

In the Matter of Merchant Mariner's Document No: Z-684819
Issued to: GEORGE W. COOPER

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

465

GEORGE W. COOPER

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 21 August 1950 an Examiner of the United States Coast Guard at New York, N.Y., revoked Merchant Mariner's Document No. Z-684819, issued to George W. Cooper, upon finding him guilty of "misconduct" based upon one specification alleging in substance, that while serving as messman on the American S.S. AFRICAN ENDEAVOR, under authority of the document above described, on or about 18 August 1950, while the vessel was at a domestic port, Appellant wrongfully had in his possession a certain narcotic substance, to wit, marijuana.

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 stated the circumstances

attending Appellant's apprehension with the marijuana in his possession. Appellant admitted possession of the marijuana.

At the conclusion of the hearing, the Examiner found the charge "proved" by plea and entered an order revoking Merchant Mariner's Document No. Z-684819, and all other documents, certificates and/or licenses issued by the United States Coast Guard or its predecessor authority to George W. Cooper.

From that order, this appeal has been taken, and it is contended the Order of the Examiner is too severe, considering Appellant's prior good record.

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

FINDINGS OF FACT

On 18 August 1950, while Appellant was serving as messman on the American S.S. AFRICAN ENDEAVOR (then at Brooklyn, N.Y.) under authority of his duly issued Merchant Mariner's Document No. Z-684819, he had in his possession two small packages of marijuana.

OPINION

For the purpose of this decision, I adopt the Examiner's Opinion: "The purpose of these proceedings is not to punish any individual. It is to protect crew members and the security of the vessel itself. On numerous occasions individuals under the influence of narcotics have committed acts of violence or extreme incompetence which have endangered not only the vessel and themselves but the passengers and crew members. It has been found that individuals who engage in the possession, transportation, or use of narcotics are a hazard to others engaged in the maritime profession and who are associated with them. For these reasons they are considered undesirable. "The person charged states he used it only by himself. He contends that this didn't harm him or disturb others. This is not true. The potential danger existed even though it did not materialize. People under the influence of narcotics perform acts they ordinarily would not do."

CONCLUSION

I find no good reason for intervening in this case.

ORDER

The Order of the Examiner dated at New York, N.Y., on 21 August 1950, is AFFIRMED.

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

Dated at Washington, D.C. this 4th day of October, 1950.

***** END OF DECISION NO. 465 *****

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