

In the Matter of Merchant Mariner's Document No. Z-810069
Issued to: IVAN B. FELTS, JR.

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

548

IVAN B. FELTS, JR.

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 10 September, 1951, an Examiner of the United States Coast Guard at Honolulu, T. H., revoked Merchant Mariner's Document No. Z-810069 issued to Ivan B. Felts, Jr., upon finding him guilty of misconduct based upon a specification alleging in substance that while serving as fireman-watertender on board the American SS CLYDE L. SEAVEY under authority of the document above described, on or about 17 August, 1951, while said vessel was at sea, he wrongfully had in his possession a quantity of narcotic drugs; to wit, marijuana. Appellant was tried jointly with two other seamen who were charged with similar specifications.

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 "guilty" to the charge and specification proffered against him.

Thereupon, the Investigating Officer and Appellant made their opening statements. The Customs Agent in Charge testified in mitigation in behalf of the person charged stating that the three men had acquired the marijuana because of the easy access to it in India and due to curiosity arising from the recent publicity in the United States about marijuana. He added that the men had not intended to smuggle it into the United States but to use it aboard ship; and that since these men are first offenders who are not likely to be repeaters, they should not be deprived of their livelihood at sea.

At the conclusion of the hearing, the Examiner announced his findings and concluded that the charge had been proved by plea. He then entered the order revoking Appellant's Merchant Mariner's Document No. Z-810069 and all other licenses, certificates of service and documents issued to this Appellant by the United States Coast Guard or its predecessor authority.

This appeal is a request for clemency based upon Appellant's prior good record, his promise never to commit the offense again and his desire to sail in order to prove that he has learned his lesson. Appellant also states that although he has not been deprived of his livelihood by the loss of his document, he believes that the other two seamen involved have no means of making a living except by sailing.

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

FINDINGS OF FACT

On 17 August, 1951, Appellant was serving as fireman-watertender on board the American SS CLYDE L. SEAVEY and acting under authority of his Merchant Mariner's Document No. Z-810069 while the ship was at sea prior to entering the port of Honolulu.

On this date during a routine search of the vessel for contraband, a quantity of bulk or flaked marijuana (which is commonly known as hashish in this form) was found among Appellant's possessions. Appellant admitted ownership and stated that he had

purchased the substance from a native peddler aboard ship while in Calcutta, India.

OPINION

Despite Appellant's apparently sincere desire to prove that he would never again use narcotics if permitted to sail on American merchant marine vessels, I do not feel that the Coast Guard's stringent policy of revocation for narcotics offenses should be relaxed in this case. For reasons stated in the companion cases (Headquarters Appeals Nos. 542 and 543), as well as in numerous other appeal decisions, any association with narcotics aboard American ships is considered to be such a serious offense, because of the potential danger to the ship and all persons aboard her, that revocation of seamen's documents for such offenses is the only suitable means of attempting to remove this unnecessary hazard from the lives of seamen while they are pursuing their occupation.

ORDER

The Order of the Examiner dated 10 September, 1951, should be, and it is, AFFIRMED.

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

Dated at Washington, D. C., this 4th day of January, 1952.

***** END OF DECISION NO. 548 *****

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