

In the Matter of Certificate of Service No. E-7329
Issued to: JAMES E. TAYLOR

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

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JAMES E. TAYLOR

This appeal comes before me by virtue of 46 United States Code 239 (g) and 46 Code of Federal Regulations 137.11-1.

On January 17, 1949, an Examiner of the United States Coast Guard entered an order revoking Certificate of Service No. E-7329 held by James E. Taylor, Z-78432, upon a plea of guilty to a charge of misconduct, supported by a specification alleging possession of a quantity of marihuana contrary to law, while employed as a messman aboard the S. S. NOAH BROWN on November 3, 1948 in Brooklyn, New York. Appellant, acting as his own counsel, pleaded guilty to the charge of misconduct and to the specification charging the unlawful possession of marihuana, contrary to law. Appellant took the witness stand and described how he had acquired the habit of using marihuana to settle his nerves while employed on a vessel in the war zone. He also described the manner in which he obtained the marihuana which he had in his possession at the time he was apprehended by the Customs Authorities.

No other witnesses appeared for the Appellant. The Investigating Officer described the results of his investigation of the complaint. After receiving this evidence, the Examiner found the charge and specification proven by the Appellant's plea and entered the order of revocation.

From that order, this appeal has been taken and it is contended:

- (a) That consideration should be given to the action of the U. S. Attorney in refusing to prosecute the Appellant because of the small amount of marihuana involved;
- (b) That the Appellant has never been involved in any criminal proceedings;
- (c) That he has never been logged as a seaman in all of his 20 years as a seaman;
- (d) That he has a wife and two infant children dependent upon him for support; and
- (e) That the judgement of the Examiner was unduly severe.

OPINION

The record in this case shows that the Appellant does not deny possession of the marihuana. On the other hand, he freely admits its possession as well as the fact that he has used the narcotic as a nerve sedative for a period of seven years. I am fully cognizant of the severity of an order of revocation of a license or certificate held by a merchant seaman. I realize that such an order does have serious economic repercussions on the person who knows no other calling or profession ashore. On the other hand, I am also fully aware of the potential danger which the chronic user of narcotic drugs represents, to fellow crew members, as well as to the vessel entity. It is my firm conviction that persons who habitually use, or are addicted to the use of, narcotics are undesirable seamen aboard vessels of the United States - not only for their own good, but, primarily, for the safety of the lives of their shipmates and the vessel property upon which they are employed.

I find nothing to warrant my intervening in this case.

CONCLUSION AND ORDER

It is ordered and directed that the decision and order of the Coast Guard dated January 17, 1949, should be, and it is AFFIRMED.

J.F. FARLEY
Admiral, United States Coast Guard
Commandant

Dated at Washington, D. C., this 13th day of April, 1949.