law enforcement authority, it was determined that each had legal authority to take certain actions, in the interest of aviation safety, to prevent aircraft hijackings.

After the Task Force devised its passenger-screening system, procedures were described, in detail, to representatives of the Criminal Division, U. S. Department of Justice. By letter dated March 18, 1969, the Assistant Attorney General, Criminal Division, advised the FAA Acting Administrator that the proposed passenger screening program (including procedures for the frisking of uncooperative passengers who are not "cleared" by the system) appeared to be reasonable and would be fully endorsed by the Criminal Division. He expressed the opinion that such a frisk by a law enforcement officer would be upheld by the Courts.* He further stated that the Criminal Division would institute prosecution of individuals found, as a result of the procedure, to be in illegal possession of concealed weapons while attempting to board air carrier aircraft.

The FBI rejected a Task Force request that FBI agents be assigned as members of the operational teams to assist in the screening and searching of passengers identified as selectees. Thereafter, the Attorney

* See Terry v. Ohio, 392 U.S.I., 88 S.Ct. 1868(1868).

General agreed to assign U.S. Marshals to participate in the screening program.

From the very beginning, the Department of Justice endorsed the Task Force anti-hijacking program, and both the criminal division and the Chief U.S. Marshal were fully cooperative in providing liaison and assistance.

On several occasions, the Task Force urged the Department of Justice to initiate prompt and vigorous prosecution in hijacking cases. The Assistant Attorney General, Criminal Division, relayed his opinion that "prompt prosecutions and severe penalties do act as deterrents to aircraft hijackings." He further stated that all United States Attorneys had been advised of this position and had been instructed not to make any suggestions of leniency to courts in aircraft hijacking cases.

TERMINATING HIJACKINGS IN PROGRESS:

Although it became evident that the Task Force had found a safe, legal, and effective temporary "vaccination" to prevent air piracy, it was understood that human error or carelessness in use of the prescribed deterrents might permit a hijacker to slip through the course of obstacles. As indicated earlier, the Task Force also concerned itself with the possibility of mutations in the disease strain producing unique hijacker characteristics and methods of operation. It was determined, therefore, that systems for on-board apprehension should be carefully investigated.

A vast number of suggestions--ranging from the ridiculous to the very dangerous--were considered. At one point, more than 200 letters daily were reaching the Task Force, many from private citizens, from professional and airline groups, and from members of Congress. The suggestions they contained included use of darts, chemical agents such as mace, trap doors to unbalance or kill hijackers, and disguising a Florida landing field to resemble Havana's Jose Marti Airport.

On evaluation, most proved to be unuseable (mace, for example, cannot be guaranteed to work promptly enough to prevent a hijacker from firing several gunshots before he is incapacitated). Moreover, most of the ideas involved some degree of violence--a step no airline was prepared to endorse. While it was acknowledged that the common concern about immediate depressurization if a bullet pierced the aircraft fuselage was unfounded, bullets could damage vital hydraulic or electrical systems.

Recognizing the threat to individuals close to a hijacker--even one mortally wounded--and possible danger to the aircraft itself, airlines tended to require that hijacker demands be met. (Sky Marshals eventually were tolerated only after they had received careful briefings about location of important mechanical systems in the structure of the airplane and after airlines had been given assurances that use of weapons for apprehension would be held to a minimum. In time, the Marshal effort concentrated on techniques feasible while the aircraft was on the ground.)

In the course of discussions along these lines, the Task Force security officer devoted much time to development of ideas for a foolproof apprehension system which would not endanger passengers. A technique, still highly classified, was hit upon and presented to the Task Force as a whole. Consensus favored the system and the Task Force consulted with experts, both in and out of Government, regarding its further development. The technique proved to be feasible, and a prototype was ordered.

A film explaining the method was prepared at Task Force request and briefing sessions were held with airline executives. They were advised that the prototype would remain in FAA hands--to be made available to any airline requesting it.

In June 1970, a hijacking occurred which pointed up the need for improved coordination between the FAA and the FBI in dealing with hijackings in progress.[19/]

A detailed plan, outlining specific responsibilities of each agency, was drafted by the Task Force and discussions of it were undertaken. The draft plan later formed the basis of an agreement placing Government responsibility for hijacked aircraft with FAA while aircraft were in flight and with the FBI while on the ground.

In addition to recommending workable relationships between these two agencies, the Task Force plan suggested ways in which FAA could more efficiently carry out responsibilities assigned to it while aircraft were

in flight. These included establishment of an operational command post in FAA headquarters offices to provide needed communication and coordination during hijacking events. The plan also outlined specific means of improving airplane to ground communications using expertise available through FAA research and development components.

FUTURE PLANNING:

As part of its interest in providing for possible motivational changes and later escalation of hijacker activity, the Task Force devoted much time to a workable "contingency plan" for future use.

Analysis of intelligence data available suggested that both FAA and the air carrier industry would be well advised to prepare for possible future "all out" attack on American air carrier transportation. The contingency program suggested measures for temporary strengthening of anti-hijack techniques already developed, and it outlined procedures for use in situations involving serious threat to the national security or to air commerce as a whole. As it resulted from Task Force concern about possible terrorist activity, political revolution, or efforts to create major domestic upheaval, the contingency plan was not recommended as a tool for individual or isolated hijacking attempts.

Basically, the contingency plan objective was to develop a state of preparedness in a partnership of the Federal Government, U.S. air carriers operating under Federal Aviation Regulations, the Air Transport Association, pilots and crewmen organizations, airport managers and applicable

law enforcement offices to meet essential needs, to support military efforts, and to maintain an effective system of civil air transportation in times of emergency.

POSSIBLE NEW LEGISLATION:

In an effort to assist in dealing with present and future air piracy developments, the Task Force developed a number of legislative suggestions to enlarge the growing arsenal of hijack prevention weapons.

The necessity was seen for review of existing laws to provide for:

1. Protective search as required (implied consent)

   In the most extreme case, a situation sufficiently dire to require that all or a significant proportion of passengers and their effects be physically searched, it may be desirable to provide legislative authority for search without the justification of probable cause with regard to individual passengers.

2. Differential penalties

   It might be desirable to have legislation making it possible for the crew of an aircraft being hijacked to inform the hijacker that, should he abandon his attempt, he could receive a sentence on conviction of less than the mandatory minimum of 20 years as now prescribed by the Air Piracy Act.

3. Increase the penalty for carrying concealed weapons.

   The Air Piracy Act provides a penalty of $1,000 fine or one

year imprisonment, or both, for carrying a concealed deadly or dangerous weapon aboard (or in an attempt to board) an aircraft. This is in the category of a misdemeanor. If the penalty were elevated to the felony level, the authority to arrest would be enhanced.

New laws were suggested for purposes of further determining or establishing authority and responsibility for deterrence, preventive and protective actions. It was noted, for example, that the FAA, under the provisions of the Federal Aviation Act relating to aviation safety matters generally, had recently assumed authority in these areas.

Legislation to establish specific responsibility and authority for prevention of crimes against air transportation might be desirable for emphasis, precision, and clarification of the roles of agencies of government becoming involved in these efforts. As an example, the elements of government with authority for "protective search", as contemplated in Number 1 above, might be identified by such legislation.

Moreover, it was suggested that anti-hijack measures would be significnatly strengthened if clarification were provided of Federal jurisdictional authority for prevention of these offenses. In some cases, it would be necessary to establish new Federal authorities for this purpose. A Task

Force observation made in June 1970 stated: "The commission of a crime punishable under a local jurisdiction, such as murder, while in the process of committing a crime under the Air Piracy Act has raised a question of initial jurisdiction, custody and investigatory right. Additional legislation may be desirable to provide that Federal authority will prevail, with its mandatory minimum penalty (20 years for conviction of air piracy)."

Finally, it was suggested that there be a study of the determinants and methods of control of acts of violence against air transportation. It was recommended that specific authorization be included for the expenditure of funds for such a study--expressing the intent of Congress that this matter be given appropriate attention.

AGENCY RECOMMENDATIONS: STRUCTURAL:

Task Force planning for the future was not restricted to broad controls to be utilized in the event of national emergency. As part of its closing activity, it offered recommendations regarding steps FAA, other agencies of the Federal Government, and the air carrier industry might take to further insure against hijack activity as seen during the 1968-1970 period.

It suggested the establishment of a permanent body within the FAA to carry on programs developed by the Task Force. This would be multi-disciplinary in character and be given top level assistance plus adequate funding.

Staffing estimates for the continuing anti-hijack force were described with the following commentary by members working in the various fields represented among the group.

"Engineering: There is a continuing workload to process technical mail and suggestions; to keep abreast of the state-of-the-art in the U.S. and in foreign countries with respect to sabotage, bombings, etc.; there is a need to explore the various low-cost devices for on-the-ground and on-board detection; there is a need to field test and evaluate equipment. To do this will require;

1 senior engineer GS-15

1 journeyman engineer GS-14/13

1 secretary

Engineers will need electronics/electrical/aviation backgrounds.

