

United States v. Gruezo: The Eleventh Circuit Provides a Clear Coast for the MDLEA’s Jurisdictional Provisions by Upholding a Well-Established Framework Subjecting Stateless Vessels to the Jurisdiction of the United States When Seized in International Waters

I.	INTRODUCTION	39
II.	HISTORICAL BACKGROUND.....	41
	A. <i>The Eleventh Circuit’s Well-Established Approach to the MDLEA’s Jurisdictional Provision</i>	42
	B. <i>Enacting the MDLEA as Constitutional—Does It Withstand Due Process?</i>	44
III.	COURT’S DECISION.....	46
IV.	ANALYSIS	49
V.	CONCLUSION	52

I. INTRODUCTION

After a low-profile vessel was seized by a U.S. Marine Patrol Aircraft in international waters north of Darwin Island and 1,390 kilograms of cocaine were found on board, crew member Liver Gruezo was charged, convicted, and sentenced to 135 months imprisonment for intent to distribute while on board a vessel subject to the jurisdiction of the United States.¹ After the charges were brought against him, Gruezo moved to dismiss the indictment for lack of jurisdiction, asserting that the United States Coast Guard failed to make all necessary inquiries about the vessel’s nationality as required by the Maritime Drug Law Enforcement Act (MDLEA).² At the evidentiary hearing for the motion to dismiss, the government called U.S. Coast Guard Petty Officer Diego Rivera, who testified that his team noticed the vessel did not have (1) marking indicating its country of origin, (2) registration documents, (3) a country’s flag, or (4) any other indicia of nationality.³ Rivera, who spoke Spanish, acted as interpreter and asked right of visit questions in order to determine the vessel’s nationality while another officer transcribed the responses in

1. *United States v. Gruezo*, 66 F.4th 1284, 2023 AMC 160 (11th Cir. 2023).
2. *Id.* at 1287.
3. *Id.*

a document called the Victor Report, which is used to determine the nationality of a vessel and to establish jurisdiction.⁴ After the master of the vessel responded “no” when Rivera asked if he claimed a nationality for the vessel and the other crewmembers remained silent, Rivera’s team reported the information to the Coast Guard Command Center, which then directed them to treat the boat as without nationality.⁵

Rivera further clarified a discrepancy involving a different report called an Alpha Report that listed the nationality of the vessel as Colombian.⁶ He explained that this was inaccurate and likely a transcription error since the version of the Alpha Report in question was rewritten from the original version in grease pen.⁷ After the hearing, the magistrate judge recommended that the district court deny Gruezo’s motions to dismiss on the grounds that (1) the master of the vessel had not made a claim of Colombian nationality for the vessel and (2) the vessel was appropriately deemed stateless in accordance with the MDLEA and was subject to the jurisdiction of the United States.⁸ The district court overruled Gruezo’s objections and denied the motion to dismiss.⁹

On January 26, 2022, Gruezo pled guilty to both counts in the indictment without the benefit of a written plea agreement, which was later accepted by the district court.¹⁰ The Presentence Investigation Report (PSR) prepared by the probation officer provided that Gruezo’s advisory guidelines ranged from 135 to 168 months imprisonment.¹¹ Gruezo objected to the PSR. He argued that he should have received a two-level reduction because he was a minor participant in the criminal activity, merely serving as a crewmember on the drug boat and only briefly getting involved in the scheme.¹² The district court did not find this argument persuasive because he was only charged in connection with his conduct and not some larger conspiracy.¹³ Thus, the district court sentenced Gruezo to 135 months imprisonment, which he timely appealed.¹⁴

On appeal, Gruezo argued that (1) the district court did not have jurisdiction under the MDLEA, (2) the MDLEA is unconstitutional, and (3) the district court erred when it did not apply the minor-role reduction

4. *Id.*

5. *Id.*

6. *Id.*

7. *Id.*

8. *Id.* at 1288.

9. *Id.*

10. *Id.*

11. *Id.* at 1289.

