

U. S. COAST GUARD LAW ENFORCEMENT

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It was a pleasure meeting with you in Atlanta last year and being afforded the opportunity of acquainting you briefly with the Coast Guard. Today I feel honored to be invited back to present a more complete picture of Coast Guard Law Enforcement. The U. S. Coast Guard was organized in 1790 by the first Secretary of the Treasury, Alexander Hamilton. Its original purpose was to enforce the customs laws and prevent smuggling. In its earlier history it was known as the Revenue Marine, then the Revenue Cutter Service, and today the U. S. Coast Guard. During the years it has accumulated a multitudinous number of duties; time doesn't permit enumerating all of them, but the most important ones are: the saving of life and property at sea or on the navigable waters of the United States; administering the Merchant Marine safety program; the aids to marine navigation program; and enforcing the Federal Maritime laws.

Our Service is also involved closely in the nation's many conservation programs. In 1875 the Coast Guard, then known as the Revenue Cutter Service, began protecting fur seals from the slaughter of thoughtless private interests and continues the same program today. The activities of our Bering Sea Patrol have a direct bearing on the fact that fur seals have not become extinct, as have some unprotected species of valuable mammals, but produce an ever increasing crop which are harvested annually by our closely associated organization, the Fish and Wildlife Service of the Department of the Interior.

The Coast Guard is closely associated with a branch of the Fish and Wildlife Service with which I am sure you are familiar—the Bureau of Commercial Fisheries. Our two organizations are jointly responsible for such International Conservation Conventions and Federal Conservation Acts as the Northwest Atlantic Fisheries Convention, the International Shrimp Convention, the Sponge Fisheries statutes, the International Tuna Convention, the North Pacific Fisheries Convention, the Halibut Act, the International Whaling Convention, the Interim Convention for Prevention of Pelagic Sealing, and many others. We have a high regard for the operations of our friends in the Bureau of Commercial Fisheries, through our long association, much like the high esteem in which we hold the many States with whom we are in association in the recreational boating program.

In two other fields the Coast Guard is also closely aligned with your objectives and programs. One is the anti-pollution program, which is aimed at cleaning-up and keeping clear our streams, bays and oceans. The second is our new oceanographic study program, from which we hope to assist in unlocking the mysteries of the seas in order that they may become more productive sources of food for the world's increasing populace.

With this short discussion of our other mutual interests, I would now like to speak on a subject of primary interest to your associated organization, the Southeastern Association of Boating Law Administrators, and to the Coast Guard. That subject is, naturally enough, the role of law enforcement in the field of recreational boating. A great deal has been accomplished in the Southeastern States through the organization, last spring of your Southeastern States Boating Law Administrators Association. Similar associations now blanket the country, organized regionally by bordering states having similar boating regulation problems. These regional organizations together with the Advisory Panel of State Officials to the Merchant Marine Council, U. S. Coast Guard, are helping greatly in attaining the uniformity and comity in boating laws and regulations envisioned by Congress in passing the Bonner Act—that is, the Federal Boating Act of 1958.

In order for state boating laws and the Federal laws on this subject to have any meaningful effect, the public must have knowledge of them and they must be enforced. The Coast Guard is involved in both facets, education and enforcement. Education is supplied by the distribution of free pamphlets, low cost boating guides, the training of state law enforcement officers and instructions and recommendations given to the boating public by our enforcement officers. The Coast Guard sponsors a civilian organization known as the Coast Guard

Auxiliary. This organization conducts free training courses and free courtesy motorboat examinations in the interest of boating safety. Enforcement is carried out through boarding and inspection by our regular boarding officers with attendant administrative penalties for minor offenders and federal court trials for serious violators. While today I shall speak mainly on enforcement, we all realize that the benefit of having a strong educational program cannot be underestimated. I mentioned the Coast Guard Auxiliary earlier because it is closely associated with the Coast Guard, but we certainly appreciate and recognize the wonderful work being done by the U. S. Power Squadrons, the American Red Cross, the Outboard Boating Club of America and other similar organizations. There cannot be too much emphasis placed on training "Mr. Average Boatman" nor in educating him in his legal obligations. Many states have organized training and educational programs.

In many respects, law enforcement is a means, perhaps a drastic means, of educating the citizen. However, some people will just not obey the law without some threat of punishment lurking in the background. The Coast Guard recognizes this fact of life. Under Federal Law (14 USC 2), the Coast Guard is charged with enforcement or assisting in enforcement of all Federal laws on the high seas or on the waters subject to the jurisdiction of the United States. The experience gained during this service's long history of maritime law enforcement is being put to good use in our recreational boating law enforcement program today.