Public Affairs: Workload includes briefings with industry/government representatives, with press--along with correspondence--visits to airports, dealings with airline officials, drafting articles and press releases, handling Congressional inquiries. To do this work and to handle the expanded effort will require:

1 senior public affairs specialist GS-15/14

1 journeyman information specialist GS-13/12

1 secretary

Psychological: The expanded role will include technical strategies of using information as part of a total system and its analysis;

tackling problems presently unsolved; analysis of motivational factors; systems research; analysis of domestic and foreign political events that would affect strategies. To do this work will require:

1 senior professional research psychologist

2 statistical assistants

1 secretary

Outside consultant services and resources

Legal: There is a continuing requirement and initiative for FAA to be concerned with trials of hijackers; to coordinate ATS legal matters with the Department of Justice, State, and other agencies; to deal with criminal law enforcement agencies; to refer specialized work to General Counsel (such as rule drafting); to participate on a day-to-day basis in legal strategies and in policy; to do legal research; to be concerned with legislative and regulation matters pertaining to ATS. To do this will require:

1 senior lawyer GS-15

1 associate lawyer GS-14/13

1 secretary

Security: With respect to security, there is a full-time need to be concerned with specialized information on people; analysis of events and their backgrounds; physical security problems; evaluations and inspections; participation in briefings. To do this under an expanded role will require:

1 senior security specialist GS-15/14

4 assistant security specialists GS-14/13

2 clerical assistants

Administrative: There will be a continuing need for participation in executive actions, in planning strategies, in conceptualization, in project control, in planning personnel, budget and administrative needs, in making presentations, and conducting briefing activities. This will require:

1 senior management official GS-15

1 secretary

Operations: There will be a key need to direct field operations relating to on-ground and on-board security. Operations personnel will be dealing with airport and airline key officials; with surveillance and evaluation of efforts; will deal with industry organizations such as ATA and ALPA. An expanded role will require assignment of staff to monitor several airlines or airports as program progresses and expands. This will require:

1 operational head GS-16/15

4 air carrier operations specialists GS-15

2 administrative/secretarial workers

In addition will be:

1. Research and development costs
2. Equipment costs
3. Travel requirements
4. Administrative costs (printing, etc.)"

The Task Force also recommended that continuing FAA efforts be strengthened through additional communication with non-Federal bodies concerned with air piracy.

At a meeting in June 1970, called by the Task Force chairman and attended by representatives of the Air Transport Association and the Air Line Pilots Association, it was agreed that a Federal-private partnership would increase the effectiveness of on-going anti-hijack efforts. All participants believed that previously existing informal liaisons between industry and Government should be developed into an organized team thrust.

It was determined that four categories might be utilized in making determinations concerning groups to be asked for representation:

1. airport security
2. air carrier flight crews
3. air carrier operators
4. Government departments other than FAA

It was agreed that these groups, through their representatives, should serve as an advisory body to the Federal Aviation Administration, which should be assumed to be the central action agency for the Federal Government. It was observed that such a concept was consistent with that which had just evolved as a consequence of the deliberations of the Extraordinary Session of the General Assembly of the International Civil Aviation Organization in Montreal, Canada.

It was suggested that representation of these be arranged as follows:

1. Airport Security.

   It was felt that no specific unit could be considered to be authoritatively representative in the field of airport security. For this reason it was recommended that a representative and an alternate or alternates should be requested from the Airport Operators Council International and the American Association of Airport Executives.

2. Flight Crews.

   Representation should be requested from the Air Line Pilots Association, the Allied Pilots Association, the Flight Engineers International Association and the Air Line Stewards and Stewardesses Association.

3. Air Carrier Operators.

   It was felt that the air carriers could be appropriately represented by the Air Transport Association. For the present it was felt that representation from the irregular (non-scheduled air carriers would not be required.

4. Other Departments of Government.

   Departments of government which have, or should in the future, be represented as formal advisors to the FAA should include a) the Department of Justice, b) the Department of State, c) the Department of Defense, d) the Treasury Department and e) the Post Office Department.

In concept, the industry and other government departments listed would be asked to designate a specific high level individual to serve as the prime source of contact and to speak for the group he represents in all meetings held. It would obviously be necessary for there to be certain alternate representation in selected technical areas from most of the listed groups, however, the authoritative spokesman should be a specifically designated top level individual.

Apart from the benefits which could be expected from regular meetings with these groups (probably monthly) there would be established an inter-group network for day-to-day working relationships for matters on which the FAA would need timely and interim assistance and participation apart from any regularly scheduled advisory type meetings.

In all of this, FAA would assume the Federal Government's responsibility for action and would look on the role of the industry and other government groups as advisors and participants in response to specific FAA requests. It was noted by the Task Force that levels of cooperation provided by the groups listed had been "most heartening and suggests that the more formalized liaison could be established with minimal difficulty."

PART IV - CONCLUSION

At the close of its operation, the Task Force could sum up its experience in terms of certain valuable lessons learned and a variety of significant accomplishments made. Specifically, it had:

1. Made extensive studies of the motivational aspects of the hijacking phenomenon--something never done before. As a result, the Task Force became the unofficial spokesman for the nation on hijacking.

2. Developed behavioral profiles of characteristics of known hijackers.

3. Established a comprehensive data and statistical file, providing FAA with the capability for becoming the official clearing house for such information.

4. Procured and tested an improved "state-of-the-art" magnetometer device which incorporated an eight-sensor gradiometer array designed specifically for airline passenger screening.

5. Funded development of short pulse X-ray and non-linear scattering technologies as promising improvements to weapons detection.

6. Conducted on-site passenger screening tests for some months at nine major airports with the cooperation and assistance of Eastern Airlines.

7. Arranged with most of the major airlines for the display of posters at ticket counters and boarding gates.

8. Placed in operation an anti-hijacking system with Eastern, Trans World and Pan American Airlines.

9. Secured the interest of several other airlines in adopting the anti-hijack system in the near future.

10. Provided for local and nationwide news media coverage of Task Force accomplishments (particularly regarding operational results) in order to discourage potential hijackers.

11. Briefed and consulted with appropriate elements of the Departments of State, Justice, HEW, Agriculture and Defense.

12. Provided, through the State Department, information to Cuba on the criminal and/or psychiatric backgrounds of hijackers.

13. Requested, through the State Department, Cuban assistance in facilitating landings at alternate airports in Cuba if weather conditions at Havana created hazards.

14. Met with ATA and airlines to plan for placing the screening system in operation in a total airport environment. Secured ATA and ALPA cooperation in providing leadership in this endeavor.[20/]

15. Made preliminary studies of bomb threats and bombings.

16. Developed contingency plan for possible later problems of serious national significance.

17. Suggested useful legislative approaches.

18. Outlined system for effective continuing FAA anti-hijack thrust.

19. Arranged for formal advisory effort bringing industry, flight crews, security and appropriate Federal entities together in a strengthened anti-hijack partnership.

20. Developed a classified, workable system for on-board apprehension of hijackers.

21. Developed and placed in operation, the Airport Plan for screening passengers at the New Orleans International Airport. It proved highly effective and continued in operation from July 17, 1970 to January 5, 1973. Significantly, the airport and the twelve air carriers voluntarily participated.

In April 1970, the Task Force reported that it had learned the following in the course of its efforts:[21]

"1. It is unlikely that world-wide agreements to return hijackers will be forthcoming in the near future. Accordingly, there will be a long-term need for programs to deter or control hijacking.

2. From all indications, the existence of the anti-hijacking system has considerable deterrence value.

3. By the application of the screening system, more than 99% of air travelers can be cleared of suspicion of carrying weapons for hijack purposes.

4. The screening procedure which has been developed does not impede the passenger loading process, nor has it caused passenger complaints. The American Civil Liberties Union has agreed the system does not violate civil rights of passengers.

5. Existing laws support interrogation and search of a person classified as a 'selectee' by the screening system.

6. The screening system is easy to operate but the elements of the behavioral profile (which is the most important part of the system) need to be protected. This requires the presence of a specially trained person at each operating location. The hardware part of the system is portable and simple to install and monitor.

7. The information and experience gained in operating the screening system is sufficient to justify its extension to all airlines and airports.

8. The presence of an experienced law enforcement officer is required during the interrogation and/or search of 'selectees' in operating the system.

9. The approach used to develop a system of selective passenger surveillance could be applied to the problem of bomb detection.

10. Since the FAA announcement in early February of 1969 regarding efforts underway to identify would-be hijackers, the U.S. hijacking phenomenon has changed in the following ways:

a. The trend of hijacking events is now linear in nature, as compared to the exponential trends in January and February of 1969.

b. Persons engaged in hijacking have changed in type--now including both Cubans and unstable or criminal white or black militant U.S. citizens.

c. Airlines using the system have enjoyed a comparative respite from hijackings as compared to U.S. airlines not using it.

d. Hijackings are not now limited to flights along the Eastern seaboard or to Cuba. Hijackers are aware that aircraft can make refueling stops.

e. The ratio of U.S. hijackings to those involving foreign aircraft has reversed itself; while one year ago, hijacking was predominantly a U.S. problem, it is now to a larger extent a foreign one."

Task Force members attribute the success of their program to the utilization of multi-disciplinary approaches, combined with sound epidemiological techniques and an emphasis on understanding motivational and behavioral characteristics of hijackers. The group functioned with a significant degree of flexibility--making possible the development of innovative anti-hijack tools in spite of limited time and funds. The technique of bringing together a collection of experts not only brought to bear on a serious problem an assortment of vital skills, but insured that persons in each field were familiar with concerns and difficulties faced by those in every other.

The epidemiological method supplied a manageable, scientific vehicle to navigate the quagmire of the air piracy phenomenon as it presented

itself in early 1969. Those Task Force members trained in systematic scientific investigation were successful in communicating to others their methods for step-by-step elimination of problems and for making possible early understanding of the basic elements of the hijack phenomenon.

This led, without delay, to a general appreciation of the value of behavioral studies for development of preventive techniques. Thus, the personality profile, soon to be widely referenced as the single most effective anti-hijack weapon, stands as the tip of the iceberg--the product of extensive work among various disciplines. It exists, however, as a tool which could not have been devised without the multidisciplinary/epidemiological thrust out of which it was forged.

While the primary objective of Task Force effort quickly became containment of hijacking of one particular type and in one particular area (the "flight to Cuba" phenomenon), the group unavoidably was drawn toward other air safety considerations. In retrospect, consideration of its techniques for use in controlling problems such as drug traffic, aircraft sabotage, terrorism, national insurrection, and the broad spectrum of threat to air security appears inevitable.