12. *Id.*

13. *Id.*

14. *Id.*

to decrease his offense level by two levels.¹⁵ After careful review of the record, the United States Court of Appeals for the Eleventh Circuit *held* that jurisdiction was proper in the district court under the MDLEA because failure by the master of a vessel to claim nationality when asked by a Coast Guard officer was sufficient to show the vessel lacked nationality. Moreover, the defendant's convictions did not violate the Due Process Clause, and the defendant's involvement as a crewmember of a vessel smuggling drugs was serious enough to deny minor-role sentencing reduction. *United States v. Gruezo*, 66 F.4th 1284, 1294 (11th Cir. 2023).

II. HISTORICAL BACKGROUND

Congress enacted the MDLEA for the purpose of defining and punishing felonies committed on the high seas.¹⁶ The Act makes it a crime to possess with intent to distribute a controlled substance or conspire to do so while on a vessel subject to the jurisdiction of the United States.¹⁷ The MDLEA finds that "trafficking in controlled substances aboard vessels is a serious international problem, is universally condemned, and presents a specific threat to the security and societal well-being of the United States."¹⁸ Further, the MDLEA has declared that the operation of a vessel without nationality is a serious international problem that facilitates transnational crime.¹⁹ When a vessel is determined to be stateless, international law allows for that vessel, and anyone aboard it, to be prosecuted in the United States and according to U.S. law.²⁰ To combat this problem, the MDLEA has established a framework for the United States to prosecute citizens of any country for drug crimes committed in international waters.²¹ However, this broad grant of authority under the MDLEA is limited by strict requirements for establishing jurisdiction and any failure to meet them grants courts no jurisdiction over prosecutions by its own terms.²²

15. *Id.* at 1287.

16. *United States v. Campbell*, 743 F.3d 802 (11th Cir. 2014).

17. 46 U.S.C. § 70503(a).

18. 46 U.S.C.A. § 70501.

19. *Id.*

20. *United States v. Aybar-Ulloa*, 987 F.3d 1, 3, 2021 AMC 39 (1st Cir.).

21. *United States v. Guerro*, 789 F. 742 (11th Cir. 2019).

22. *Id.*

A. *The Eleventh Circuit's Well-Established Approach to the MDLEA's Jurisdictional Provision*

The Eleventh Circuit has “long upheld the authority of Congress to ‘extend the criminal jurisdiction of this country to any stateless vessel in international waters engaged in the distribution of controlled substances.’”²³ In order for a district court to have adjudicatory authority over a defendant in violation of the MDLEA, the government must preliminarily show that the vessel was subject to the jurisdiction of the United States when apprehended.²⁴ In order to do so, the MDLEA identifies various circumstances that allow for a vessel without nationality to be subject to the jurisdiction of the United States.²⁵ The Act provides three exclusive methods for the master or individual in charge to make a claim of nationality: (1) documents evidencing the vessel’s nationality, (2) flying its nation’s flag, or (3) a verbal claim of nationality or registry by the master or individual in charge of the vessel.²⁶ The MDLEA also clarifies that if a master or individual in charge of a vessel fails to make a claim of nationality or registry upon request of an officer of the United States, then they are deemed a vessel without nationality for jurisdictional purposes.²⁷

In strictly applying the above factors, the Eleventh Circuit has previously found jurisdiction to not be proper within the United States when the provided methods to make a claim of nationality are not appropriately taken to determine whether a vessel is stateless.²⁸ The court in *United States v. Guerro* reasoned that because the Coast Guard in the case never asked for the individual in charge of the seized vessel, they could not properly establish statelessness, and thus jurisdiction.²⁹ It was not enough that the Coast Guard asked for the master of the vessel because the MDLEA plainly recognizes that an individual in charge also possesses the authority to make a claim of nationality.³⁰ Therefore, it was possible one of the defendants had that authority to do so.³¹ Failure to comply with

23. *United States v. Campbell*, 743 F.3d 802, 810 (11th Cir. 2014) (quoting *United States v. Marino-Garcia*, 679 F.2d 1373, 1383 (11th Cir. 1982)).

