

In the Matter of Merchant Mariner's Document No. Z-182022
Issued to: JOEL E. De CAYETTE, JR.

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

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JOEL E. De CAYETTE, JR.

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations Sec. 137.11-1.

On 30 July, 1951, an Examiner of the United States Coast Guard at Honolulu, T. H., revoked Merchant Mariner's Document No. Z-182022 issued to Joel E. De Cayette, Jr., upon finding him guilty of misconduct based upon a specification alleging in substance that while serving as second cook on board the American SS PRESIDENT HARRISON under authority of the document above described, on or about 8 June, 1951, while said vessel was in the port of Honolulu, T.H., he wrongfully had in his possession a quantity of a narcotic drug; to wit, heroin.

At the hearing, Appellant was given a full explanation of the nature of the proceedings, the rights to which he was entitled and the possible results of the hearing. Although advised of his right to be represented by an attorney of his own selection, Appellant voluntarily elected to waive that right and act as his own counsel. He entered a plea of "guilty" to the charge and specification proffered against him.

Thereupon, the Investigating Officer made his opening statement and Appellant stated in mitigation that he has never been in any trouble before and requested a suspension rather than revocation since going to sea is his only means of making a livelihood.

At the conclusion of the hearing, the Examiner announced his findings and concluded that the charge had been proved by plea and entered the order revoking Appellant's Merchant Mariner's Document No. Z-182022 and all other licenses, certificates of service and documents issued to this Appellant by the United States Coast Guard or its predecessor authority.

From that order, this appeal has been taken, and it is urged that the order was based upon Appellant's conviction and sentence to Oahu Prison for a term of two years; that Appellant has had no prior conviction during his nine years at sea; and that Appellant should not be deprived of the right to earn his livelihood in the manner he knows best.

Based upon my examination of the record submitted, I hereby make the following

FINDINGS OF FACT

On 8 June, 1951, Appellant was serving as second cook on board the American SS PRESIDENT HARRISON and acting under authority of his Merchant Mariner's Document No. Z-182022 while said vessel was in the port of Honolulu, T. H.

On this date, Appellant was apprehended leaving his ship with approximately one ounce of heroin in his possession. Appellant pleaded guilty to this offense in the United States District Court for the Territory of Hawaii and was sentenced to two years' imprisonment which he is now serving.

OPINION

Appellant's document has been revoked because of the hazards produced by the presence of narcotics aboard ship. The users of heroin become completely irresponsible while under the influence of the drug and have been known to run amuck and commit such violent assaults as would endanger a ship's entire personnel and cargo as well as the vessel itself. Possession is tantamount to the use of narcotics because of the constant potential danger due to the close confines of a ship and the ever present possibility that the narcotic will be used by someone.

Therefore, this remedial action is not to deprive Appellant of any right but to take away a privilege which he has abused. This is for the protection of others rather than a punishment against the individual.

ORDER

The order of the Examiner dated 30 July, 1951, should be, and it is, AFFIRMED.

A. C. Richmond
Rear Admiral, United States Coast Guard
Acting Commandant

Dated at Washington, D. C., this 17th day of October, 1951.