In its role of "research laboratory," the Task Force--although seeking medicine for only one social ill--succeeded in identifying appropriate therapeutic avenues for an assortment of ailments.

Of perhaps greater importance, it pointed up the possibility of future epidemics of different disease strains, with different techniques in use, and different controls necessary for treatment.

Looking towards the future, the Task Force urged establishment of a permanent air security organization, guided by a multi-disciplinary/epidemiological philosophy and using many of the research tools proven by Task Force experience to be effective. It pointed out that--as times, people, motivations, and methods of operation change--a continuing research laboratory would be needed to meet challenges already identified on the horizon. In this connection the Task Force made both legislative and administrative recommendations designed to prevent future problems before they escalated to the degree of seriousness of those with which the Federal Government was faced in 1969.

When the Task Force assembled early that year, there had been uncertainty about airline, other government agency, and public acceptance of solutions that might develop. At the time of its close, in 1970, its programs enjoyed widespread support from each of these quarters. Airlines, showing initial reluctance to become involved in screening work, began to approach the FAA with requests for additional Task Force assistance. In fact, it had already become obvious that the Task Force two-man field team could not meet the requests by air carriers to provide technical advice and assistance in establishing individual airline preboard passenger screening programs throughout the United States and at international airports. Assistance was provided for TWA and PAA at Heathrow International Airport, London, England, in March 1970 with the introduction of the first Boeing 747 International Flights from New York and returning. Other requests had to be denied.

Moreover, development of a workable system for hijack research and deterrence had clearly raised public expectations for increasingly effective, flexible Federal performance in this area.

Therefore, it was recommended by the Task Force that a permanent, full-time anti-hijack office be established within FAA and that it be provided adequate staff and funding to conduct an expanded multi-disciplinary hijack research laboratory. This recommendation followed an independent staff study undertaken through the Office of Management Systems in May and June of 1970.

Designed to examine the whole range of possible future directions of FAA anti-hijack efforts, the study established the necessity, feasibility and cost effectiveness of an on-going multi-disciplinary program. This would be implemented through a new division, separate from any then existing at the agency. The study indicated that use of a variety of disciplines was necessary to insure realistic response to the assortment of problems presented by the hijacking phenomenon. It pointed out, for example, that effective tools to combat air piracy must include in-depth understanding of operational aspects of air carrier activity; ability to deal with and understand problems faced by the industry, the public, law enforcement groups, legal experts, local officials, airport management; certain technical capabilities required for development of necessary electronic devices; sophisticated medical and other scientific expertise essential to the use and refinement of both behavioral measures and detection machinery; and the public relations skills needed to insure dissemination of hijack information so as to inform the public while also increasing opportunities for control uncovered by "hijacker learning" discoveries.

The study recommended a thrust which recognized differences between aircraft hijackers and the bulk of the criminal population--along with differences in approach involved in apprehending, anticipating, and frustrating hijackers as opposed to ordinary law breakers. In underlining the value of the behavioral profile, the study also indicated areas of inevitable difficulty if air piracy were treated with the traditional law enforcement mechanisms. As a further step, it also suggested expansion of FAA efforts to include cargo theft, bomb hazards, and general aircraft security.

FOOTNOTES

1. Holt, Thomas G. Aerial Transport. London: Hodder & Stoughton, 1920, P. 218-219

2. Task Force Members

   H. L. Reighard, M.D., Deputy Federal Air Surgeon, Office of Aviation Medicine, (Chairman, Task Force on Deterrence of Air Piracy)
   John T. Dailey, Ph.D., Chief, Psychology Staff, Office of Aviation Medicine
   Lowell L. Davis, Air Carrier Regulations Officer, Flight Standards Service
   Joseph K. Blank, Program Officer, Office of Compliance and Security
   David H. Brown, Public Information Specialist, Office of Public Affairs
   Max F. Collins, Program Manager, Aircraft Development Service
   John E. Marsh, Chief, Special Projects & Appellate Branch, Office of General Counsel
   Robert K. Friedman, Chief, Management Survey Branch, Office of Management Systems
   E. Lee Jett, Operations Liaison Officer, Office of International Aviation Affairs

3. MacMahon, Brian & Pugh, Thomas F. Epidemiology. Boston: Little, Brown & Co., 1970, P. 1

4. Ibid. P. 13

5. House Report #91-33, Printed by the House of Representatives, March 1969, Committee on Interstate and Foreign Commerce, Aircraft Piracy, P. 6

6. Aggarwala, Narinder; Fenello, Michael J.; Fitzgerald, Gerald F. International Conciliation, Report of the Carnegie Endowment for International Peace, No. 585, November 1971, Air Hijacking: An International Perspective, P. 10

7. The International Civil Aviation Organization authored, in 1968, a draft international convention on crimes such as hijacking. The Convention on Offenses and Certain Other Acts Committed on Board Aircraft (known as the "Tokyo Convention") was adopted at a conference in 1963 and entered into force in December 1969. The agreement does not deal with the means of deterring aircraft hijacking but does obligate countries in which such aircraft make landing to restore it to those entitled to its possession. That country is further obligated to permit passengers and crew to continue their journey as soon as practicable. A later effort of ICAO, the Convention for the Suppression of the Unlawful Seizure of Aircraft (known as the "Hague Convention") was adopted at a diplomatic conference in December 1970. This requires contracting states

to punish or to extradite hijackers but leaves to those states the choice of extradition or prosecution. In September 1970, ICAO prepared a draft Convention for Suppression of Unlawful Acts against Civil Aviation (known as the "Montreal Convention") which prescribes severe penalties for attacks against the lives of persons aboard aircraft in flight, and for international acts, such as sabotage and bombings, that seriously damage aircraft or endanger safety in flight.

8. Ibid. International Conciliation, P. 25

"At a meeting of the ICAO Council in September 1970, the United States proposed an international treaty under which all states would undertake to suspend all international civil air transport services to and from any state that either detains a hijacked aircraft, or its passengers, or its crewmembers or fails to extradite or prosecute the individuals involved. This proposal was shelved by the legal committee in June 1971, mainly because of the controversy over ICAO's competence to impose economic sanctions through a multi-lateral treaty.

"Under the United Nations charter, only the Security Council can impose economic sanctions and that only when it decides that a country's action constitutes a 'serious threat to international peace and security.' Hijacking has not assumed such proportions yet, although it has contributed to the heightening of tensions in the Middle East and in South Asia. It would be naive to expect that the Security Council would ever impose economic sanctions against a country simply to coerce it to abide by the provisions of an international convention, however important that convention may be.

"It is also doubtful that a major power would use severence of its foreign aid disbursement as a pressure tactic to force a state to extradite and punish a hijacker of its airliner, because such action is either impractical or inadvisable. In the case of the United States, for example, the countries that are the most frequent destinations of hijackers are not recipients of aid (Syria and Algeria--two of the Arab countries that have openly sympathized with Palestinian hijackers--and Cuba). Such unilateral action toward countries that do have substantial aid and trade relations with the United States could have serious political and international repercussions."

9. Representatives of Japan Air Lines were sufficiently interested to come to Washington for briefings. They were provided information and demonstrations for their benefit in establishing a JAL security program.

10. Countries Attending Task Force Air Piracy Briefing

Argentina	Ghana	Nicaragua
Australia	Germany	Norway
Barbados	Great Britain	Panama
Belgium	Greece	Poland
Bolivia	Guyana	Philippines
Brazil	Iceland	Portugal
Burma	Indonesia	Sierra Leone
Canada	Iran	Singapore
Ceylon	Ireland	Saudi Arabia
Chile	Italy	South Africa
China	Japan	Spain
Colombia	Kenya	Sweden
Congo	Korea	Switzerland
Cyprus	Lesotho	Thailand
Czechoslovakia	Malawi	Turkey
Denmark	Mexico	Uganda
Finland	Netherlands	Venezuela
France	New Zealand	Vietnam

11. In this period, no transportation from the United States to Cuba was available. Persons interested in return to Cuba traveled by way of Mexico--an expensive route, complicated by visa requirements.

12. Ibid. International Conciliation. P. 11

13. Out of 14 cases, one proved to involve a genuine explosive device.

14. The Task Force was aware that mass hijacking of U.S. aircraft could also be carried out by an organized group in order to achieve terrorist objectives. This, however, was seen as an altogether different phenomenon--responsive to other controls.

15. Short-pulse X-ray for examination of both luggage and passengers was recognized by the Task Force as highly promising. This technique was recommended, at close of Task Force operations, as a procedure which should receive further attention--directed toward refining the system to produce reliably the low radiation which Task Force research indicated were possible.

16. FAA presentation, Task Force on Deterrence of Air Piracy, U.S. Efforts to Deter Hijacking. P. 49, slide 11.

17. The poster, designed by FAA and distributed to airlines, used language as follows:

> AIRCRAFT HIJACKING IS A FEDERAL CRIME PUNISHABLE BY DEATH. CARRYING CONCEALED WEAPONS ABOARD AIRCRAFT IS PUNISHABLE BY PRISON SENTENCES AND FINES. PASSENGERS AND BAGGAGE SUBJECT TO SEARCH.

18. Interview, February 27, 1973, discussing circumstances appropriate to the first year of Eastern Airlines operation under the behavioral profile system.

19. On June 4, 1970, a hijacked TWA plane landed at Dulles International Airport, Washington, D. C. Representatives of the FAA and the FBI were present at that time.

    In the opinion of FAA officials, the hijacker, Arthur Barkley, represented a serious threat to passengers and crew aboard the aircraft. Following this determination, FAA policemen successfully blocked the runway and shot out tires to prevent take-off.