24. *United States v. Iguaran*, 821 F.3d 1335, 1336 (11th Cir. 2016) (quoting *United States v. De La Garza*, 516 F.3d 1266, 1272 (11th Cir. 2008)).

25. *Id.* at 1337.

26. *United States v. Obando*, 891 F.3d 929, 933, 2018 AMC 1671 (11th Cir. 2018).

27. 46 U.S.C. § 70502(c)(1)(A).

28. *United States v. Guerro*, 789 F. 742, 751 (11th Cir. 2019).

29. *Id.* at 748.

30. *Id.*

31. *Id.* at 749.

the MDLEA's jurisdictional requirements led the court to vacate the defendant's convictions and sentences.³²

In deciding whether the jurisdictional provisions of the MDLEA are constitutional, the court in *United States v. Campbell* found that a defendant's conviction under such provision did not violate his right to due process because the Act clearly provides notice that all nations prohibit and condemn drug trafficking aboard stateless vessels on the high seas.³³ The Eleventh Circuit and "other circuits have not embellished the [Act] with the requirement of a nexus between a defendant's criminal conduct and the United States."³⁴ The reasoning behind this is that universal and protective principles support its extraterritorial reach.³⁵ Since the trafficking of narcotics is universally condemned, it has been argued that it is not unfair for Congress to provide for the punishment of persons apprehended for such conduct.³⁶ The protective principle does not require that there be proof of an actual effect inside the United States due to the fact that "the law places no restrictions upon a nation's right to subject stateless vessels to its jurisdiction."³⁷

In a different Eleventh Circuit case and in applying the same analysis, the vessel in *United States v. Tinoco* was found to be a vessel without nationality because it was intercepted in international waters, flew no flag, contained no registration documentation or identifying markings, and the officials were unable to confirm registration.³⁸ The court clarified that this was proper since "stateless vessels do not fall within the veil of another sovereign's territorial protection, all nations can treat them as their own territory and subject them to their laws."³⁹ The MDLEA provides clear and sufficient notice that those engaged in drug trafficking upon a vessel that fails to claim a nationality while traversing the high seas will be subject to the criminal jurisdiction of the United States.⁴⁰ The United States has long been seizing stateless vessels engaged in drug trafficking on the high seas.⁴¹ Therefore, it is sufficient that defendants should know the United States or any other nation condemning drug

32. *Id.* at 750.

33. 743 F.3d 802, 812 (11th Cir. 2014).

34. *United States v. Estupinan*, 453 F.3d 1336, 1338, 2006 AMC 2334 (11th Cir. 2006).

35. *Campbell*, 743 F.3d at 810.

36. *Id.*

37. *United States v. Ibarguen-Mosquera*, 634 F.3d 1370, 1379, 2011 AMC 2059 (11th Cir. 2011).

38. 304 F.3d 1088, 1116 (11th Cir. 2002).

39. *United States v. Rendon*, 354 F.3d 1320, 1325, 2004 AMC 591 (11th Cir. 2003).

40. *United States v. Marino-Garcia*, 679 F.2d 1373, 1384, 1985 AMC 1815 (11th Cir. 1982).

41. *Id.* at 1384 n. 19.

trafficking on the high seas subjects stateless vessels to its jurisdiction.⁴² Consequently, the Eleventh Circuit has ruled that the MDLEA does not result in violation of the Fifth Amendment's Due Process Clause.⁴³

B. Enacting the MDLEA as Constitutional—Does It Withstand Due Process?

The Due Process Clause “prohibits the exercise of extraterritorial jurisdiction over a defendant when it would be arbitrary or fundamentally unfair.”⁴⁴ In order to challenge the validity of the MDLEA, a defendant must show that “no set of circumstances exists under which the [MDLEA] would be valid.”⁴⁵ Although courts have previously consulted international law to determine whether an exercise of extraterritorial jurisdiction satisfies due process, it only requires that an extraterritorial jurisdiction not be arbitrary or fundamentally unfair.⁴⁶

