

In the Matter of Merchant Mariner's Document No. Z-904719
Issued to: SAMUEL JAMES WILLIAMS

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

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SAMUEL JAMES WILLIAMS

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 21 November, 1952, an Examiner of the United States Coast Guard at New York City revoked Merchant Mariner's Document No. Z-904719 issued to Samuel James Williams upon finding him guilty of misconduct based upon a specification alleging in substance that while serving as messman on board the American SS ALAMAR under authority of the document above described, on or about 30 May, 1951, while said vessel was in the port of Long Beach, California, he wrongfully had in his possession a narcotic; namely, nine marijuana cigarettes.

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 made his opening statement and the person charged declined to make any statement other than to admit the facts as stated by the Investigating Officer.

At the conclusion of the hearing, having given both parties an opportunity to submit argument and proposed findings and conclusions, 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-904719 and all other licenses, certificates of service and documents issued to this Appellant.

From that order, this appeal has been taken, and it is urged that clemency be granted because of financial hardship and the fact that Appellant has been going to sea for five years as a livelihood. Appellant states that he does not habitually smoke marijuana cigarettes and he would not have had them in his possession if he had known the trouble they could cause.

FINDINGS OF FACT

On 30 May, 1951, Appellant was serving as messman on board the American SS ALAMAR and acting under authority of his Merchant Mariner's Document No. Z-904719 while the ship was in the port of Long Beach, California.

On this date, Appellant was stopped by two Port Patrol Officers after he left the ship. When asked if he had anything to declare, Appellant replied in the negative. Appellant was then searched and nine marijuana cigarettes were found in his right hip pocket. Appellant knew these cigarettes were on his person and that they contained marijuana.

On 9 July, 1951, Appellant was convicted, on his plea of guilty, in the United States District Court for the Southern District of California, Central Division, for unlawful possession of marijuana. He was sentenced to ninety days' imprisonment.

OPINION

Clemency will not be granted in any case where a seaman has been found guilty of a narcotics offense. This has been the unwavering policy of the Coast Guard because of the danger created by the presence of narcotics aboard ship. Such an offense is one of the most serious abuses of the privilege to sail on American merchant vessels and shall be dealt with by revocation of a seaman's documents despite personal hardship or other circumstances.

ORDER

The order of the Examiner dated at New York, New York, on 21 November, 1952, is AFFIRMED.

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

Dated at Washington, D. C., this 2nd day of April, 1953.

***** END OF DECISION NO. 643 *****

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