    The episode pointed up a need for increased coordination between the FAA and FBI to insure that each could function with maximum efficiency when later episodes occurred.

20. The Airport Plan was developed and made operational on July 17, 1970 through the outstanding cooperation of Mr. O. L. Sands, Director, New Orleans Aviation Board, and the twelve scheduled air carriers serving that airport. The Board provided $15,000 of its own funds to purchase and install twelve metal detectors.

21. Report of the Chairman, Task Force on Deterrence of Air Piracy, April 27, 1970.

Remarks of Frank E. Loy, Deputy Assistant Secretary of State for Economic Affairs, Before the Joint meeting of the Section of International and Comparative Law and the Standing Committee on Aeronautical Law of the American Bar Association.
Dallas, Texas, August 13, 1969

SOME INTERNATIONAL APPROACHES TO DEALING WITH HIJACKING OF AIRCRAFT

I am very pleased and proud to have the chance to speak to such a distinguished group of ABA members. When I was a young lawyer I went to my first ABA meeting with a senior partner of our firm, and during the course of our section meeting asked him, "Do you think I'll ever address an ABA Convention?" "God, Frank," he replied, "they'll land a man on the moon before the ABA will let you talk." I sensed even then that he was a lawyer with great foresight.

When dealing with the problem of aircraft hijacking it is easy to move right away to the question How can hijackings be stopped? Before doing so, however, it is worthwhile to stress a proposition that, surprisingly, needs restressing; namely, that we are dealing with a very serious threat to human life. Despite all the talk about hijacking, there are quite a few who consider hijacking to be a nuisance, an annoyance or perhaps even a bit of semi-pleasant excitement, but not a crime of chilling potential for disaster. The record of zero passenger fatalities to date has surely fostered this belief. Yet what circumstances more inimical to human life can you imagine than these: An armed, mentally unbalanced individual, frequently with a criminal record, is in control of a large passenger aircraft which he cannot operate. The aircraft is high in the air. In

today's crowded airways -- many of which pass over large population centers -- it is no longer responsive to ground control. Add to these considerations the further ones of possible weather and fuel problems en route to the hijacker's destination, and of weather, landing facility and language problems at that destination. Moreover, and entirely apart from the safety consideration, there is the possibility that a hijacking to one of several countries in the world that might choose not to return the aircraft or its passengers right away could occasion a serious international political crisis.

Thus, hijacking -- or what to do about hijacking -- confronts the Government of the United States with serious challenges that require the harnessing of its technological, political and legal skills. As a beginning, however, we might just look at the "facts of hijacking", so to speak -- how many have there been; what kinds of people commit them; what are their motivations; and what has happened to the hijackers, both in this country and elsewhere. In dealing with these matters, I will dwell mainly in hijackings to Cuba, simply because that is where the problem has been most serious.

Since May 1961, and up to August 9, 1969, there have been 83 actual or attempted hijackings to Cuba -- taking into account all types of aircraft and all of the nations involved. Seventy-three of these have succeeded. Of the 83 actuals or attempts, 54 have involved aircraft of United States registry, and 29 have involved aircraft of foreign registry (principally Latin American). Of the 54 US-registered aircraft 45 have been commercial transport and nine have been general aviation

planes hijacked to Cuba, with National Air Lines and Eastern Air Lines tied in an unenviable lead (13 apiece). All told, during the entire eight-year period, close to 3,000 passengers and crew members have been hijacked to Cuba on American flag carriers.

Rather broadly speaking, hijackings seem to have occurred in waves. There was (for then) a considerable wave between 1961 and 1962; another between 1964 and 1965; and a tremendous surge in the latter part of 1968 and the early part of 1969 In fact, there were more during this last period than during the entire prior period of over seven years. Since last winter and early spring, hijackings have leveled off again. But they still occur at the average rate of about four a month.

The hijackers themselves seem to fall into three broad categories: mentally disturbed persons; fugitives from justice; and persons wishing to return to Cuba. The mentally disturbed usually have been personal and professional failures, and suffer from varying degrees of paranoia and/or schizophrenia. To them, hijacking offers a long-sought means of proving themselves. But it is interesting to note that, during 1969 at least, five out of six attempted hijackings by such mentally disturbed people failed. During the course of 1969 there has been a change of the type of person who has undertaken the crime. Late last year, most of the hijackers were mentally disturbed. During the late winter and spring, criminal types predominated. And more recently, there seem to be a growing number of Cuban expatriates, although these still are

a definite minority among hijackers.

There appear to be several discernable motives for hijacking. The predominant ones seem to be some combination of political motivation, neurotic make-up, and the desire for a safe haven in what is believed to be a Cuban utopia. Next, mental disturbance. Next, some private reason for wishing to go to (principally return to) Cuba. And, finally, fleeing justice.

What has happened to the hijackers? Thirteen persons who have hijacked or attempted to hijack US-registered aircraft during the heavy incidence of hijacking of the past year are in the custody of the United States. Four of these returned to the United States, one of his own volition. The other three had left Cuba to go to Canada and ended up in our hands. The remainder were apprehended within US jurisdiction after unsuccessful attempts at hijacking. Six of these thirteen have been convicted for varying offenses, though not air piracy. Sentences have ranged from indeterminate (4 to 6 years) to 15 years. Prosecution is pending in the remaining seven cases which are awaiting the outcome of mental examinations.

So far as we know, the remaining hijackers still are in Cuba, although we have heard that one or two of them have

gotten to Europe. As to what has happened to them in Cuba, we have to work on bits and pieces of information. The Cuban Government publicly has said very little on the subject However, it seems fairly obvious that they are not accorded hero status, or otherwise given any prominence. We have information that some of them were put to work in the cane fields. A member of the Black Panther organization who had hijacked a plane to Cuba recently gave a press interview in Havana in which he roundly condemned the Cuban Government for the way he had been treated in Cuba. According to him, Black Panthers were "isolated and imprisoned" in Cuba, although seeking political asylum there. And he was on his way to a work camp in the interior. Alban Barkley Truitt, who was returned to the United States via Canada, mentioned having been put in solitary confinement for some period of time. He was quoted as having said that anybody who hijacked an airplane to Cuba might be killed. Statements of this nature, as well as other information available to us, all seem to comport with a statement attributed to a high Cuban Government official in a Miami Herald story last summer to the effect that the Cuban Government welcomes immigrants to Cuba, "but not if they have to take an airplane to do it."

So far I have been talking about aircraft highjacking in the Western Hemisphere. However, that is only part of a broader problem. There have been hijackings of commercial transports in Europe, Africa, and the Philippines. And there have been the incidents not involving hijacking but rather armed intervention involving commercial aircraft at Athens,

Zurich, Beirut, Frankfurt and Karachi; in which the flag aircraft of various other nations have been bombed, machine-gunned or burned on the ground.

Thus, hijacking and other forms of armed intervention involving aircraft are matters of serious concern to the entire international community -- not just the United States, and not just the countries so far involved. These acts threaten a transportation system which is at once terribly important to the smooth running of a peaceful, progressing world, and terribly fragile.

In deciding how it could best deal with this problem, the United States government soon concluded that efforts to stop hijacking could be put into three categories: First, detecting the would-be hijacker before he gets on the airplane and denying him passage. Second, frustrating a mid-air attempt by either mechanical or human means, or both. And third, deterring future hijackers - with emphasis on punishing the successful hijacker under either the laws of the United States or the laws of the country to which he takes the hijacked airplane. These three methods may be briefly characterized as those of detection, frustration and deterrence.

I intend to deal mostly with deterrence today, leaving the other two categories to my colleagues. However, because there is some progress to report in the area of detection - an area posing some difficult legal issues, I shall just say a few words about it.

The principal problem so far has been perfecting a detection device that will reliably and accurately discriminate between a weapon and other metal objects normally carried by a person. Unexpected progress has been made in this direction; and an over-all detection system, including such a device, is now in the testing stage and gives considerable promise of working with an acceptable degree of accuracy. Assuming that we can get such a system that works reasonably well, I think that we can all sense the search and seizure and other civil liberties problems which could stem from putting the system into actual operation. Can a person be made to submit to the detector -- if he knows it is there -- or can it be imposed on him, so to speak, if he doesn't know that it is there? If the application of the system indicates him to be suspect, can he be forcibly searched and forcibly denied boarding the plane? And if he is to be searched and denied passage, which law enforcement agency is competent to do these things?

I leave these questions with you under the guise of not having been accorded sufficient time today to answer them all. However, if pushed, I might admit to having few, if any, of the answers.

Now, moving on to the problem of deterring future hijackers by punishing past ones. Here I can say some things because, interestingly enough, the problem to date has largely been a diplomatic one, rather than a straight-out criminal enforcement problem.

Obviously, if we're going to try to get hijackers punished in another country, we are going to have to persuade that country to do this. We cannot just tell another soverign power to do it and, even more obviously, the writ of the United States does not run to that country. As for punishing hijackers in this country, the base problem is getting them back -- right now, getting them back from Cuba -- to be punished.

When the most recent wave of hijackings began, we looked around to see what existing international legal instruments might be available to help us. There were two: an extradition treaty with Cuba and the Convention on Crimes and Certain Other Offenses Committed on Board Aircraft, otherwise known as the Tokyo Convention. We shortly concluded that neither would be particularly helpful.

The extradition treaty was concluded in 1904 -- only shortly after the airplane was invented. It has not since been revised and, pretty obviously, hijacking is not listed among the treaty crimes. The usual common law crimes -- including kidnapping and robbery -- are listed. But the omission of hijacking is troublesome. In this regard, it is worth noting that the governments of Cuba and Mexico have been working to conclude a reciprocal extradition treaty pertaining specifically to hijacking, although a usual extradition treaty is in force between the two countries. Our extradition treaty with Cuba has the usual exemption for political crimes, which would somewhat limit its use. Furthermore, we have no diplomatic relations with Cuba, and pursuant to international

customs and usage, obligations under an extradition treaty are suspended in the absence of diplomatic relations -- probably because, a practical matter, proceedings under an extradition treaty are difficult to impossible in the absence of diplomatic relations.

