

In the Matter of Merchant Mariner's Document NO. Z-573754
Issued to: WILLIAM H. BROWN

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

502

WILLIAM H. BROWN

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 18 April, 1951, an Examiner of the United States Coast Guard at Houston, Texas, revoked Merchant Mariner's Document No. Z-573754 issued to William H. Brown upon finding him guilty of misconduct based upon one specification alleging in substance that while serving as oiler on board the American SS SUNION under authority of the document above described, on or about 9 April, 1951, while said vessel was in the port of Houston, Texas, he had in his possession certain narcotics, to wit, marijuana.

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 "not guilty" to the charge and specification because, although it was his, at the time stated, the Captain had taken possession of the marijuana.

Thereupon, the Investigating Officer made his opening statement and introduced in evidence a certified copy of an excerpt from the official log of the SS SUNION; copy of a complaint in the United States District Court for the Southern District of Texas against Appellant; and a Commissioner's Final Commitment dated 10 April, 1951.

In defense, Appellant offered his unsworn statement explaining his possession of the marijuana.

At the conclusion of the hearing, the Examiner announced his findings and concluded that the charge had been proved by plea admitting possession of the marijuana, and entered the order revoking Appellant's Merchant Mariner's Document No. Z-573754 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:

1. Appellant is not a user of narcotics;
2. The amount of narcotics involved here is infinitesimal;
3. At the time of acquisition, Appellant was not capable of realizing the effect of its possession until too late to destroy it;
4. In view of Appellant's clear record as a seaman, clemency should be granted.

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

FINDINGS OF FACT

On 9 April, 1951, Appellant was serving as oiler on board the American SS SUNION and acting under authority of his Merchant Mariner's Document No. Z-573754.

Said vessel was then in the port of Houston, Texas; and Appellant admittedly had in his possession certain narcotics, to wit, marijuana.

OPINION

Seamen in the American merchant marine who have any association with marijuana are undesirable in that service. That association establishes a risk to passengers, shipmates and shipowners which the Coast Guard has a mandate from Congress to prevent.

I have carefully considered the several points raised by this appeal, but find no reason presented for my interference with the Examiner's Order.

ORDER

The Examiner's Order dated Houston, Texas, on 18 April, 1951, is *AFFIRMED*.

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

Dated at Washington, D.C., this *15th* day of *June*, 1951.

***** END OF DECISION NO. 502 *****

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