Under the “protective principle” of international law, the United States and other countries can enact extraterritorial criminal laws to punish conduct that ‘threatens its security as a state or the operation of its governmental functions’ and “is generally recognized as a crime under the law of states that have reasonably developed legal systems.”⁴⁷

The conduct does not need to have “an actual or intended effect inside the United States,” but rather “the conduct may be forbidden if it has a potentially adverse effect.”⁴⁸ In *United States v. Gonzalez*, the court concluded that drug trafficking fit within the definition of the protective principle because such activities have a “potentially adverse effect and [are] generally recognized as a crime by nations that have reasonably developed legal systems.”⁴⁹ Additionally, when a statute complies with the “protective principle” under international law, it meets the requirements of due process because such a statute is not arbitrary or fundamentally unfair.⁵⁰

It is important to note that the Supreme Court and Eleventh Circuit have made it known that international law is not necessary to satisfy due process.⁵¹ The Due Process requires “at least some minimal contact

42. *Id.*

43. *Id.*

44. *United States v. Baston*, 818 F.3d 651, 669 (11th Cir. 2016).

45. *United States v. Salerno*, 481 U.S. 739, 744 (1987).

46. *Baston*, 818 F.3d at 669.

47. *Id.* at 670 (quoting RESTATEMENT (SECOND) OF FOREIGN RELATIONS LAW § 33(1)).

48. *United States v. Gonzalez*, 776 F.2d 931, 939 (11th Cir. 1985).

49. *Id.* at 939.

50. *Id.* at 938-41.

51. *Baston*, 818 F.3d at 669.

between a State and the regulated subject.”⁵² However, the Eleventh Circuit and other circuits have never imposed a nexus requirement for there to be proper jurisdiction under the MDLEA.⁵³ Congress enacted the MDLEA by properly deriving the authority to do so from the Piracies and Felonies Clause.⁵⁴ The Third Circuit in *United States v. Martinez-Hidalgo* explained that 46 U.S.C. app. § 1903(d) “expresses the necessary congressional intent to override international law to the extent that international law might require a nexus to the United States for the prosecution of the offenses defined in the Maritime Drug Law Enforcement Act.”⁵⁵ There is no need for a nexus because it has been argued that it is not fundamentally unfair for Congress to punish persons apprehended with narcotics on the high seas since drug trafficking is universally condemned.⁵⁶

In *United States v. Dávila-Reyes*, the First Circuit tried but ultimately failed to create a new framework to determine statelessness of a vessel when it held Congress exceeded its authority under Article I of the Constitution in enacting § 70502(d)(1)(C) of the MDLEA.⁵⁷ The court reasoned that “although several of our sister circuits have addressed whether the MDLEA is . . . a constitutional exercise of Congress’s authority under the Felonies clause, it appears that no circuit has considered the specific authority for § 70502(d)(1)(C)’s definition of a ‘vessel without nationality.’”⁵⁸ The other courts that have addressed constitutionality through the assumption that the MDLEA applies only to vessels that would be subject to U.S. jurisdiction under international laws definition of statelessness.⁵⁹ International law has long recognized that it is sufficient for a master of a vessel to orally declare a presumption of nationality.⁶⁰ The court argued that the government has never cited to a source of international law recognizing the inability to confirm or deny nationality.⁶¹ In other words, international law permits the United States to treat the vessel as stateless when there is an absence of confirmation of

52. *Id.*

53. *United States v. Rendon*, 354 F.3d 1320, 1325, 2004 AMC 591 (11th Cir. 2003).

54. *United States v. Estupinan*, 453 F.3d 1336, 1338-39, 2006 AMC 2334 (11th Cir. 2006).

55. 993 F.2d 1052, 1056 (3d Cir. 1993).

56. *Id.*

57. 23 F.4th 153, n. 34, 2022 AMC 21 (1st Cir.), *reh’g en banc granted, opinion withdrawn*, 38 F.4th 288 (1st Cir. 2022).

58. *Id.* at 172.

59. *Id.*

60. *Id.* at 189.

