

In the Matter of Merchant Mariner's Document No. Z-865245
Issued to: CLIFFORD MOTHLY

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

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CLIFFORD MOTHLY

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 August, 1954, an Examiner of the United States Coast Guard at New Orleans, Louisiana, revoked Merchant Mariner's Document Z-865245 issued to Clifford Monthly upon finding him guilty of misconduct based upon a specification alleging in substance that while serving as a messman on board the American SS JAMAICA under authority of the document above describe, on or about 23 August, 1954, while said vessel was in the port of New Orleans, Louisiana, he wrongfully had a quantity of marijuana in his possession.

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 counsel 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 Appellant stated that he had nothing to say.

The Examiner announced his findings and concluded that the charge had been proved by plea to the specification. He then entered the order revoking Appellant's Merchant Mariner's Document No. Z-865245 and all other licenses, certificates 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 that Appellant has been sailing for 8 Year without trouble; he has four children to support; he has smoked marijuana at sea but has never brought any into this country; and there is no proof that the quantity in Appellant's possession constituted an immediate hazard.

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

FINDINGS OF FACT

On 23 August, 1954, Appellant was serving as a messman on board the American SS JAMAICA and acting under authority of his Merchant Mariner's Document No. Z-865245 while the ship was at New Orleans, Louisiana.

During a routine search of the ship by the U. S. Customs authorities on this date, two marijuana cigarettes were found in Appellant's clothing. Each of the two cigarettes contained three grains. Appellant admitted having purchased five marijuana cigarettes in Havana, Cuba, and stated that he had smoked the other three cigarettes.

OPINION

The seriousness of offenses involving narcotics is based upon the vicious and irrational conduct which often results from the use of marijuana or other narcotics. Such behavior has been known to result from the use of less than two cigarettes and presents a grave threat to life and property on board ship. The danger is greatest when the ship is at sea rather than in port.

For the above reasons, Appellant's contentions on appeal cannot prevail despite his prior good record and the personal hardship involved. Revocation is the only appropriate order in such cases.

ORDER

The order of the Examiner dated at New Orleans, Louisiana, on 23 August, 1954, is ~~AFFIRMED~~ **AFFIRMED**.

A. C. Richmond
Vice Admiral, United States Coast Guard
Commandant

Dated at Washington, D. C., this 22nd day of December, 1954