

In The Matter Of Merchant Mariner's Document No. 667448
Issued to: SERAFIN MORRIS, JR.

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

468

SERAFIN MORRIS, JR.

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 August, 1950, an Examiner of the United States Coast Guard at Philadelphia, Pennsylvania, revoked Merchant Mariner's Document No. 667448 issued to Serafin Morris, Jr. upon finding him guilty of "misconduct" based upon one specification alleging in substance, that while serving as Wiper on the American SS CELESTIAL, under authority of the document above described, on or about 19 March, 1948, he unlawfully had in his possession certain narcotics, to wit: 319 grains of 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 voluntarily 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 informed the Examiner of the circumstances attending Appellant's apprehension and indictment

before the United States District Court for the District of Massachusetts.

In defense, Appellant admitted having acquired the marijuana in South America to learn whether the stories told about it were true. He did not become addicted to its use, and has not smoked marijuana since March, 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 and all other valid licenses or certificates of service held by Appellant.

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

1. Appellant was very young when this offense was committed;
2. His subsequent record is unblemished, except for an admonition;
3. He has a mother and sister to support; and
4. He expressly wishes to continue going to sea.

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

FINDINGS OF FACT

On 19 March, 1948, Appellant was serving as Wiper on the American SS CELESTIAL; and was apprehended with 319 grains of narcotics (marijuana) in his possession.

OPINION

I entirely agree with the Examiner (Rec. p.5) where he says, in part:

"The (Coast Guard) policy is such because they have had such serious cases arise as a result of the use of marijuana. * * * it drives some men crazy; and one case I know of, a man almost killed a friend of his, and he didn't know he did it. It's the sort of thing that just can't be tolerated on

shipboard for the safety of the personnel and of the ship. And it's to discourage and absolutely wipe out the possession and use of marijuana on American ships that this policy is so severe."

Appellant's own description of his reaction to the narcotic is informative:

"Well, it made me feel pretty good - made me see things like - for instance, going aboard the ship you look out in the ocean, you think the water's green - it's just like grass - that's all."

CONCLUSION AND ORDER

No good reason appears in the Record or on this appeal for my interference with the Examiner's Order dated at Philadelphia, Pennsylvania, on 10 August, 1950, and said Order 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. 468 *****

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