

In the Matter of Merchant Mariner's Document No. Z-340810-D2
Issued to: CASWELL EDWARD WARREN

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

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CASWELL EDWARD WARREN

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 July, 1952, an Examiner of the United States Coast Guard at New Orleans Louisiana, revoked Merchant Mariner's Document No. Z-340810-D2 issued to Caswell Edward Warren upon finding him guilty of misconduct based upon two specifications alleging in substance that while serving as Utility on board the American SS STEEL ROVER under authority of the document above described, (1) on or about 27 April, 1952, while said vessel was in the port of Kosi Chang, Siam, he wrongfully had in his possession aboard said vessel, a quantity of marijuana; and (2) between 20 May and 9 June, 1952, while said vessel was in Calcutta, India, he smoked a stick of marijuana while ashore.

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 each specification proffered against him.

Thereupon, the Investigating Officer made a statement of the circumstances attending the case, with which statement Appellant agreed.

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-340810-D2 and all other valid licenses, certificates of service and documents held by this Appellant.

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

"The work that I have done in the Merchant Marines is the only kind of work I know, and I need employment. Also my wife, and child, five years, are in a foreign port, Devonshire West, Hamilton, Bermuda, and I need my papers

to get there."

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

FINDINGS OF FACT

On 27 April, and between 20 May and 9 June, 1952, Appellant was serving as Utility on board the American SS STEEL ROVER and acting under authority of his Merchant Mariner's Document No. Z-340810-D2.

While ashore at Kosi Chang on 27 April, 1952, Appellant was persuaded by a launch operator to take a brief case containing marijuana to his vessel. He claims to have given three packs of cigarettes for this marijuana; and to have immediately disposed of the brief bag's contents overboard after he returned to the vessel.

In Calcutta, India, between 20 May and 9 June, 1952, Appellant smoked marijuana while ashore at the instance of a shipmate.

OPINION

Appellant recognized marijuana in each of its usable forms. Yet he acquired some by purchase in one form, and actually used some in another form.

The Examiner has stated the policy of the Coast Guard in his opinion; and I have nothing to add to that statement.

There are facts present that under other circumstances would entitle Appellant to less stringent action by the Coast Guard; but involvement in the use or traffic with narcotics permits no deviation from the policy announced by the Examiner which is designed to protect lives and property at sea.

Appellant will undoubtedly find other means of returning to his family abroad without using Coast Guard documents.

ORDER

The Order of the Examiner dated New Orleans, Louisiana, on 21 July, 1952, ~~A~~**AFFIRMED**.

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

Dated at Washington, D. C., this 3rd day of September, 1952.