

In the Matter of Merchant Mariner's Document No. Z-589010
Issued to: LUIS VASQUEZ

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

664

LUIS VASQUEZ

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 February, 1953, an Examiner of the United States Coast Guard at New York, N.Y., revoked Merchant Mariner's Document No. Z-589010 issued to Luis Vasquez upon finding him guilty of misconduct based upon one specification alleging in substance that while serving as crew porter on board the American SS INDEPENDENCE under authority of the document above described, on or about 26 January, 1953, while said vessel was in the port of New York, he wrongfully had in his possession a narcotic substance, 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 and offered an adjournment for the purpose of securing legal or other assistance, 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 made an opening statement outlining the circumstances attending the discovery of marijuana in Appellant's possession on board the vessel. A report from Customs laboratory was received in evidence identifying the sample as 13 grains (net) marijuana taken from this Appellant.

In defense, Appellant offered in evidence a statement explaining his acquisition of the marijuana.

At the conclusion of the hearing, having given both parties an opportunity to submit proposed findings and conclusions, the Examiner announced his findings and concluded that the charge had been proved by plea and entered the order revoking Appellant's Merchant Mariner's Document No. Z-589010 and all other licenses, certificates of service and documents issued to this Appellant.

From that order, this appeal has been taken, and is urged:

1. Appellant did not know that hashish (which he bought) is of the marijuana family;
2. He has been in the United States approximately eight years, and a seaman for over five years;
3. In view of his previous good record with the Coast Guard, the punishment is excessive.

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

FINDINGS OF FACT

On 26 January, 1953, Appellant was serving as crew porter on board the American SS INDEPENDENCE and acting under authority of his Merchant Mariner's Document No. Z-589010 while said vessel was in the port of New York.

During a search of the vessel by Customs officers, an quantity of marijuana was discovered in his personal effects. Appellant admitted having bought the substance as "hashish" in Genoa, and

insisted he did not know it as marijuana.

OPINION AND ORDER

The Examiner's Findings and Opinion satisfactorily state the position of the Coast Guard in matters involving narcotics; and I have nothing to add to what he has said.

No reason is presented on this appeal for my interference with the Examiner's Order dated at New York, N.Y., on 18 February, 1953, and that Order is AFFIRMED.

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

Dated at Washington, D. C., this 12th day of June, 1953.

***** END OF DECISION NO. 664 *****

[Top](#)