



Written by [William F. Jasper](#) on April 16, 2009

Piracy Solution: Letters of Marque and Reprisal

Like the constitutional stipulation against bills of attainder, the marque and reprisal provision is largely considered an antiquated legal artifact of a bygone age. But piracy was also supposed to be relegated to the realm of storybooks and Hollywood swashbucklers. The buccaneers are back, however, as the recent spate of ship seizures has underscored. Although the coast of Somalia has seen the most activity, as the [“Live Piracy Map”](#) of the International Maritime Bureau shows, pirates infest nearly all of the world’s shipping lanes.



Unlike our young republic’s wars against the Barbary Pirates (1801-1805 and 1815), Somali pirates do not offer sovereign powers a target. When Commodores Preble, Bainbridge, and Decatur were dispatched by the United States to deal with the Barbary problem, they knew where the enemy’s operational bases were and who was in charge: the Pasha of Tripoli, the Dey of Algiers, and the Dey of Tunis. They did not have to patrol the whole Mediterranean; they went directly to the source of the crisis and forced the scurvy miscreants to cease and desist from attacking American vessels.

Somalia, as an anarchic failed state, does not offer such discrete targets. The Somali pirates, according to open source information, operate from many coastal villages and off-shore mother ships. Naval or aerial bombardment of their coastal bases would likely result in high collateral casualties to civilian population. And patrolling a couple million square miles of the Gulf of Aden and the Indian Ocean would be impractical and cost-prohibitive for the U.S. Navy, not to mention the fact that it also would divert naval resources from the primary mission of protecting America.

Throughout history, privateers have played an important role in combating piracy, and there’s good reason to think they could do so again. As in the [early years](#) of our nation, Congress could issue letters of marque and reprisal authorizing private parties — individuals or corporations — to go after pirates and/or terrorists. Rep. Paul made the same [proposal in 2001](#), introducing the “Marque and Reprisal Act of 2001” to target Osama bin Laden and other terrorists involved in the 9/11 terror attacks.

Placing bounties on the heads of villains would cost only a few tens of millions of dollars, versus the hundreds of billions we are spending in the ongoing misguided War on Terror. When dealing with elusive, non-state actors like pirates and terrorists, Ron Paul’s approach would seem to make much more sense than current policies. There are very likely plenty of Special Ops/Special Forces operators who are ready, able, and willing to have a go at the Somali pirates.

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