The Tokyo Convention was written for several purposes other than that of dealing with hijacking, so its treatment of the subject in Article 11 is quite limited. The Article requires that a Member State in which a hijacked airplane lands take all appropriate measures to restore control of the aircraft, its passengers, crew and cargo, to the plane commander, and to facilitate the onward movement of the aircraft. This is an extremely important and useful international standard to establish. But the convention makes no provision for the return of the hijacker -- probably because it was felt that this could or would be covered in individual bilateral extradition treaties. Also, the Convention is not yet in force; accession by 12 nations is necessary to bring it into force and eleven have acceded.

This being the state of the relevant international law, we had to strike out in new directions. As we saw it, our first task was to arouse the international community to the seriousness of the threat to air transportation posed by hijacking preliminary to seeking concerted international action against the crime. The obvious second task was to induce such international action. And finally, with regard to our particular problem, we would go to the Cubans themselves. In this last regard, we would make several proposals, some of them falling short of our ultimate goal of achieving the return of

the hijackers, but all aimed at the alleviation of the problem.

In the effort to arouse the international community to the seriousness of hijacking, we turned to the International Civil Aviation Organization ICAO. ICAO is an international organization of 116 member governments which, under the general aegis of the United Nations, concerns itself with certain technical, economic and legal aspects of international air transport. ICAO also is a repository for several multilateral treaties affecting international air transport.

At the 16th Assembly in Buenos Aires in September, 1968, the United States delegation was successful in obtaining the unanimous passage of a Resolution calling upon member states to accede to the Tokyo Convention as soon as possible, and to enforce Article 11 of the Convention as if it were in force and effect. It also called upon the Council of ICAO to undertake a study of other means of dealing with hijacking than the Tokyo Convention. We consider it noteworthy that the Cuban delegate to the Assembly joined in this unanimous vote. In December, 1968, and again at the behest of the United States, the Council of ICAO -- the permanent body which sits in Montreal -- passed a resolution which urged all Member States to take all possible measures to prevent hijackings, and to cooperate with any other country --- Member State or not --- whose aircraft had been hijacked.

These resolutions of course are only hortatory. But we believe them to be useful since they help in emphasising

the seriousness of the problem, and since they are declaratory of some sort of international standard that requires countries to deal with hijacking in a serious fashion and to return the hijacked aircraft and occupants promptly.

In April, 1969, the Council passed a third resolution, this time directed at the broader subject of armed intervention involving aircraft and international aircraft facilities, but including hijacking. This resolution appointed a Special Committee of the Council of ICAO to solicit information, advice and recommendations with regard to acts of armed intervention from the countries involved, and directed the Committee to report back its findings and recommendations to the Council. Appointing a committee may seem like a cheap, ineffective step to take in such a circumstance. But we believed that as investigation by an international organization, possibly involving an on-the-scene look, would help to force all nations to deal with such incidents sensibly, promptly and in a non-political way. The fact that a number of incidents had been politically motivated made it both harder and more important to eliminate political considerations. The substantial political content involved in the issue was manifested by the difficulty we had in getting satisfactory terms of reference for this committee. In the end, it was explicitly excused from delving into any incident that had political ramifications, and it was left unclear exactly what ICAO would do with the information and recommendations passed back.

In any event this Committee opened its first meeting on August 4 in Montreal and has since been hearing testimony from various aviation experts on the subject of armed intervention involving aircraft, including hijacking.

To the end of inducing concerted international action against hijacking, in November, 1968 -- against the background of the ICAO Assembly resolution of the preceeding September -- we proposed in the Council of ICAO a protocol to the Tokyo Convention which would require Member States to return a hijacker to the state of registration of the hijacked aircraft without regard to considerations of political asylum Almost needless to say, we ran into rather heavy going when it became clear that our proposal abrogated the historic right to political asylum in relation to hijackers. And I might add that we crossed this bridge ourselves only after considerable soul-searching. But it had become our judgment, after many weeks of mental and moral agonizing, that the magnitude of this 20th century crime outweighed the right of political asylum which had come to us sacrosanct almost from the ages. When the November meeting in ICAO broke up, we stood about alone in our contention that hijackers were not entitled to political asylum. The position of the great majority of States was that the State in which the hijacker landed had the prerogative of determining whether political asylum should be

granted; and that this prerogative should not be abridged by an international commitment.

We meet again in late September. We obviously must consider, in preparing for this meeting, the heavy objection to any limitation of the right to political asylum. But, I have reason to believe that we can work out some type of multilateral undertaking -- whether called a protocol to the Tokyo Convention or something else -- which will provide considerably more deterrence to hijacking than currently is provided by international legal instruments.

Since our -- that is the US -- problem is with hijackings to Cuba, we decided to approach the Cubans. In the absence of diplomatic relations with Cuba, we have worked through the Swiss Embassy in Havana.

Our first move was to suggest a less cumbersome and time consuming procedure for the return of the hijacked aircraft. For the past two or three years, when a hijacked plane landed at Havana, the Cubans would disembark the passengers and their baggage and send them to a hotel in the resort town of Verdadaro on the north coast of Cuba and keep them there until a plane or planes could be sent down to get them. In the meanwhile, the crew of the aircraft flew it back empty to Miami. While the plane was usually returned

in two or three hours, it usually took considerably longer, sometimes one or two days, to get the passengers back. Some time ago, we suggested that the passengers and their baggage be returned on the hijacked aircraft. After considering the matter for some months, the Cubans responded that, if the Government of the United States, the airline involved and the pilot in command of the plane all agreed to accept the total safety responsibility for the return of the passengers on the hijacked aircraft, the Cubans would send them back in it. Since then, the planes and passengers have been returned in two or three hours

Another move was to suggest that Cuban residents of the United States who wished to go or return to Cuba be transported down there on the southbound trip of the so-called Refugee Airlift. The Refugee Airlift is operated, under contract with the State Department for the general purpose of bringing Cuban refugees to the United States. It operates empty from the United States to Cuba. Companion to our proposal with regard to the Refugee Airlift, we also proposed that the Cuban Government review lists of names of Cuban residents of the United States who wished to return to Cuba and inform us whether it would admit any of the persons listed. The means of getting them back to Cuba was left open. We would compile such lists and submit them periodically. In the instance of each proposal, the underlying thought was that there might be potential hijackers among discontented Cubans resident in the United States; and that, if could arrange for their return by other means, they would not

hijack airplanes to get back. As a matter of fact, we know of at least one actual hijacker in this category.

The eventual Cuban response to the Airlift proposal was that they would not go along with it. Apparently, among other considerations, they apprehended a considerable and unmanageable influx of returning Cubans. However, rather recently, the Cubans did inform us that they would take back a limited number of specific persons named on the lists which we had furnished them, but via Mexico and not on the Refugee Airlift plane.

It was necessary for us to seek Cuban agreement to both of the proposals which I have just described because the Refugee Airlift is operated pursuant to an agreement between the United States (represented by the Swiss Embassy in Havana) and Cuba, and any change in its terms requires the agreement of both parties. More important, even, the Cuban government is, of course, the sole judge of whom it will allow to enter, or reenter, Cuba.

More fundamental to our own particular problem, we proposed to the Cubans that we conclude with them some arrangement -- formal or informal -- for the return of hijackers. I regret to report that the response to this to date has been that the Cuban government has no present interest in such an arrangement. And that is where the matter stands at the moment.

Now, what remains to be done?

As I hope I have made clear, there is no single solution to the problem. Rather we must continue to push along all of the lines we can think of as being helpful.

The coming into effect of the Tokyo Convention, accession to it by an increasing number of States, and the enforcement of its hijacking provisions by all States, whether or not members of the Convention, would at least assure the safety of passengers and air crewman after a hijacking had taken place.

The ICAO Committee on Armed Intervention Involving Aircraft must prosecute its mission with energy and resolve. It must not be overly sensitive to any political ramifications of a given incident which is brought to its attention. threat to air transportation is a threat to air transportation -- whether politically motivated or not, whether with political overtones or without them.

Finally, the nations of the world -- certainly the aviation nations of the world -- must get together on a protocol to the Tokyo Convention, or some other multilateral instrument, which will assure either the return of a hijacker to the State of registration of the hijacked aircraft or his punishment in the receiving State. In this connection, I would like to throw out one idea. That is, that amendment of the federal

air piracy statute to delete the death penalty may have to be considered, in order to make it easier for some nations to return a hijacker.

In any event, I leave you with this thought In the end, hijacking can probably best be deterred by the reasonably certain knowledge, on the part of the would-be hijacker, that he will not find a psychological or legal safe port, but rather that he will pay heavily for his commission of the act. Given the increasingly boundless reach of modern aircraft, given the international dimension of civil aviation the provision of this deterrence is the primary responsibility of the international community. The international community must get on with this task. It must turn against hijacking as it once turned against another, older, but no more dangerous form of piracy at sea.

March 1971

To: H. L. Reighard, M.D., Deputy Federal Air Surgeon

From: John E. Marsh, Special Projects and Appellate Branch

Re: Air Piracy Prevention: Legal Aspects

Under the Federal Aviation Act of 1958, the Administrator has the authority and responsibility to promote civil aviation and to provide adequately for national security and safety in air commerce. Section 1111 of the Act authorizes air carriers to refuse to transport passengers or property when, in the opinion of the air carrier, such transportation would or might be inimical to safety of flight.