61. *Id.*

nationality.⁶² Further, the court reasoned that because of the ambiguity of the MDLEA, it is inconsistent with international law and does not satisfy constitutional requirements.⁶³ This was decided because the MDLEA “overrides international law by treating a country’s failure to supply an ‘affirmative and unequivocal’ confirmation of nationality—including a failure to respond at all—as evidence sufficient to invalidate an oral claim of foreign nationality even when there are no mixed signals that would call the claim into doubt.” Thus, the court found that Congress was wrong in extending U.S. jurisdiction beyond the limits of international law and authority bestowed in the felonies clause.⁶⁴ However, this decision has since been withdrawn and the First Circuit recognized even in its own opinion that all other parts of the provision deeming a vessel stateless were consistent with international law.⁶⁵ Thus, the Eleventh Circuit’s evaluation of the MDLEA’s jurisdictional provision continues to prevail and remain consistent with other circuits without interruption or challenge.

III. COURT’S DECISION

In the noted case, the United States Court of Appeals, Eleventh Circuit, affirmed Gruezo’s convictions and sentence by applying the well-established framework of the MDLEA’s jurisdictional provisions.⁶⁶ First, the court provided an overview of the MDLEA and the standard of review taken to determine that the district court had jurisdiction under the Act.⁶⁷ Second, the court turned to the persuasive authority of its own decisions to hold that the MDLEA is constitutional, and it discredited Gruezo’s arguments stating otherwise.⁶⁸ Lastly, the court rejected the argument made by the defendant that he was entitled to a minor-role reduction by explaining the role Gruezo had in the overall scheme and what that means according to the Eleventh Circuit’s binding precedent found in *United States v. Rodriguez De Varon*.⁶⁹

The Eleventh Circuit was not persuaded by Gruezo’s argument that the district court did not have jurisdiction under the MDLEA.⁷⁰ As relevant to this case and defined in the MDLEA, it is a crime to possess

62. *Id.* at 192.

63. *Id.* at 193.

64. *Id.* at 194-95.

65. *Id.* at 157.

66. *United States v. Gruezo*, 66 F.4th 1284, 1294, 2023 AMC 160 (11th Cir. 2023).

67. *Id.* at 1289.

68. *Id.* at 1292-93.

69. *Id.* at 1294.

70. *Id.* at 1289.

with intent to distribute a controlled substance or conspire to do so “[w]hile on board a covered vessel.” This means that it is a vessel “subject to the jurisdiction of the United States,” which includes “a vessel without nationality.”⁷¹ To further grasp this concept, the MDLEA provides that a vessel lacking nationality is a “vessel aboard which the master or individual in charge fails, on request of an officer of the United States authorized to enforce applicable provisions of United States law, to make a claim of nationality or registry for that vessel.”⁷² Although it is alone sufficient to affirm proper jurisdiction in the district court through the stipulation that the master of the vessel involved in this case made no claim of nationality when asked to do so, the court goes on to address each argument made by Gruezo under this issue.⁷³

The court first clarified that the magistrate judge did not merely rely on silence as evidence that the vessel lacked nationality. Instead, the magistrate judge focused more on the master’s actions and discrepancy between the Alpha Report and the Victor report to find that the vessel was one without nationality.⁷⁴ Secondly, the court afforded great deference to the credibility of the district court’s determination that the officer, Rivera, presented a reasonable explanation for the discrepancy between the two reports.⁷⁵ As explained in *United States v. Cavallo*, the credibility of a district court’s factual finding will be upheld “unless the finding is contrary to the laws of nature, or is so inconsistent or improbable on its face so that no reasonable factfinder could accept it.”⁷⁶ In the last argument made by Gruezo under this point, the court turned directly to the MDLEA to define the terms “nationality” and “registry” and to demonstrate the interchangeability and equivalency of the two terms.⁷⁷ The necessity in doing so was made upon the argument that the magistrate judge erred in concluding that § 70502(d)(1)(B) did not require the Coast Guard to ask the master to make a claim of both nationality and registry for the vessel.⁷⁸ The court was not persuaded by this due to the statutory context of the MDLEA plainly using the word “or” to connect “nationality” and “registry.”⁷⁹ For example, § 70502(e) “jointly defines a claim of nationality or registry to include only . . . a verbal claim of

71. *Id.*

72. *Id.* at 1289-90.

