

In the Matter of Merchant Mariner's Document No. Z-459855-D
Issued to: LEO BRUCE

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

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LEO BRUCE

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 1 November 1949 an Examiner of the United States Coast Guard at New York, N.Y. revoked Merchant Mariner's Document No. Z-459855 D issued to Leo Bruce upon finding him guilty of "misconduct" based upon one specification alleging in substance, that while serving under authority of the document above described, on or about 31 October 1949 as Porter on the American merchant vessel URUGUAY, he wrongfully had in his possession a quantity of marijuana, to wit, 5 cigarettes; said vessel then being in the port of New York.

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 voluntarily waived that right and entered a plea of "guilty" to the charge and specification.

Thereupon, the Investigating Officer advised the Examiner of the circumstances attending Appellant's apprehension by a Customs officer.

In defense, Appellant offered an explanation of his possession of the cigarettes.

At the conclusion of the hearing, having heard the statements of the Investigating Officer and Appellant, the Examiner found the charge "proved" by plea and entered an order revoking said Merchant Mariner's Document together with all other documents or certificates held by Appellant.

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

- (a) The order of revocation is too severe as it deprives Appellant of a livelihood;
- (b) His wife and expected child will suffer if made effective;
- (c) Consideration should be given the fact that Appellant has been a seaman since 1943 and has never had trouble before this occasion; and
- (d) Appellant will not again require relief from marijuana, as his condition, resulting from prize-fighting has been corrected.

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

FINDINGS OF FACT

On 31 October 1949, Appellant was serving as Porter on the American S.S. URUGUAY, under authority of his duly issued Merchant Mariner's Document No. Z-459 855-D.

On that date, said vessel was in the port of New York; a Customs officer searched Appellant on board the vessel and found five (5) marijuana cigarettes on Appellant's person.

Appellant had purchased six (6) cigarettes containing marijuana at Rio do Janeiro, Brazil, for his own use. He has been using marijuana for five (5) years; purportedly to correct a physical condition resultant from prize-fighting.

OPINION

I have carefully considered all the points raised by this appeal, but find no reason to disturb the Examiner's order.

As I have so often remarked, persons who participate in the traffic of marijuana (and particularly the users thereof) are undesirable for service in the American Merchant Marine. The Coast Guard has a duty to protect lives and property at sea; that duty is not discharged if users of marijuana are permitted to sail and potentially endanger their own lives as well as the lives of their shipmates.

CONCLUSION

The charge and specification are proved.

ORDER

The Order of the Examiner dated at New York on 1 November 1949 is AFFIRMED.

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

Dated at Washington, D. C., this 12th day of January, 1950.