CAB tariffs applicable to various air carriers provide that such carriers will refuse transportation to any passenger who refuses to consent to a search of his person or baggage. Thus, while neither the FAA nor the air carriers have criminal law enforcement authority, it was determined that each had legal authority to take certain actions, in the interest of aviation safety, to prevent aircraft hijackings.

After the Task Force devised a passenger-screening system, for use at airport loading gates, the procedures were described, in detail, to representatives of the Criminal Division, U.S. Department of Justice. By letter dated March 18, 1969, the Assistant Attorney General, Criminal Division, advised the Acting Administrator that the proposed passenger screening program, including the procedures for the frisking of uncooperative passengers who are not "cleared" by the system, appeared to be reasonable and would be fully endorsed by the Criminal Division. He expressed the opinion that such a "frisk" by a law-enforcement officer would be upheld by the courts (See Terry v. Ohio, 392 U.S. 1). He further stated that the Criminal Division would institute prosecutions of individuals found, as a result of the procedure, to be in illegal possession of concealed weapons while attempting to board air carrier aircraft.

The FBI rejected the Administrator's request that FBI agents be assigned as members of the operational teams to assist in the screening and searching of passengers who are identified as "selectees." Thereafter, the Attorney General agreed to assign U.S. Marshals to participate in the screening program.

From the very beginning, the Department of Justice endorsed the FAA anti-hijacking program. Both the Criminal Division and the Chief U.S. Marshal were fully cooperative with the Task Force in providing liaison and assistance. On several occasions, the Task Force urged the Department of Justice to initiate prompt and vigorous prosecutions in hijacking cases. The Assistant Attorney General, Criminal Division, informed Dr. Reighard of his opinion that "prompt prosecutions and severe penalties do act as a deterrent to aircraft hijackings." He further stated that all United States Attorneys had been advised of this position and had been instructed not to make any suggestions of leniency in aircraft hijacking cases.

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the
Division Indicated
and Refer to Initials and Number

CWB:DJS:mep
88-18-97

May 28, 1970

H. L. Reighard, M.D.
Deputy Federal Air Surgeon
Federal Aviation Administration
Washington, D.C.

Dear Doctor Reighard:

Reference is made to the case of Thomas George Washington who is presently awaiting sentencing in the United States District Court, Southern District of Florida, on charges arising from his hijacking an aircraft to Cuba.

Please be advised that the Criminal Division is of the opinion that prompt prosecution and severe penalties do act as a deterrent to aircraft hijackings. As a result of the proceedings which occurred at Washington's sentencing hearing we have taken steps to advise all United States Attorneys of this position and to instruct them not to make any suggestions of leniency in aircraft hijacking cases.

Sincerely,

WILL WILSON
Assistant Attorney General
Criminal Division

By: Carl W. Belcher
CARL W. BELCHER
Chief, General Crimes Section

20 November 1969

Honorable John N. Mitchell
Attorney General
Washington, D. C. 20530

Dear Mr. Attorney General:

I am pleased to inform you that we have actuated the operational phase of our anti-hijacking project in cooperation with Eastern Air Lines. I therefore want to express our appreciation for making Mr. William A. Hunter, Deputy U.S. Marshal, available to us. He was the first U.S. Marshal to participate in these field operations and in reaching this important milestone.

Mr. Hunter was especially helpful in getting the program started, in providing essential professional guidance, and in identifying problem areas associated with the interview and search aspects of the program. His mature and professional judgment helped shape the role which we desired the law enforcement officer to play in the detection system. His assistance reflects great credit on the U.S. Marshals Service.

Sincerely,

Original signed by
J. H. SHAFFER

17 November 1969

Honorable Richard G. Kleindienst
Deputy Attorney General
Washington, D. C. 20530

Dear Mr. Kleindienst:

This acknowledges receipt of your letter of 31 October 1969, which states that the United States Marshals Service has been authorized to participate in the FAA anti-hijacking efforts.

We are pleased that you are able to support us in this way in our efforts to deter aircraft hijacking. We will, of course, fund the travel and per diem expenses which result from this service.

Sincerely,

(Signed) D. D. Thomas
Deputy Administrator

OFFICE OF THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

31 October 1969

ACTION: Dr. Reighard, AM-
INFO COPY: Mr. Harper, AD-1
Mr. Moore, OP-1
Mr. Yohe, CS-2
Mr. Rudolph, FS-1
Mr. Goodrich, GC-1
11/3/69

Mr. D. D. Thomas
Deputy Administrator
Department of Transportation
Federal Aviation Administration
Washington, D.C. 20590

Dear Mr. Thomas:

The United States Marshals Service has been authorized to participate in your Anti-Hijacking Task Force to an extent which does not interfere with the accomplishment of its basic missions.

It would appear that travel and per diem costs should be funded from your appropriations.

Sincerely,

Richard G. Kleindienst
Deputy Attorney General

Nov 3 12 [illegible] 69

9 October 1969

Honorable John N. Mitchell
Attorney General
Washington, D. C. 20530

Dear Mr. Attorney General:

On 25 September 1969, Dr. H. L. Reighard, Deputy Federal Air Surgeon, who also serves as Chairman of the FAA Anti-Hijacking Task Force, and other agency representatives met with Colonel Donald A. Synnott, Acting Director, U. S. Marshals Service, and described the operational phase of an anti-hijacking program which we plan to initiate at various airports.

As explained to Colonel Synnott by Dr. Reighard, the research testing phase of the program which includes the use of a magnetometer device in conjunction with certain established characteristics of known hijackers, has been successfully completed at passenger boarding gates of selected airports, with the cooperation of Eastern Air Lines. The operational phase of the program, which we plan to implement as soon as possible, will require the assignment of a law enforcement officer as a member of each operational team, to conduct a search of any uncooperative passenger who, on the basis of established information, may have attempted to board an air carrier aircraft while carrying a concealed weapon in violation of a federal law.

It is our understanding that Colonel Synnott shares our opinion, and that of the Assistant Attorney General, Criminal Division, that the assignment of federal law enforcement officers as members of the anti-hijacking teams would be preferable. Colonel Synnott also informed Dr. Reighard that his office, subject to your approval, would select and assign twelve marshals, four of whom would be available for back-up duty, to serve as members of the eight anti-hijacking teams which are to be formed. While each marshal occasionally may be required to serve at an airport location other than his regular duty station, he generally would not be asked to travel outside a specified geographical area.

Since we presently plan to begin operations with only four teams, probably located at Miami, New York, Newark and Atlanta or San Juan airports, with additional teams being added at later dates to operate at airports in the central and western parts of the United States, fewer marshals will be

needed at the beginning of the program. Also, the marshals assigned to these four locations will not be requested to travel to other cities during the implementation period.

Colonel Synnott indicated that marshals with special qualifications for this type of service, such as some knowledge of Spanish, could be selected. The Federal Aviation Administration would be responsible for briefing the selected marshals concerning all aspects of the anti-hijacking program. With reference to the per diem and travel expenses incurred by the marshals in performing these assignments, we would hope that the Department of Justice could pay such costs. However, if such procedure would create any problem for you, we would like to discuss other possibilities.

We appreciate your consideration of this request for the assignment of marshals to participate in the anti-hijacking program that has been described. Dr. Reighard, and the members of his task force, will be available to answer any questions you may have concerning this matter. We hope we might have your early response to this request.

Sincerely,

(Signed) D. D. Thomas

27 September 1969

Honorable John N. Mitchell
Attorney General
Washington, D. C. 20530

Dear Mr. Attorney General:

Hijacking of U. S. air carrier aircraft to Cuba continues to be a problem, as you know. We are pleased to note that the rate at which these events have occurred in the past few months is lower than during the end of last year and the beginning of this year. However, hijackings continue as an unacceptable threat to the safety of air travelers.

A special Task Force, established by the Federal Aviation Administration, has developed a progressive program in an effort to deter hijackers. A part of this development is a system for screening air travelers to identify persons who are suspected of attempting to board aircraft while carrying a concealed weapon. We are now prepared to put this system into operation at selected airports.

Since our efforts will involve attempts to identify and apprehend persons in violation of federal criminal statutes we ask your assurance of the fullest possible assistance and support by the elements of the Department of Justice which would be involved. Specifically, the FAA has asked for review and approval of its weapons detection system plan by the Criminal Division, if it is found adequate to support prosecution of violators identified by the system. The Criminal Division has given its tentative approval of the plan. The Federal Bureau of Investigation has been asked to provide an agent to work with the FAA team which will operate the system. The agent would conduct any searches required of suspects identified by the system. The Bureau's response is pending.

The cooperation and assistance of the Department of Justice in support of our efforts was noted in our letter to you of 28 March 1969. Now that we are planning to move into the operational phase of our plan we ask your further assistance.

Sincerely,

(Signed) John A. Volpe

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

September 12, 1969

Action: Mr. Goodrich, GC-1
Info copy: Mr. Harper, AD-1
Dr. Siegel, AM-J
Mr. Maisch, CS-1
9-12-69

Honorable John H. Shaffer
Administrator
Federal Aviation Administration
800 Independence Avenue, Southwest
Washington, D. C. 20590

Dear Mr. Shaffer:

This is in reply to a communication dated September 5, 1969, from Mr. D. D. Thomas, Deputy Administrator, Federal Aviation Administration, in which he requests an FBI Agent be assigned as a member of an operational team in order to detain, search, and, if necessary, arrest individuals boarding or attempting to board an aircraft carrying a concealed weapon.

As outlined in the communication referred to above, Federal Aviation Administration representatives utilizing magnetometer detection equipment would scan passengers as they board aircraft. If a positive reaction resulted and if a passenger refused to satisfactorily explain the cause of this electronic reaction to Federal Aviation Administration representatives, he would be required to submit to a search of his person or baggage by an FBI Agent and, if found to be carrying a weapon, would be placed under arrest.

