

ADMIRALTY

Expert Analysis

Sea Monster Fought Law, And the Law Won!

The art of smuggling at sea can provide profit or pain. Sort of like trick or treat. This leads us to the front door of James Horace

Alderman, a notorious smuggler whose only disguise was a fast boat. Alderman was revered as the “King of the Rum Runners” while the law tagged him as the “Gulf Stream Pirate.” After years of success during the prohibition era, Alderman’s downfall occurred nearly a century ago, on Aug. 27, 1927, while traveling from Bahamas to Florida aboard a speedboat laden with liquor. *Alderman v. United States*, 31 F.2d 499 (5th Cir. 1929), cert. den., 279 U.S. 869 (1929). A U.S. Coast Guard cutter spotted Alderman’s speedboat and ordered him to a halt with shots across his bow. Alderman and his captain ignored the Coast Guard’s first warning shots, but eventually stopped the engine once he realized the Coasties

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weren’t fooling around when the cutter began firing its machine gun.

Law Wins—But at Great Cost

As the Coast Guard officers boarded Alderman’s vessel, instead of reaching out to lend them a hand,

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Alderman extended his gun and shot two Coast Guardsmen and a Secret Officer in cold blood. Alderman’s captain started the engine and sped off, the two smugglers retaining the other boarding officers onboard as hostages. While underway, Alderman shot a third Coast Guardsman in the head, but the bullet lodged in his eye socket and that officer survived to

recount the nightmare in court.

By some twist of fate, Alderman’s speedboat suddenly stopped dead in the water, the engine having failed, and Alderman was overtaken and restrained by the federal officers. The government seized and eventually sold Alderman’s vessel, using the proceeds as payment for fines levied against the killer. The vessel seizure and sale was mandated by an earlier version of 19 U.S.C.S. §1594, “Seizure of Conveyances,” a federal statute still in effect and frequently used today by the federal government against vessels, aircrafts and vehicles for violation of customs laws. The Alderman court ruled that “the Coast Guard boat had the authority to stop, board, and search an American vessel beyond the 12-mile limit in proper circumstances A seizure of the boat for violation of the navigation laws was therefore legal.” *Alderman v. United States*, 31 F.2d 499 (5th Cir. 1929).

After a speedy trial, Alderman was sentenced to death in a reported decision that nearly made it to the

U.S. Supreme Court. *Alderman*, 279 U.S. 869 (1929). With sweet revenge, the Coast Guard itself carried out Alderman's execution by hanging him at a military base in Florida. To date, it is the only federal judge-ordered execution carried out by the U.S. Coast Guard. To this day, Alderman remains a sinister icon in maritime history. Not surprisingly, there is no rally cry to tear down his statue, because none exists!

Casualties of the Rum Runner War

As the battle against liquor smugglers in the prohibition era raged on, the amount of blood shed and ships seized by the U.S. government during that time is considerable.

On March 22, 1929, a Canadian-flagged vessel named I'M ALONE was riddled with bullets by the Coast Guard, causing the vessel and one crew member to sink fathoms deep into the Gulf of Mexico. The surviving smugglers were plucked from the water and prosecuted for smuggling liquor into the United States. Andrew Norris, "Rum Row: The Sinking of the Rum Runner I'M ALONE," 24 Tul. J. Int'l & Comp. L. 1 (2015). Later that same year, on the night of Dec. 29, 1929, the Coast Guard unloaded 21 machine gun rounds into the wheelhouse of a smuggling vessel named "BLACK DUCK," killing all but one of the crewmembers on board. The sole survivor was arraigned for smuggling liquor into Rhode Island, and the

BLACK DUCK was seized and ironically placed into service with the Coast Guard. Jim Ignasher, RHODE ISLAND DISASTERS: TALES OF TRAGEDY BY AIR, SEA AND RAIL, "The Black Duck Affair, 1929" (The History Press 2010).

The Death Ship

Although Alderman's South Atlantic voyage was intercepted mid-way to the state of Florida resulting in the vessel seizure, the government's seizure power reaches far beyond the territorial seas and even covers "stateless" vessels (i.e., vessel unassociated with any country) on the high seas, irrespective of whether they are heading to or from the United States, or have any connection in general to the States. *U.S. v. Suarez*, 2017 U.S. Dist. LEXIS 85026 (S.D.N.Y. June 1, 2017); *Maritime Drug Law Enforcement Act*, 96 P.L. 350, 94 Stat. 1159, 96 P.L. 350, 94 Stat. 1159 (1980). Indeed, smugglers by sea know no boundaries, and the most serious crimes often occur far away from U.S. shores.

In 1947, two American ships were traveling in darkness upon the Strait of Malacca when they received a foreboding distress call from a cargo ship named OURANG MEDAN. In Morse code, the ship was calling for help, messaging that all officers onboard including the captain were dead. The S.O.S. plea was followed by several incoherent Morse code dots and dashes. Then, the caller transmitted the words "*I die*," and

no further messages were received.

The receiver of the cryptic message identified the ship's coordinates, and the nearest of the two American vessels set off to render assistance. Within hours, the American ship reached a towering freighter with the name "OURANG MEDAN" inscribed on its hull, drifting eerily in the darkness of the sea. The Americans boarded the ghostlike ship and discovered the corpses of a dog and the entire crew scattered throughout the vessel. There was no sign of a fight or injury. Even more chilling, all of the dead's faces were frozen in a look of terror, with their eyes wide open and their mouths gaping aghast in fear.

After decades of mystery, it appears that the OURANG MEDAN was most likely carrying an illegal and deadly nerve gas which seeped up from the cargo holds and silently slaughtered its smugglers. Les Hewitt, S.S. Ourang Medan, *Historic Mysteries* (Oct. 25, 2017).

Immortal Legends

Smuggling, piracy and unsolved mysteries at sea (past and present) remain a constant reminder of a most interesting field of maritime law and that sea monsters really exist but rarely prosper.