

# Letters to the Editor

NYTimes

## Of the United States, Cambodia and the Mayagüez MAY 22 1975

To the Editor:

The exaggerated response of the President, the Congress and the American public to the Mayagüez episode betrays a signal lack of perspective about the seizure of foreign vessels. Based on our use of troops and firepower, one might have imagined that the seizure of a foreign ship was an altogether extraordinary thing, an act of piracy meriting military reprisal.

In fact, the U.S. Coast Guard regularly seizes vessels that have strayed inside the twelve-mile limit. In January 1974, a Coast Guard cutter gave chase to a Bulgarian trawler that had been spotted inside the twelve-mile limit. The ship was finally seized 13½ miles off the New Jersey Coast.

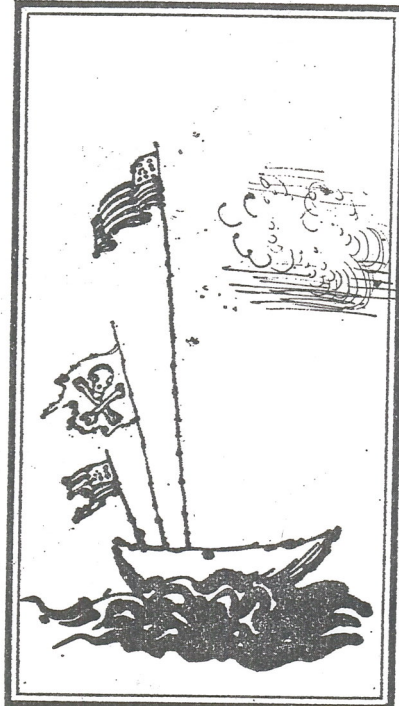
The Coast Guard also routinely seizes ships that have violated Federal fishing restrictions. In March, the Italian trawler Tontini Pesca was boarded and brought under guard into Governors Island for no worse offense than having harvested 44 pounds of lobster tails and claws. In both instances, the Italian and Bulgarian Governments respected our right to detain their delinquent vessels. There was no invasion by Bulgarian marines, nor any strafing of Governors Island by Italian bombers.

Our hypocrisy in the Mayagüez incident is compounded by our continued tolerance of the flagrant disregard of Ecuadorian territorial waters by the American tuna fleet. Ecuador has seized 132 of our vessels in the past fifteen years merely because our tunamen refuse to buy the requisite licenses. The American taxpayer has had to reimburse powerful tuna interests more than \$50 million for the fines and confiscated catches.

In short, the U.S. has decided to impose its own double standards on maritime law, a sorry extension of the Doublespeak that marked the Indochina war years. **RON CHERNOW**  
Philadelphia, May 15, 1975

To the Editor:

The faint praise by which some commentators are damning, and dimming, the grandeur of President Ford's action in the Mayagüez matter leads to an interesting conjecture. Suppose the investigations suggested prove without a doubt that the Cambodians had abso-



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lutely no right on their side. Should we then take appropriate punitive action? Surely a loss of a couple of gunboats is not penalty enough for an act of piracy on the high seas.

**BERT GOLDSMITH**  
New York, May 16, 1975

To the Editor:

Our latest action in Cambodia was brinkmanship in the rawest form. Have we learned so little from our marauding years in Indochina that we have turned away from diplomacy? Why couldn't we establish lines of communication first and thus avoid the needless loss of life of our marines along with risking a break in the tenuous peace just achieved?

The Mayagüez incident could very well have turned into a Gulf of Tonkin situation, and we can only be grateful that the Cambodians at least had the maturity and good sense not to follow our disastrous lead. **MILDRED MILLER**  
Bronx, May 15, 1975

To the Editor:

The jeopardy of one ship and forty men has occasioned an unequivocal response from our President. When will the nation's economic peril evoke commensurate decisiveness?

**ROGER BRANDWEIN**  
Scarsdale, N. Y., May 15, 1975

To the Editor:

Media coverage of the recent capture of an American-registered cargo ship in the Gulf of Thailand is leading to confusion as to one of the oldest and most basic principles of international law, the right of innocent passage through the territorial sea of a coastal state. The concern in the media over the breadth of the territorial sea claimed by Cambodia and over whether the Mayagüez was actually within that designated area, i.e., eight miles off the coast of Koh Tang, seems to imply that while a ship may not be seized on the high seas, it may be captured if it is within the territorial waters of the coastal state.

In contradistinction to the case of internal waters (rivers, bays, etc.) within a state or the air space above a state, governments may not prevent or hamper the innocent passage of foreign vessels through their territorial waters. The affirmation of this right was made in 1949 by the International Court of Justice in the Corfu Channel Case and was codified by Section III of the Geneva Convention of 1958 on the Territorial Sea and Contiguous Zone. The coastal state may do nothing to interfere with the right of free and innocent passage and must allow foreign vessels, without discrimination, to traverse its territorial waters peacefully. There is clearly no right on the part of coastal states to seize ships peacefully passing through their territorial seas.

Possibly, the concern over the breadth of the territorial sea and over the actual location of the Mayagüez stems from the very real relevance of these matters in relation to the Pueblo seizure. That case, however, involved passage which was less than "innocent," thus making interdiction and capture within the territorial sea a lawful exercise of the jurisdictional rights of the coastal state. Similarly, the seizure of

American fishing vessels by certain Latin American states is not analogous to the Cambodian case as the regulation of fishing activities is treated differently under international law than is the concept of innocent passage.

Thus, assuming *arguendo* the innocence of the activities of the Mayagüez, seizure, whether upon the high seas or within territorial waters, is equally in violation of international law.

MICHAEL L. BOXER  
Brooklyn, May 15, 1975

To the Editor:

One of the surest signs of moral weakness is the excessive use of force. Thus it was weakness and not strength that President Ford displayed in the military actions taken against Cambodia in the Mayagüez incident.

The almost pathetically modest forces the Cambodians had available to them were obviously inadequate to the task of keeping the ship and crew. If anything, the Cambodian Government would have been more sensitive to this inadequacy than ours was. Surely it never intended to keep the ship and would have released it shortly.

But there is another kind of weakness displayed by our President and Government in this affair: the intellectual weakness—the sheer stupidity in this instance—of paying dear for what you could have gotten free. Americans and Cambodians have paid the ultimate price when only a little patience,

a quality I expect in those who are truly strong, might well have allowed the incident to resolve itself without cost to either side.

WAYNE COWART  
Brooklyn, May 14, 1975

To the Editor:

I fail to understand the shocked surprise expressed by so many at the seizure of an American ship off the Asian coast. Does anybody find it difficult to understand that we are not popular in that part of the world? Does anybody think that dropping more bombs—without cause—on the natives of Southeast Asia than had been dropped *in toto* during World War II brought us love and affection?

Is this latest incident not reminiscent of the scenes of defeated German soldiers departing from the previously conquered lands being kicked, punched or spat upon by on-looking citizens? To these people we are the hated departing invaders. Let us not be plunged back into another great war by a "punch in the nose."

CHARLES O'BOYLE  
Woodside, N. Y., May 13, 1975

To the Editor:

It is surely time for each American taxpayer to assess the events of the past 24 hours, and evaluate some performances. Was it really necessary to lose American lives to regain a ship and crew which the Cambodian Government had announced it would give back anyway? Is the American image rejuvenated once again after the debacle of past few months? Are we tall and worthy of respect in the collective eye of the world's people? Or is the American Paper Tiger swollen to bursting? Please, don't anyone strike a match.

ED BADEAUX  
Brooklyn, May 15, 1975