This would appear to be a policing function, not an investigative one. Since it is indicated that the Federal Aviation Administration operational teams would conduct activities at major air terminals, the vast majority of which have uniformed police officers on duty 24 hours a day, it would appear that these officers could more effectively handle such an assignment. If any evidence is developed indicating a possible violation of the Crime Aboard Aircraft Statute, the FBI would, of course, immediately initiate investigation.

RECEIVED

Sincerely yours,

J. Edgar Hoover

SEP 12 9 42 AM '69

FEDERAL AVIA...

10 September 1969

Honorable Will R. Wilson
Assistant Attorney General
Criminal Division
Department of Justice
Washington, D. C. 20530

Dear Mr. Wilson:

This will acknowledge receipt of your letter of 29 August 1969 in which you communicate your approval of the FAA plan for detection of armed persons who are boarding aircraft.

Following receipt of your letter, which gives the needed legal endorsement for our proposed operational use of the detection system, we held meetings with representatives of the Air Transport Association and the airlines which would be involved in the initial phases of implementation of the system. We expect their formal reaction in the very near future, signifying their intent to participate in the program.

Your review and endorsement of our plan has done much to ensure the success of our efforts toward the deterrence of aircraft hijacking.

Sincerely,

(Signed) D. D. Thomas
Acting Administrator

ASSISTANT ATTORNEY GENERAL
CRIMINAL DIVISION

OA Control # 3538

Department of Justice

Washington 20530

ACTION: Dr. Reighard, AM-2, for signature of OA-1.

DUE DATE: 9/10/69

INFO COPY: August 2[illegible] 1969
Mr. Moore, OP-1
Mr. Rudolph, FS-1
Mr. Cary, IA-1
Mr. Harper, AD-1
Mr. Maisch, CS-1
Mr. Bates, DS-1
9/2/69

Mr. John H. Shaffer
Administrator
Federal Aviation Administration
Washington, D.C.

Dear Mr. Shaffer:

Reference is made to the June 24, 1969 presentation by your Task Force on Hijacking outlining its program for detection of armed persons who are boarding aircraft, attended by Mr. David Slattery of this Division. Reference is also made to subsequent phone conversations between Mr. Slattery and members of the Task Force concerning implementation of your program.

As we indicated at the presentation, the program appears to fall within the outline which the Criminal Division supported by letter of March 18, 1969. Therefore, as we indicated earlier, we are prepared to institute prosecutions of individuals who are found to be armed as a result of the outlined procedure.

We are aware, as was pointed out at the presentation, that your Task Force personnel are not authorized to arrest an individual who is found to be armed as a result of the program. Since boarding an aircraft while carrying a concealed weapon is a Federal offense, we hope your efforts to obtain a Federal officer authorized to arrest for this offense are successful. However, in the event they are not, we should like to point out that most municipalities have legislation dealing with carrying concealed weapons, and local law enforcement officials assigned to the various airports may well be authorized to make arrests, should the need to do so arise.

Sincerely,

Will Wilson

WILL WILSON
Assistant Attorney General

RECEIVED

SEP 2 1 33 PM '69

5 September 1969

Honorable J. Edgar Hoover
Director
Federal Bureau of Investigation
Washington, D. C. 20530

Dear Mr. Hoover:

In an effort to prevent aircraft hijacking, which has become a serious aviation safety problem, the Federal Aviation Administration established an Anti-Hijacking Task Force, headed by Dr. H. L. Reighard, Deputy Federal Air Surgeon, to consider possible solutions to the problem. On the basis of Task Force recommendations, the agency has initiated an anti-hijacking program which it plans to put into operation at certain airport boarding gates. The program will involve the use of magnetometer detection equipment, together with certain criteria and data established in field tests, to prevent airline passengers from boarding aircraft while carrying concealed weapons.

A team consisting of FAA employees has been organized to operate the detection system at selected airline boarding gates, with the cooperation and assistance of each airline involved. However, it is essential to the successful and safe operation of the program that a trained law enforcement officer be assigned as a member of the team in order that he may be available to search any uncooperative passenger whom the team believes, on the basis of the screening information, may have attempted to board an aircraft with a concealed weapon.

The proposed procedures to be used in the initial operational phase of the program were discussed in detail with representatives of the Criminal Division, Department of Justice, in March 1969. In a letter dated 18 March 1969, addressed to the Acting Administrator, a copy of which is enclosed, Assistant Attorney General Will Wilson indicated that the Criminal Division would support the program. After certain minor changes were made in the proposed procedures, the new program was presented to the Criminal Division. A copy of Mr. Wilson's reply, which fully endorses the revised program, is also enclosed for your information.

On 24 July 1969, Dr. Reighard and other agency representatives met with members of your staff and, after describing the anti-hijacking program, requested the assignment of an FBI agent as a member of the operational team. Mr. Carl Maisch, Director of the FAA Office of Compliance and

Security, also discussed the matter briefly with your assistant, Mr. Cartha De Loach, and described to him the nature of the function to be performed by the law enforcement member of the team.

We are requesting the assistance of your Bureau for several reasons. Initially, an attempt to board an air carrier aircraft while carrying a concealed deadly or dangerous weapon is a violation of Section 902 (1) of the Federal Aviation Act (49 U.S.C. 1472 (1)), which is within the investigatory jurisdiction of the Bureau (see Section 902 (n)). More important, however, we believe that hijackings involving air carrier aircraft have become such a serious threat to aviation safety that the Federal Government must take all possible measures to correct the problem before a disaster occurs. Such action should involve all federal agencies, especially law enforcement agencies, that have the experience and expertise to contribute toward the prevention of hijacking. As indicated in his letter, Assistant Attorney General Wilson is hopeful that we will be able to obtain a federal law enforcement officer to assist the task force team.

Your favorable consideration of this request would be appreciated. We will be happy to furnish any additional information you may desire concerning the nature of the function to be performed in connection with the anti-hijacking program.

Sincerely,

(Signed) D. D. Thomas
Deputy Administrator

2 Enclosures

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

WASHINGTON, D.C. 20591

DATE: 7 July 1969

IN REPLY REFER TO: GC-32

SUBJECT: Task Force briefing of Dave Slattery, Department of Justice, regarding Phase II procedures

TO: The Record

On 24 June 1969 members of the FAA Anti-Hijacking Task Force met with Mr. Dave Slattery, Criminal Division, Department of Justice, and described to him the procedures that the Task Force proposes to use in the implementation of Phase II of the Anti-Hijacking Program.

Dr. Reighard used slides prepared by the Task Force in summarizing some of the findings and conclusions resulting from the Phase I operations. Thereafter, Mr. Davis proceeded with a description of the Phase II program as outlined in the 24 June 1969 document prepared by Mr. Davis and adopted by the Task Force. Various members of the Task Force participated in discussions with Mr. Slattery concerning items contained in the proposed program.

On the issue of signs to be posted at ticket counters and other locations in airport terminals, Mr. Slattery was of the opinion that some form of notice - sign should be used. However, he would have no objection to the deletion of the statement relating to hijacking, which presently appears on the signs, in the event the airlines object to that language. Mr. Slattery expressed a further opinion that it would be preferable for the signs to relate to FAA safety regulations as a basis for prohibiting the carrying of concealed weapons aboard aircraft. He explained that the procedures proposed by FAA for the search of passengers and baggage could be more readily justified and defended as a method for enforcing FAA safety regulations rather than for the detection of criminal violations. He pointed out that the FAA has broad statutory authority under the Federal Aviation Act to determine and impose requirements for aviation safety, but that the FAA has no such authority to establish procedures and devices for the detection and apprehension of persons committing criminal violations.

Concerning our request that the Department of Justice furnish law enforcement officers to serve as members of FAA headquarters and regional task force teams, Mr. Slattery stated that the Criminal Division would consult with the FBI and the Chief U. S. Marshall regarding this matter. However, he believed the FBI would refuse to furnish any agents for this purpose and that the Department would be reluctant to furnish law enforcement officers other than for possible assistance to the task force team which would operate from agency headquarters.

In Mr. Slattery's judgment the overall procedures for the Phase II program would meet with the approval of the Criminal Division. Accordingly, he stated that we would receive a letter containing the views and comments of the Criminal Division concerning the proposed program.

At a later date Mr. Slattery stated informally that his supervisors in the Criminal Division were most reluctant to ask for FBI assistance in this matter. He suggested that FAA may wish to make a direct request to the FBI for the assignment of agents to FAA task force teams.

Mr. Maisch, CS-1, is currently attempting to schedule a meeting with Mr. De Loach, Assistant to the FBI Director, for a discussion of this matter.

(Signed)
JOHN E. MARSH
Chief, Special Projects and
Appellate Branch, GC-32

cc: All Task Force Members

9 June 1969

Honorable Will R. Wilson
Assistant Attorney General
Criminal Division
Department of Justice
Washington, D. C. 20530

Dear Mr. Wilson:

This is in reference to prior correspondence regarding the proposed program of the Federal Aviation Administration to deter aircraft hijackings.

While you fully endorsed the program that was presented to you and members of your staff on 12 March 1969, we have indicated that a few changes in the planned procedures are being considered. In your letter of 11 April 1969, you agreed that the entire program, including any suggested changes, should be coordinated with the Criminal Division before any procedures involving the search of airline passengers are effectuated.

The anti-hijacking Task Force, headed by Dr. Homer L. Reighard, Deputy Federal Air Surgeon, has prepared a plan for implementing Phase II of the anti-hijacking program. Accordingly, I would appreciate the opportunity of having Dr. Reighard and his task force members meet with you or members of your staff as soon as possible and present the new program for your evaluation. The task force will also be prepared to give a current report on the success of the phase of the program that has been in operation since March 1969.

