

In the Matter of Certificate of Service No. E-521498
Issued to: JAMES HARRY LUCIEN, JR.

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

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JAMES HARRY LUCIEN, JR.

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

On 22 March, 1949, the Appellant was tried before an Examiner of the United States Coast Guard at Boston, Massachusetts, on a charge of misconduct supported by a specification alleging that while Appellant was serving as messman on board the American SS SULPHUR MINES, under authority of Certificate of Service No. E-521498, he unlawfully had in his possession on or about 16 February, 1949, certain narcotics known as marijuana.

At the hearing, Appellant was given a full explanation of the nature of the proceedings and the possible consequences. He voluntarily waived his right to representation by counsel and pleaded "guilty" to the charge and specification. At the end of the hearing, the Examiner entered an order revoking Certificate of Service No. E-521498 and all other valid certificates of service held by the Appellant.

In his appeal, Appellant states that this is his first offense of any nature and that he did not intend to sell the marijuana to

others but had planned to use it himself. Appellant is twenty-one years of age.

FINDINGS OF FACT

While Appellant was serving under the authority of his duly issued certificate as a messman of the American SS SULPHUR MINES, he made up cigarettes partially from marijuana which he had acquired in Spanish Morocco and partially from marijuana obtained from two other merchant marine sailors aboard the same ship. Appellant knew it was marijuana and he had used it frequently during the voyage. On or about 16 February, 1949, while Appellant was still so serving on board the American SS SULPHUR MINES, eighteen marijuana cigarettes were discovered on the person of Appellant when the vessel was being subjected to the customary search.

OPINION

The offenses of possession, use, and sale of narcotics are considered among the most pernicious arising within the administration of the Coast Guard and ones for which revocation is demanded. There is no greater single threat to the safety of a ship or the seamen on board than a person under the influence of narcotics.

According to Appellant's own admissions, as well as other evidence, he is guilty of having possessed and used marijuana cigarettes on board the SS SULPHUR MINES. The fact that he had no intention of selling the cigarettes does not lessen the seriousness of his offense of having had them in his possession.

CONCLUSION AND ORDER

The order of the Examiner dated 22 March, 1949, should be, and it is, AFFIRMED.

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

Dated at Washington, D. C., this 9th day of June, 1949.

***** END OF DECISION NO. 339 *****

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