

In the Matter of Merchant Mariner's Document No. Z-853614-D4
Issued to: GORDON WESLEY ROCKWELL

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

589

GORDON WESLEY ROCKWELL

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 25 March, 1952, an Examiner of the United States Coast Guard at New York City revoked Merchant Mariner's Document No. Z-853614-D4 issued to Gordon Wesley Rockwell upon finding him guilty of misconduct based upon a specification alleging in substance that while serving as able seaman on board the American SS MORAZAN under authority of the document above described, on or about 24 June, 1951, he wrongfully had in his possession at Cristobal, C.Z., 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, 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 informed the Examiner of

the circumstances which eventuated in this proceeding; and Appellant undertook to justify his possession of the small quantity of marijuana, because it was for his own use - and "the stuff doesn't bother me."

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-853614-D4 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 among other grounds, the decision is

1. Excessive, burdensome, cruel, in violation of Appellant's constitutional rights;
2. Not commensurate with the charge and findings made;
3. Contrary to the facts in that Appellant was merely in possession of a small quantity of marijuana without any intent to sell or dispose of same and without knowledge of its detrimental effects;
4. Onerous because Appellant has served his country honorably and well as a member of the naval forces in World War II.

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

FINDINGS OF FACT

On 24 June, 1951, Appellant was serving as able seaman on board the American SS MORAZAN and acting under authority of his duly issued Merchant Mariner's Document herein described.

While returning from shore leave in Cristobal, Canal Zone, Appellant was apprehended at the pier by Canal Zone authorities and found to have concealed on his person several small packets of marijuana.

OPINION

The position of the Coast Guard toward merchant seamen who use, possess or otherwise have association with marijuana, narcotics and drugs has been stated too often to warrant reiteration in this case.

While appreciative of Appellant's service to his country during the War, the fact remains that by his use of narcotics or drugs he was laying a firm foundation for *disservice* to his country as a merchant seaman. His use of marijuana exposed himself, his shipmates and his ship to disaster readily comparable to enemy action.

CONCLUSION

I have repeatedly held that merchant seamen who become involved with narcotics are undesirable and I find no reason to disturb the Examiner's action.

ORDER

The Examiner's Order dated New York, New York, on 25 March, 1952, is AFFIRMED.

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

Dated at Washington, D. C., this 9th day of July, 1952.

***** END OF DECISION NO. 589 *****

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