Sincerely,

(Signed) D. D. Thomas

Assistant Attorney General
Criminal Division

Department of Justice
Washington 20530

April 11, 1969

ACTION: Dr. Reighard, AM-2
DUE DATE: 4-22-69
INFO COPY: Mr. Harper, AD-1
Mr. Moore, OP-1
Mr. Blatt, DD-1
Mr. Rudolph, FS-1
Mr. Bates, DS-1
Mr. Maisch, Acting, CS-1
4-14-69

Mr. David D. Thomas
Deputy Administrator
Federal Aviation Administration
Washington, D. C.

OA Control # 12737

Dear Mr. Thomas:

We have your letter of April 8, 1969 confirming our discussions about the proposed Federal Aviation Administration program to deter hijackings. While we do endorse your program, we appreciate your consideration of our recent telephonic comments on the two possible changes from the procedure as previously outlined by us, and your plan to coordinate any revisions in the procedures with the Criminal Division before effectuating them.

In anticipation of future coordination of this program, we would appreciate your advising us of any time schedules set for implementation of the program. We would also appreciate information as to where the program is to be implemented so we may alert the appropriate United States Attorneys' offices of the possibility of prosecutions for criminal violations uncovered by the program.

Sincerely,

WILL WILSON
Assistant Attorney General

RECEIVED
APR 14 9 41 AM '69
OFFICE OF THE ADMINISTRATOR
FEDERAL AVIATION ADMINISTRATION

April 2, 1969

Honorable Will R. Wilson
Assistant Attorney General
Criminal Division
Department of Justice
Washington, D. C. 20530

Dear Mr. Wilson:

We have received your letter of March 18, 1969, which confirmed the agreements reached during our discussions concerning the proposed FAA program to deter aircraft hijackings. Your letter accurately outlines the proposed procedures as they were described to you. We appreciate your endorsement of the program and your pledge to prosecute persons found to be armed while attempting to board air carrier aircraft.

On the basis of the experience we are obtaining in our efforts to implement the program, including certain suggestions from the airline industry, slight modifications may be made in some of the procedures previously proposed. Two possible changes have been discussed informally with members of your staff and we have received their views and suggestions. While the procedures, as originally planned, may be revised in some respects, the entire program will be fully coordinated with the Criminal Division before any passenger search procedures are put into effect at the airports.

Sincerely,

(Signed) D. D. Thomas
Deputy Administrator

Assistant Attorney General
Criminal Division

Department of Justice
Washington 20530

March 19, 1969

Mr. David Thomas
Acting Administrator
Federal Aviation Administration
Washington, D. C.

ACTION: Dr. Reighard, AM-2
DUE DATE: 3-28-69
INFO COPY: Mr. Harper, AD-1, Mr. Moore, OP-1
Mr. Goodrich, GC-1, Mr. Cary, IA-1
Mr. Maisch, Actg., CS-1
Mr. Bates, DS-1, Mr. Rudolph, FS-1

OA Control #1290

Dear Mr. Thomas:

This will confirm our discussion of March 5, 1969 and the conference of March 12, 1969 attended by Messrs. Kossack, Taylor and Cubbage of our office concerning your proposed program for instituting a procedure for surveillance of persons boarding planes to ascertain whether or not they are carrying concealed weapons. The purpose of this program is, of course, to deter hijackings by preventing armed individuals who might hijack a plane from boarding it. Mr. Warnick 3-20-69

As we indicated at the meeting and at earlier meetings, the Criminal Division believes that the use of a technique to detect the presence of a weapon on a person before he can board a plane would be the most effective means of deterring hijackers unless and until we are able to obtain the return of hijackers for prosecution. Your program, as understood by us, is to be implemented essentially as follows:

Signs are to be posted in all airports where the program is to be instituted, advising all passengers of the laws applicable to hijacking and to carrying weapons aboard a plane and containing a notice that all passengers are subject to search before boarding. It is also anticipated that future airline tickets will contain a provision stating subjection to search is a condition precedent to air transportation. A mechanical device which detects metal is to be installed in an appropriate area through which one must pass to board an aircraft. If metal objects are detected and data on the passenger's ticket fits a profile of a prototype hijacker previously prepared by the Federal Aviation Administration from a study of characteristics of prior hijackers, the passenger will be asked to step aside by an airline employee and will be escorted to an area away from public view. There, and within hearing of a police officer,

the employee will ascertain the passenger's identity, explain the procedure to him, and solicit his cooperation in determining the nature of the metal objects which triggered the detection device. Should no weapon be present, the passenger will be escorted to his seat on the plane. Should there be a weapon, the police officer will come forward and take custody of the passenger.

However, in the event the passenger refuses to cooperate, ceases his cooperation, or otherwise reacts in a suspicious manner, the nearby police officer, equipped with a portable detection device, would step forward and join in the interrogation. Should the individual continue to be uncooperative, and should the officer's detection device indicate the presence of metal, he may then be "frisked" by the officer.

We anticipate that those instances where the frisking of an uncooperative passenger would occur would be rare. Where it is necessary, it is in our judgment a reasonable procedure under all the circumstances as outlined above and in view of the obvious dangers inherent in the recent, frequent hijackings. Such a "frisk" situation may be considered reasonably analogous to that in Terry v. Ohio, 392 U.S. 1, in which a "stop and frisk" was upheld and the evidence discovered was admitted.

Since we think your program may be an effective deterrent to hijacking, we are prepared to institute prosecutions of individuals who are found to be armed as a result of the described procedure.

Sincerely,

WILL WILSON
Assistant Attorney General

COMBATING AIRCRAFT HIJACKING

The SPEAKER pro tempore. Under a previous order of the House the gentleman from West Virginia (Mr. STAGGERS) is recognized for 20 minutes.

Mr. STAGGERS. Mr. Speaker, we have come a long way since the House Interstate and Foreign Commerce Committee held hearings last February on the problem of aircraft hijacking. At the time, it did not appear that any solution was in sight. But the Federal Aviation Administration of the Department of Transportation formed a task force on the deterrence of air piracy and went to work immediately on the problem. A system was devised combining knowledge of the behavioral traits of hijackers with a weapons screening device. In addition, signs were posted warning of the penalties attendant with hijacking. The system was given field trials in nine cities, including San Juan, before it was placed in operation by Eastern Air Lines in mid-October.

I would like to take note of encouraging progress in the operational stage. Although Eastern Air Lines is the first U.S. air carrier utilizing this system, there are current indications that others will join soon.

There is no claim that this system is the final answer to hijacking, but there is no doubt it can be a powerful deterrent. There have been other developments which can be considered deterrents too:

The voluntary return of six U.S. hijackers from Cuba;

The prosecution of more than 20 persons, with at least a dozen more awaiting trial, including the six recent returnees;

A Cuban decree calling for the reciprocal extradition of hijackers, which caused conflicting interpretations;

International pressure to have countries either prosecute hijackers or return them to the country of origin for prosecution;

Threats by international pilots organizations to boycott countries which do not return hijackers, or do not take steps to insure the safety of aircraft, passengers and crew.

It is disturbing to note however, that some hijackings have been romanticized. Hijackers are not romantic highwaymen; they are desperate people who are creating a situation where a monumental tragedy can easily take place.

Hijacking is not just a joy ride. There have been many close calls. For example, on the recent hijacking of a TWA plane to Italy, a sympathetic picture was painted of the hijacker, a young AWOL marine. There is no question but that he was ready to use his weapons—and he was well armed. The fact that he fired a shot in the cockpit while the plane was refueling at Kennedy Airport in New York is evidence enough that he meant business. That situation came within a hair's breadth of becoming a full-scale shootout, and who knows how many lives it could have cost.

Another example is the airliner hijacked in 1968 out of Miami. The hijacker stood in the cockpit with his gun at the ready. The first officer—or copilot—reached into his flight bag for a map, but the hijacker apparently thought he was reaching for a gun. The hijacker—who could not or would not speak English—cocked his gun and pointed it at the head of the first officer. The captain reacted instantaneously by shouting "stop." Only then did the hijacker lower his gun, thus narrowly averting a tragedy.

While there are other examples, the point is that hijackings are not to be treated lightly. Apparently there are those who do not have a full grasp of the seriousness and danger involved in these incidents. The flight crews do, and they should be congratulated for the calm courage they have displayed. On one occasion, one passenger said he was willing to take on the armed hijacker singlehanded. The crew had to literally shove him back into his seat.

Being forced to fly to a foreign country at gun point is unnerving to say the least, and it certainly takes tremendous courage to complete the flight without incident. We must not lose sight of the gravity of the situation. That point cannot be overemphasized. Meanwhile, we must push forward with the FAA's interim system until a permanent deterrent can be found.

Perhaps the FAA's system is being misunderstood. A recent newspaper article and remarks by a Member placed too great an emphasis on technology. The weapons screening device used is a part of the detection system and was referred to as a "gadget." If the common connotation of gadget is applied, then it is wrong, for the device is not some frivolous contrivance. The magnetometry system in use is an advance in the state of the art. It is an adaptation of an existing device which has proved workable in its original context for several decades. As a matter of fact, the FAA is continuing its research and development into weapons screening devices to make them more discriminatory.

However, I would like to emphasize that the FAA's antihijacking system is based overwhelmingly on observed behavioral characteristics. Details regarding those characteristics have not been made public, thus it is not possible for a would-be hijacker to be able to disguise these traits. It is their behavior that triggers suspicion of a potential hijacking; the weapons screening device merely is the final and least important step in the system. Thus, emphasis on the gadget is misleading.

I must repeat that the FAA system is helping to deter hijackers. Hopefully, efforts in the international area will result in the return of hijackers promptly for punishment. However, we must realize that any permanent solution is going to involve all types of deterrents—interim and long-range, domestic, and international.

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