

Seizures by Ecuadorians, Barbary States Recalled

NYTimes

MAY 15 1975

by LAWRENCE VAN GELDER

Although the seizures of the American merchant vessel *Mayagüez* by Cambodian Communists led many Americans yesterday to remember international incidents involving United States ships from the *Maine* to the *Pueblo*, the latest case appears to have few parallels in the country's history.

Perhaps the most similar cases are the seizures in recent years of privately owned fishing vessels by Ecuadorian Navy ships in what Ecuador said were territorial waters, and seizures involving American merchantmen by Barbary corsairs in the late 18th and early 19th centuries.

Like the *Mayagüez*, those seized vessels were not warships but private vessels, and the seizures were carried out with Government authorization.

The Presidential press secretary, Ron Nessen, said the other day that President Ford considered the Cambodian seizure "an act of piracy."

Meaning of Piracy

Although there is no unanimity about what piracy is, there does seem to be some agreement about what it does not involve.

As the International Maritime Dictionary (1948) puts it: "Piracy includes acts, which, while differing very much in detail, have one thing in common: they are done without authority from any sovereign state and under conditions which make it unfair to hold any state responsible for their commission."

So piracy would appear to be excluded as a description of the *Mayagüez* incident, in which the forces of a foreign government were involved.

In the case of the *Mayagüez*, the United States responded swiftly with a show of force that resulted in the sinking of Cambodian ships yesterday.

In the case of the Ecuadorian seizures, the crews and ships were released after negotiations and reported-indemnity payments.

The response to the privateers of the Barbary States

ran from initial acceptance by the young United States Government of humiliating treaties and Congressionally authorized payments of tributes and ransoms to—finally—war.

In one incident, a squadron of Algerian corsairs in 1793 seized 10 American merchantmen in the Atlantic. Two years later, the United States Congress agreed to pay the dey of Algiers \$992,463 for peace and the ransom of 115 sailors, including some who had been prisoner 10 years earlier.

Actually, it was not until early in 1815 that Commodore Stephen Decatur compelled the rulers of Tunis, Tripoli and Algiers to sign a treaty in which they abandoned their insistence on tributes to guarantee the safety of shipping.

The war concluded in 1815 was actually the second for the United States against the Barbary States. Between 1801 and 1805, in the Tripolitan War, the United States fought in a somewhat desultory fashion against the pasha of Tripoli, and also for a time against Morocco.

To the United States, the Barbary corsairs were pirates. But piracy has often been in the eye of the beholder.

In Eye of Beholder

During World War I, the Allies were given to calling the activities of German submarines piracy. In 1937 a conference of great powers declared that submarines attacking commerce during the Spanish Civil War were guilty of piracy.

Insurgents and revolutionaries who attack shipping have frequently been called pirates.

Although many people think piracy to be part of a bygone era, there are continuing reports of piracy in various parts of the world, particularly in the Far East.

In New York the last pirate to be hanged was Albert Hicks of Rhode Island. He went to his death before 12,000 people on July 13, 1860, on Gibbet Island, which is now Ellis Island.