73. *Id.* at 1290.

74. *Id.*

75. *Id.*

76. *Id.* (quoting *United States v. Cavallo*, 790 F.3d 1202, 1227 (11th Cir. 2015)).

77. *Id.* at 1291.

78. *Id.*

79. *Id.*

nationality or registry by the master or individual in charge of the vessel.” Thus, the words are used interchangeably, and as found in this court’s previous analysis of the terms, it is sufficient for a vessel to be subject to the jurisdiction of the United States when a master fails to claim nationality upon being directly apprehended to do so.⁸⁰

Next, the court addressed the constitutionality of the MDLEA by responding to three arguments made by Gruezo in which he contended it was overly vague, it violated his Miranda rights, and it did not afford him proper due process.⁸¹ The court rejected the idea that the MDLEA is unconstitutional purely because its vagueness does not require officers of the Coast Guard to explicitly explain what it means to make a claim of nationality or registry for the vessel.⁸² They disputed such a claim by explaining that the text of § 70502(d)(1)(B) is sufficiently clear to put someone on notice that without the claim of nationality or registry, the vessel will be subject to jurisdiction of the United States.⁸³ In another Eleventh Circuit decision, the court rejected a vagueness challenge of the MDLEA jurisdictional provisions because the statute so clearly encompassed that a vessel without nationality is a vessel not operating under the flag and authority of any sovereign nation.⁸⁴ The court’s precedent in *United States v. Rioseco* defeated the Miranda rights challenge due to the fact that “this circuit has long recognized that the Coast Guard’s routine stop, boarding[,] and inspection of an American vessel on the high seas does not normally rise to the level of custodial detention thus requiring Miranda warnings.”⁸⁵ Further, the court determined that crew members are not in custody for Miranda purposes when they are ordered to remain in a certain area of a vessel during a routine procedure during a usual boarding action.⁸⁶ Finally, the court reasoned that Gruezo failed to show that “the absence of a ‘minimum contacts’ or ‘nexus’ requirement in the MDLEA violates the Due Process Clause.”⁸⁷ The purpose of the MDLEA is to define and punish felonies committed on the high seas, and the Eleventh Circuit has previously held that the Due Process Clause “does not prohibit the trial and conviction of aliens captured on the high seas while drug trafficking because the MDLEA provides clear notice that all nations prohibit and condemn drug

80. *Id.*

81. *Id.*

82. *Id.* at 1291-92.

83. *Id.*

84. *Id.*

85. *Id.* (quoting *United States v. Rioseco*, 845 F.2d 299, 302-03 (11th Cir. 1988)).

86. *Id.*

87. *Id.* at 1293.

trafficking abroad stateless vessels on the high seas.”⁸⁸ Thus, due to the vastness of its reach, the conduct forbidden in the MDLEA does not need to have a nexus to the United States.⁸⁹

Lastly, in applying its holding in *De Varon*, the court quickly dismissed Gruezo’s argument that he was entitled to a minor-role reduction because other individuals went uncharged that were directly involved in the drug scheme while he only worked as a crewman for a short period of time.⁹⁰ The court in *De Varon* held that “defendant’s role in the offense may not be determined on the basis of criminal conduct for while the defendant was not held accountable at sentencing.”⁹¹ In other words, Gruezo could not argue he was entitled to a minor-role reduction “by pointing to a broader criminal scheme in which he was a minor participant but for which he was not charged.”⁹² Further, Gruezo knowingly participated in the illegal transportation of drugs as a crewmember of a vessel.⁹³ He was only held accountable for conduct that was still considered serious enough to be denied a minor-role reduction.⁹⁴ Therefore, the court concluded that the district court did not err in finding that Gruezo was not entitled to a minor-role reduction.⁹⁵

IV. ANALYSIS

The Eleventh Circuit’s decision in the noted case correctly applies the established framework of the MDLEA to prosecute Liver Gruezo for drug crimes committed in international waters. It therefore maintains previous holdings of this circuit granting the authority of Congress to extend criminal jurisdiction of this country to stateless vessels on the high seas. The case highlights a strict application of the MDLEA that not only furthers the direct purpose of the Act, but also affords deference to due diligence steps taken to accurately find a vessel to be stateless within international waters.

