

In the Matter of Merchant Mariner's Document No: Z-63547  
Issued to: JOHN COLON

DECISION AND FINAL ORDER OF THE COMMANDANT  
UNITED STATES COAST GUARD

475

JOHN COLON

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 16 August, 1950 an Examiner of the United States Coast Guard at New York, New York, revoked Merchant Mariner's Document No. Z-63547, issued to John Colon upon finding him guilty of "misconduct" based upon one specification alleging in substance, that while serving as pantry utilityman on the American S.S. AFRICAN ENTERPRISE under authority of the document above described, on or about 8 July, 1950 he wrongfully had in his possession certain narcotics, to wit, marijuana.

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 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 advised the Examiner of the facts attending the case, and Appellant frankly admitting his

wrongdoing asked clemency because his two children and mother will suffer if he is denied the right to go to sea.

At the conclusion of the hearing, the Examiner found the charge "proved" by plea and entered an order revoking Merchant Mariner's Document No. Z-63547 and all other documents, certificates and/or licenses issued to Appellant.

From that order, this appeal has been taken, and it is urged that innocent persons must suffer unless Appellant is permitted to follow his vocation as a merchant seaman.

Based upon my examination of the Record submitted, I hereby adopt as my own, the Examiner's

#### *FINDINGS OF FACT*

- "1. That on 8 July, 1950 John Colon was serving as pantry utility on board a merchant vessel of the United States, the SS AFRICAN ENTERPRISE under authority of his duly issued merchant mariner's document.
- "2. That on said date the person charged had in his locker aboard said vessel several sticks of marijuana.
- "3. That when a search of his quarters was made he voluntarily surrendered this marijuana to the searching party in his forecastle, which party included the executive officer of said vessel.
- "4. That on 8 July, 1950 the person charged wrongfully had in his possession aboard said vessel certain narcotics, to wit, marijuana."

#### *OPINION*

For two years I have personally tried to impress seamen in the American Merchant Marine that persons who use, possess or otherwise traffic in marijuana are unsafe and undesirable in this service. Their own lives, and those of their shipmates are endangered by presence of the marijuana on vessels; and the property entrusted to their care is also imperiled.

I sincerely regret that innocent persons may suffer in any

case; but Appellant knew or should have known the consequences which would follow his apprehension with marijuana in his possession.

*ORDER*

The Order of the Examiner dated New York, N.Y., on 16 August, 1950 is AFFIRMED.

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

Dated at Washington, D.C., this 30th day of November, 1950.

\*\*\*\*\* END OF DECISION NO. 475 \*\*\*\*\*

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