

# Crewman Sues Mayaguez Owner

By Michael Taylor

The assistant engineer of the container ship Mayaguez charged yesterday that the ship's owner and captain endangered the crew and deprived them of their freedom by letting the ship stray into "ultra hazardous and dangerous waters" near Cambodia.

In a class-action suit filed in San Francisco Superior Court on behalf of himself and the 39 other crewmen, Albert Minichiello said Sea-Land Service Inc. and Captain Charles T. Miller knew of the potential danger off Cambodia because of an earlier warning by American authorities.

Sea-Land executive Henry L. Gilbertson said last night that he was not aware of any warning given to the ship. "I'm sure if the captain had known he would have kept the ship out of there," he said.

He withheld further comment pending a closer examination of the suit.

The Mayaguez was cap-

tured by Cambodian forces on May 12 and released three days later after President Ford dispatched a force of U.S. marines, sailors and fighter pilots to rescue the ship.

Minichiello arrived home in San Francisco to a hero's welcome at his favorite haunt, Coffee Don's, last Tuesday.

In his lawsuit, filed by attorney Martin Jarvis, Minichiello did not claim any dollar damages, because a new court rule requires juries to fix precise damages according to proof in this type of lawsuit.

The 62-year-old engineer accused Sea-Land of wanting to "reap excessive profits" with the Mayaguez "at the expense of the health and safety of the crew." He said Sea-Land was warned "long prior to the events (of May 12) of the 'extreme hazards of 'venturing into navigable waters off the coast of Cambodia (and) Indochina.'"

Nevertheless, the lawsuit

continued, the shipping firm "in furtherance of (its) unlawful plan to reap excessive profits . . . did deliberately expose" the ship and its crew to "unreasonable risk of harm" by sending it into the Cambodian waters.

Minichiello's lawyer said the ship carried "about \$25 million worth of cargo in 1974 and on this voyage it had about \$1 million worth."