First, the court correctly demonstrated that the vessel was subject to the jurisdiction of the United States when apprehended. As provided directly by the MDLEA, the three exclusive methods for the master or individual in charge of the vessel to make a claim of nationality were each effectively ruled out by Coast Guard Officer Rivera and his team. When

88. *Id.*

89. *Id.*

90. *Id.* at 1294.

91. *United States v. Rodriguez De Varon*, 175 F.3d 930, 941 (11th Cir.1999).

92. *Id.* (quoting *Rodriguez De Varon*, 175 F.3d at 941).

93. *Id.*

94. *Id.*

95. *Id.*

they intercepted the vessel, the team of officers could not locate the vessels registration documents; they also failed to find a name or a registration number for the vessel.⁹⁶ Additionally, the team noted that there were no markings indicating its country of origin and no flag attached to the vessel.⁹⁷ Therefore, the vessel had no obvious indicia of nationality that would alleviate further inquiry from the officers.⁹⁸ Unlike the Coast Guard in *Guerro*, Rivera and his team took appropriate measures to determine the nationality of the vessel. They accurately identified the master of the vessel, asked right of visit questions, and transcribed the responses in a written report specifically used to determine nationality.⁹⁹ As for the third and final method outlined in MDLEA, the master of the vessel returned a resounding “no” when Rivera asked if he claimed a nationality for the vessel.¹⁰⁰ As the MDLEA clarifies and other Eleventh Circuit cases have held, failure to make a claim of nationality upon request holds the vessel stateless for jurisdictional purposes.¹⁰¹ Therefore, by strictly following and applying the above steps, the court properly concluded that the seized vessel was without nationality and subject to the jurisdiction of the United States.¹⁰²

The court’s decision merely furthers the purpose of the MDLEA. This vessel was directly involved in drug trafficking within international waters, which is exactly the type of activity condemned by the MDLEA.¹⁰³ Perhaps it is worthy to pose a rhetorical question: who would prosecute narcotics offenders in cases such as this if the United States did not?¹⁰⁴ The First Circuit has previously explained that “the purpose of the MDLEA’s jurisdictional requirement is not to protect a defendant’s rights, but instead to maintain comity between foreign nations; the MDLEA’s ‘subject to jurisdiction’ provision is ‘a matter of diplomatic comity.’”¹⁰⁵ In other words, the MDLEA’s jurisdictional requirement is meant to have bearing on the diplomatic relations between the United States and foreign governments.¹⁰⁶ This is “to protect the interest of the flag nation and international comity, not the interest of the individuals

96. *Id.* at 1287.

97. *Id.*

98. *Id.*

99. *Id.*

100. *Id.*

101. 46 U.S.C. § 70502(d)(1)(B).

102. *United States v. Gruezo*, 66 F.4th 1284,1291 (11th Cir. 2023).

103. *United States v. Campbell*, 743 F.3d 802, 812 (11th Cir. 2014).

104. *United States v. Martinez-Hidalgo*, 993 F.2d 1052, 1057 (3d Cir. 1993).

105. *United States v. Mitchell-Hunter*, 663 F.3d 45, 51 (1st Cir. 2011).

106. *Id.*

aboard the vessel.”¹⁰⁷ This is not to say that a defendant does not have interest in the court having proper jurisdiction over him, but it identifies that the MDLEA is trying to effectively solve a serious problem of stateless vessels transporting drugs between countries in international waters.¹⁰⁸ It is not unreasonable for defendants to know that drug trafficking on the high seas is condemned by the United States and other nations.¹⁰⁹ This further illustrates that all nations can treat stateless vessels as their own territory and subject them to their laws since they do not fall within another sovereign’s territorial protection. In this case, the U.S. Coast Guard intercepted the vessel, thus properly subjecting it to the laws and jurisdiction of the United States.

