

In the Matter of Merchant Mariner's Document No. Z573145  
Issued to: JOSSE MASSON

DECISION AND FINAL ORDER OF THE COMMANDANT  
UNITED STATES COAST GUARD

426

JOSSE MASSON

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

On 12 December, 1949, an Examiner of the United States Coast Guard at New York, New York, revoked Merchant Mariner's Document No. Z-573145 issued to Josse Masson upon finding him guilty of "misconduct" based upon one specification alleging in substance, that while serving as "utility" on the American Merchant vessel AMERICAN TRAVELLER, under authority of the document above described, on or about 23 November, 1949, he wrongfully had in his possession a certain narcotic substance, to wit, a quantity of marijuana; the vessel then being in the port of New York.

At the hearing, Appellant was given a full explanation of the nature of the proceedings and the possible consequences. Although advised of his right to be represented by counsel of his own selection, he deliberately elected to waive that right and act as his own counsel. He entered a plea of "guilty" to the charge and specification.

Thereupon, the Investigating Officer narrated the

circumstances attending the case as it was brought to his attention.

In defense, Appellant voluntarily took the witness stand under oath, and gave his explanation of the facts incident to his apprehension by the Customs officer.

At the conclusion of the hearing, the Examiner found the charge and specification "proved by plea" and entered an order that Merchant Mariner's Document No. Z-573145 and all other valid documents, licenses and certificates issued to this Appellant by the United States Coast Guard be revoked.

From that order, this appeal has been taken, and it is urged Appellant will suffer because:

- (a) Revocation of his document is too severe "penalty";
- (b) He is forty (40) years of age;
- (c) In more than ten (10) years his service as a mariner has been unblemished;
- (d) Service as a mariner is the sole means of support for himself and his family.

Modification of the Examiner's order is sought for some indefinite probationary period.

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

#### *FINDINGS OF FACT*

On 23 November, 1949, Appellant was serving as "utility" on the American SS AMERICAN TRAVELLER under authority of Merchant Mariner's Document No. Z-573145. When leaving said vessel at Pier 74, North River, New York, Appellant was intercepted by a Customs Port Patrol Officer and questioned respecting his possession of dutiable or unmanifested merchandise, Appellant denied having possession of such commodities but search by the Customs officer discovered a quantity of marijuana on Appellant's person and in Appellant's quarters.

*OPINION*

Appellant's own testimony (R.p.5) is sufficient to satisfy me he is undesirable as a seaman in the American merchant marine. The Examiner has very aptly stated the policy of the Coast Guard on this particular subject.

*CONCLUSION*

I have given full consideration to the several questions raised by this appeal but find no reason to disturb the Order entered by the Examiner at New York on 12 December, 1949, and said Order is AFFIRMED.

Merlin O'Neill  
Vice Admiral, United States Coast Guard  
Commandant

Dated at Washington, D. C., this 7th day of *March*, 1950.

\*\*\*\*\* END OF DECISION NO. 426 \*\*\*\*\*

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