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THE WHITE HOUSE

WASHINGTON

INFORMATION

September 23, 1969

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MEMORANDUM FOR DR. KISSINGER

FROM: Viron P. Vaky

SUBJECT: Cuba's New Anti-Hijacking Law--A Significant Development

On September 19 Havana announced a new anti-hijacking law and has given it heavy publicity. This now appears to be a major gambit by Cuba, not only with respect to the hijacking situation but perhaps in terms of relations with us as well.

The law provides, in brief, for the prosecution or extradition of persons hijacking aircraft or ships, or otherwise violating immigration regulations. Extradition of offenders would take place, however, only on the basis of reciprocal bilateral treaties that would still preserve Havana's right to offer political asylum. The decision to grant or refuse asylum is to be determined by Cuban immigration authorities. Thus, in effect, Havana would still determine whom it might extradite whatever arrangements are negotiated.

The preamble rejects multilateral agreements by international agencies such as the OAS and UN, and is heavily larded with anti-US propaganda. The law also covers all illegal movement in or out of the country rather than just hijacking. It specifically refers to Guantanamo "fence jumpers."

Thus, while apparently responsive to the hijacking problem, the law does not in fact make very many real concessions beyond the publicizing of an unfavorable view of hijacking, which in itself may discourage some potential hijackers.

Publication of the law probably had two purposes:

- To respond to growing international criticism by taking an apparently forthcoming position, and
- To undercut the OAS policy of diplomatic isolation by inviting treaty negotiations on extradition of hijackers. This kind of invitation, in fact, places the onus on those countries which have been victimized by air piracy.

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It may have had still a third purpose. It may have been aimed directly at us in an effort to use what is in effect an invitation to reach a negotiated agreement with them on something that bothers us a great deal to test our posture and see what can be developed. That this may be some gambit of this kind is further suggested by the attached wire service account of what seems to be a planted story with the St. Louis Post-Dispatch correspondent in Havana. The story quotes Carlos Rafael Rodriguez as suggesting a new relationship with the U.S. and Latin America is possible and as inviting us to join in furthering a new modus vivendi and in mutual Cuban-American steps toward improved relations. It quotes the hijacking law as an opportunity.

Whatever is up the Cuban sleeve, it seems to me they have made a definite probe in our direction, and we must consider carefully how or whether to respond both in terms of hijacking and relations generally. State had been planning to explore this situation, but I have asked them to send us urgently a memo for the President which would analyze and sketch what we could do, so that we could get the President's view of the problem and approval of a course of action.

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