It is important to recognize that the laws which your officers and ours are enforcing are *safety* laws. This applies to numbering as well as to the safety equipment statutes. Many persons, in some cases our own personnel, do not understand that motorboard numbering is directly related to safety. Identification is, of course, the key. Ready identification of a recklessly or negligently operated boat by any observer permits reporting of the incident to a law enforcement officer in such a manner that the boat's ownership may be ascertained through official records and appropriate action taken against its owner. Identification, by number, speeds assistance in the case of distressed mariners. Identification helps return the stolen or storm-lost boat to its rightful owner. Basically though, it is the easy identification of the speeder, the water-borne hot-rod, the reckless or negligent boater which was considered important by the Bonner Committee and which resulted in the numbering provisions of the Federal Boating Act of 1958. Thus, numbering is one aspect of boating safety. We consider it so important that when, last year, we were convinced that our numbering regulations were not always understood, an interpretive ruling was published to all the public to better comprehend our requirements. Of course, the other portions of the 1958 Act and of the Motorboat Act of 1940 are basic safety laws. They cover such things as requirements for life-saving devices, fire extinguishers, backfire flame arrestors, reporting of accidents and so on.

We frequently hear that "you can't legislate safety." Perhaps not, but I often wonder how many people owe their lives to that lifejacket they had on board "just because the dash-blank Coast Guard requires it." Or to a fire extinguisher which puts out a fire miles from land, or the flame arrestor which prevented a backfire from igniting the gas fumes which had accumulated in the bilges. Perhaps we haven't legislated safety but these laws, combined with reasonable enforcement, obviously have had a salutary effect on boating safety.

The Coast Guard may, by law, board and inspect boats only when the boats are being operated on the high seas or the navigable waters of the United States. Our Chief Counsel advises that a boat is being operated when it is waterborne with persons on board and it may be underway, anchored or moored. Most of our inspection work is performed while boats are underway. Such inspections are called "boardings." Although probably derived from an ancient nautical term, I assure you our personnel do not clamber aboard, cutlasses clenched in their teeth and black patches over one eye. (You might think so, however, if you saw some of the mail we get at Headquarters.) Rather, the average boarding is performed by a petty officer with several years Coast Guard service in a neat Coast Guard uniform and in a most respectful manner. His purpose is straightforward—to inspect the boat and its equipment to see that both comply with the applicable laws and regulations, and to accomplish this task in as short a time as thoroughness will permit. He will usually be aboard a boat for about 15 minutes. Using a new type of reporting form, he will enter

the data carried on the Certificate of Number and will then check the required equipment on the check-off list portion of the form noting whether or not it is aboard and its condition. If the boat passes the inspection, the operator is given the colored original which he can display throughout the boating season to prevent repetitious boardings. (Of course, should the operator be found subsequently operating in a reckless or negligent fashion, the colored form would not prevent the boarding officers from taking action!) If, during the routine boardings, violations are found, the boarding officer *must* indicate this fact and present the operator with a *copy* of the boarding form entitled "Report of Violation." Instructions on the back of this form tell the offender what he must do in simple terms. We do not permit any discretion on the part of our boarding officers; the discretionary powers to mitigate or remit penalties being retained by each District Commander.

Our personnel also present each operator with a pamphlet entitled "Pleasure Craft", which covers the numbering and equipment requirements of the Federal program. These boarding officers will explain the various requirements if there is any doubt in the mind of the operator. We believe that this boarding program is a good one, but we are constantly trying to improve it. This past year we have stressed thoroughness to the extent that while boardings increased only slightly, violations reported have skyrocketed. Statistically, Coast Guard forces boarded 152,441 motorboats and reported 25,125 violations in fiscal year 1961, while in this past fiscal year they boarded 171,150 boats and reported 53,706 violations. We have also stressed enforcement of the reckless and negligent operation statutes this year. It is difficult to say just how effective this emphasis has been since we will not have reports of this activity until the middle of next month. However, it is probable that just by having our forces alert and on hand in previously unpatrolled areas has had the effect of preventing the occurrence of some dangerous operations. This is a parallel to the cruising police car—most folks slow down when they see it and only fools act recklessly when they know that they may be apprehended at any moment.

The Coast Guard is continuing to train state and local officers in boarding procedures. Last year 444 attended our training sessions throughout the country. Although there are variances in our laws, such training aids the local law enforcement officers to understand the purpose of boarding, to understand certain nautical phraseology and to recognize the need for both Federal and State boating safety programs. We will continue to conduct these training programs and hope to increase their scope and effectiveness.

The fantastic growth of pleasure boating and the problems which have attended this growth require an effective law enforcement program. Most boaters, who want to enjoy the sport, will agree with this need. I think we will all agree that good progress has been made these past 2½ years since the Federal Boating Act of 1958 became effective. But much remains to be done. I expect in the near future that the States and the Coast Guard will increase their cooperation in such aspects of boating as regatta regulation, designation of areas where virtual exclusive jurisdiction will be permitted and in regulation as to use of various inland navigable waters. Such action is certainly within the spirit of Section 9 of the Federal Boating Act of 1958. Cooperation, uniformity and comity should, therefore, be our watchwords.

I wish to thank you for inviting me to this conference. The opportunity to meet old friends and to greet those of you whom I have not previously known is a real pleasure. I sincerely hope that our friendship and cooperation will continue to grow as we move on together in fostering this Federal-State program for boating safety.