

In the Matter of Merchant Mariner's Document No. Z-487234-D2
Issued to: JEROME S. DeVEAUX

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

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JEROME S. DeVEAUX

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 23 December, 1952, an Examiner of the United States Coast Guard at San Francisco, California, revoked Merchant Mariner's Document No. Z-487234-D2 issued to Jerome S. DeVeaux upon finding him guilty of misconduct based upon a specification alleging in substance that while serving as Second Cook on board the American SS PRESIDENT VAN BUREN under authority of the document above described, on or about 29 September, 1952, while said vessel was in the port of San Francisco, California, he wrongfully had in his possession a quantity of narcotics; 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 and Appellant made their opening statements. Appellant stated that he is not addicted to dope and he "was just going to try it out."

The Investigating Officer introduced in evidence certified copies of the Complaint, and the Judgment and Commitment, against Appellant in the Superior Court of the State of California in and for the City and County of San Francisco. Appellant had been convicted on a plea of guilty to the charge of possessing marijuana on or about 29 September, 1952; and he was sentenced to imprisonment for a period of ninety days.

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-487234-D2.

From that order, this appeal has been taken, and it is urged that Appellant has had no trouble during nine years at sea which is

the only livelihood he knows; the marijuana was given to him for the first time at a party before the ship arrived at San Francisco; Appellant was not smuggling the marijuana nor is he an addict; and the decision is too severe since Appellant has been punished by the State of California.

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

FINDINGS OF FACT

On 29 September, 1952, Appellant was serving as Second Cook on board the American SS PRESIDENT VAN BUREN and acting under authority of his Merchant Mariner's Document No. Z-487234-D2 while the ship was at San Francisco, California.

On this date, a U. S. Customs Officer apprehended Appellant with a quantity of marijuana in his possession. At that time, Appellant admitted having smoked marijuana for a period of four months.

OPINION

In view of the policy of the Coast Guard to revoke the documents of a seaman who has been found guilty of any offense involving marijuana or other narcotic drugs, there is no merit in the points raised on appeal. This policy applies whether the offense proved was based upon an isolated incident or a more extensive association with narcotics.

The penal sentence imposed by the California court does not serve the purpose of this remedial action which is primarily to protect lives and property at sea against unnecessary hazards resulting from the conduct of the seamen who man the ships.

ORDER

The order of the Examiner dated at San Francisco, California, on 23 December 1952, is ~~REVERSED~~ **AFFIRMED**.

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

Dated at Washington, D. C., this 1st day of June, 1953.