

In the Matter of Merchant Mariner's Document No. Z-110048
Issued to: JOHN WON CHIN PARK

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

424

JOHN WON CHIN PARK

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 10 January, 1950, an Examiner of the United States Coast Guard at Baltimore, Maryland, revoked Merchant Mariner's Document No. Z-110048 issued to John Won Chin Park upon finding him guilty of "misconduct" based upon a specification alleging in substance, that while serving as a wiper on board the American SS CELESTIAL, under authority of the document described, on or about 19 March, 1948, he unlawfully had in his possession a quantity of marijuana cigarettes.

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 elected to waive that right and act as his own counsel. He entered a plea of "guilty" to the charge and specification.

Thereupon, the Investigating Officer introduced three documentary exhibits including a certified copy of the record of

the judgment of conviction of Appellant, in the District Court of the United States for the District of Massachusetts, for violation of Title 26 United States Code 2590(a) and 2593(a).

In defense, Appellant requested leniency in imposing the order. He stated that he has had no association with narcotics since the time of his conviction in 1948.

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 Merchant Mariner's Document No. Z-110048 and all valid licenses and certificates held by Appellant.

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

1. It was never Appellant's intention to traffic in marijuana;
2. Appellant has never been addicted to narcotics;
3. Appellant's record is otherwise unblemished;
4. Appellant will never again be involved with narcotics.

As a part of his appeal, Appellant submitted a letter of recommendation from the Catholic Information Center in Baltimore, Maryland, attesting to his honesty, sincerity and trustworthiness.

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

FINDINGS OF FACT

On 18 March, 1948, Appellant was serving as a wiper on board the American SS CELESTIAL, acting under authority of his Merchant Mariner's Document No. Z-110048. On this date, he was apprehended at Boston, Massachusetts, with 57 cigarettes in his possession comprising about 319 grains of marijuana. Upon being tried in the U. S. District Court for the District of Massachusetts, Appellant was convicted and sentenced to one year and one day. The sentence was suspended and he was placed on probation for two years.

OPINION

It has been consistently stated in my decisions that persons apprehended having possession of marijuana or other narcotics are undesirable as seamen in the American merchant marine. This is a policy designed not to punish the individual offender but to protect lives and property within the mandate of Congress addressed to that purpose as revealed in 46 United States Code 239 (R.S. 4450), as amended. Within this policy, the intent of the possessor of marijuana is unimportant on the question of misconduct.

CONCLUSION

Since Appellant unlawfully and wrongfully had marijuana in his possession, the order of revocation will be upheld despite Appellant's prior clear record.

ORDER

The order of the Examiner dated 10 January, 1950, should be, and it is, AFFIRMED.

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

Dated at Washington, C. C., this 16th day of March, 1950.

***** END OF DECISION NO. 424 *****

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