

In the Matter of Certificate of Service No. E-573074
Issued to: JOHN HENRY NANTON

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

406

JOHN HENRY NANTON

This appeal comes before me in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations 137.11-1.

On 3 October, 1949, Appellant appeared before an Examiner of the United States Coast Guard at New York City to answer a charge of "misconduct" supported by a specification alleging that while Appellant was serving as Officers' Steward on board the American SS URUGUAY, under authority of Certificate of Service No. E-573074, he had in his possession, on or about 20 September, 1949, a certain narcotic drug, to wit, marijuana, contrary to law.

At the hearing, Appellant was duly informed as to the nature of the proceeding, the rights to which he was entitled and the possible outcome of the hearing. Appellant voluntarily waived his right to representation by counsel and elected to act in his own behalf; pleading "guilty" to the charge and specification. After the Investigating Officer had completed his opening statement and Appellant had been given an opportunity to make a statement in his defense, the Examiner found the charge and specification "proved by plea" and entered an order revoking Appellant's Certificate of Service No. E-573074 and all other documents, certificates, and

licenses issued to him by the United States Coast Guard.

The appeal is in effect a plea for clemency based on Appellant's prior clear record as a seaman; that he has a dependent wife and child; and that he is unable to obtain satisfactory employment ashore.

FINDINGS OF FACT

On 20 September, 1949, Appellant was serving as a member of the crew in the capacity of Officers' Steward on board the American SS URUGUAY, under authority of his Certificate of Service No. E-573074, while the ship was docked in New York, preparing to sail on a foreign voyage. On this date, as Appellant was leaving the vessel, he was stopped by a port patrol officer and one marijuana cigarette was discovered on Appellant's person. He admitted the cigarette belonged to him; that he had purchased it earlier in the day at New York but had forgotten it when he boarded the URUGUAY to sign articles.

Appellant stated that he has been smoking marijuana for about a year, but denies that it has become a habit.

OPINION

It is the well-established policy of the United States Coast Guard to exercise its authority to revoke seamen's documents when that action is necessary to preserve discipline and safety aboard American merchant vessels. It has been learned from bitter experience that users of marijuana become so irresponsible and dangerous that their presence is a definite and constant threat not alone to themselves but to the safety of their shipmates. Appellant's admission that he has used marijuana for about a year permits no deviation from the policy stated above; and though it is most unfortunate that innocent persons may suffer hardship because of Appellant's misconduct, that responsibility is his, and should have been considered before he undertook to use a narcotic which has been denounced by the Coast Guard as well as the Department of Commerce for many years.

CONCLUSION AND ORDER

No good reason has been presented by this appeal justifying modification of the Order of the Examiner dated 3 October, 1949, and said Order is AFFIRMED.

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

Dated at Washington, C. C., this 21st day of *December*,
1949.

***** END OF DECISION NO. 406 *****

[Top](#)