Significant Sentence

Admiralty Law – 13 March 2024

Joey Simone

“In this regard, the Jones Act provides: a vessel may not provide any part of the transportation of merchandise by water, or by land and water, between points in the United States to which the coastwise laws apply, either directly or via a foreign port unless the vessel: (1) is wholly owned by citizens of the United States for purposes of engaging in coastwise trade; and (2) has been issued a certificate of documentation with a coastwise endorsement under chapter 121.” Schoenbaum, Thomas J. *Admiralty and Maritime Law*. 6th Ed., West Academic Publishing, 2019. p. 470.

I focus on the construction that the merchandise may not travel by a foreign vessel between points in the United States neither directly nor a via a foreign port. Many people seem to misunderstand this, both in and out of my maritime life. The landsmen seem to be under the impression that the ship herself is prohibited from going between united states ports without making a stop somewhere else, but the ship may. Cabotage doesn’t care about the route, only the origin and destination of the cargo. A cargo that originates in the states and terminates in the states (and protected islands and territories like Puerto Rico) must be carried only on American owned ships with coastwise endorsements.

The sentence is interesting to me because the cabotage part of the act was my first exposure to the concept of the Jones Act. My parents are libertarians, and I inherited some of those proclivities, and the concept of restricting cabotage to American vessels was confusing and seemed to go against the spirit of market capitalism. It wasn’t until later and being told at this school that keeping ships in American ownership is essential to our warmaking facilities, and even this too is distasteful to me as a peace-loving tree-hugging hippie. I know that as an American Merchant Mariner, most of the jobs that I ever do will be doing coastwise cabotage jobs, and I, by participating, am choosing to endorse protectionism.