Secondly, the court was consistent with prior jurisprudence when it determined that Gruezo’s MDLEA convictions did not violate the Due Process Clause. Gruezo failed to show any precedent from this Court or the Supreme Court applying the “minimum contacts” standard to the MDLEA.¹¹⁰ Additionally, this circuit has consistently held that the conduct proscribed by the MDLEA does not need a nexus due to universal and protective principles that support its extraterritorial reach. As previously indicated, this is because trafficking drugs is condemned universally by law abiding nations. However, it is important to note that no source of customary international law has designated drug trafficking as being subject to universal jurisdiction.¹¹¹ International criminal law explains that only crimes of “piracy, slavery, and slave-related practices, war crimes, crimes against humanity, genocide, apartheid, and torture” have thus far been identified as supporting universal jurisdiction.¹¹² Therefore, the academic community believes that drug trafficking is not considered a universal jurisdiction offense. However, this appeal and other appeals brought to the Eleventh Circuit, in which the court has considered the constitutionality of laws involving conduct on the high seas, have always determined that Congress possesses additional constitutional authority to restrict conduct on the high seas under the piracies clause, the felonies clause, and through admiralty power.¹¹³ The idea behind the protective principle is that a nation may assert jurisdiction over a person whose conduct outside the nation’s territory threatens the

107. *United States v. Tinoco*, 304 F.3d 1088, 1108-09 (11th Cir. 2002).

108. *Id.* at 1104.

109. *Id.* at 1110 n. 21.

110. *United States v. Gruezo*, 66 F.4th 1284, 1293, 2023 AMC 160 (11th Cir. 2023).

111. *United States v. Bellaizac-Hurtado*, 700 F.3d 1245, 1260-61 (11th Cir. 2012).

112. *Id.* at 1261.

113. *Id.* at 1257.

nation's security.¹¹⁴ The regulated conduct "may be forbidden if it has a potentially adverse effect and is generally recognized as a crime by nations that have reasonably developed legal systems."¹¹⁵ Under that reasoning, it is undisputed that illegal drugs, especially the importation of cocaine, is a major problem in the United States.¹¹⁶ The MDLEA expresses the concerns that arise out of the process of drug trafficking on the high seas by explicitly condemning such conduct. Therefore, "whether this prosecution is consistent with the protective principle is ultimately not dispositive because there is no ambiguity in MDLEA, and the Court must enforce the statute as written by Congress unless there are other constitutional infirmities."¹¹⁷

V. CONCLUSION

The Eleventh Circuit was correct when it held that the defendant was properly subject to the jurisdiction of the United States under the MDLEA because there was no claim of nationality made upon the vessel. Additionally, the court properly concluded that the defendant's convictions did not violate Due Process. Since drug trafficking is universally condemned, it is not fundamentally unfair to punish those who traffic drugs on the high seas. Until the MDLEA provides a more in-depth protocol as to stateless vessels or the world decides to unanimously accept drug trafficking as universally absolved, the decision in this court accurately addresses the purpose of the MDLEA by upholding the framework set forth by the Act. This case strengthens the validity and reach of the MDLEA, serving as a further warning to those who choose to patriciate in drug trafficking within international waters.

Grace Schrimsher*

114. *United States v. Carvajal*, 924 F. Supp. 2d 219, 242 (D.C. Cir. 2013).

115. *United States v. Gonzalez*, 776 F.2d 931, 939 (11th Cir. 1985).

116. *Carvajal*, 924 F. Supp. at 242.

117. *Id.* at 243.

* © 2024 Grace Schrimsher, J.D. Candidate 2025, Tulane University Law School; B.A., Political Science, University of Oklahoma, 2022. The author would like to thank her parents, Rick and Lisa Schrimsher, for the endless support provided throughout her law school career. The author would also like to extend a special thank you to the *Tulane Maritime Law Journal*, her peers, and Tulane Law faculty for contributing to her mentorship and guidance during this time.