

In the Matter of Merchant Mariner's Document No. Z-690143
Issued to: CLIFTON A. BLAKE

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

486

CLIFTON A. BLAKE

This appeal comes before me by virtue of Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations 137.11-1.

On 7 December, 1950, an Examiner of the United States Coast Guard at Seattle, Washington, revoked Merchant Mariner's Document No. Z-690143 issued to Clifton A. Blake upon finding him guilty of "misconduct" based upon a specification alleging that while serving as assistant cook on board the American S.S. GREEN MOUNTAIN STATE, under authority of the document above described, on or about 1 June, 1950, he illegally had marijuana in his possession while said vessel was at a foreign port.

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 made his opening statement and Appellant made a statement in his own behalf.

At the conclusion of the hearing the Examiner found the specification and charge "proved by plea" and entered an order revoking Appellant's Merchant Mariner's Document No. Z-690143.

From that order, this appeal has been taken and it is urged that the order imposed by the Examiner was too harsh because of Appellant's lack of knowledge of the effects of marijuana; Appellant had not used the marijuana; and it was his first offense of any kind.

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

FINDINGS OF FACT

On 1 June, 1950, Appellant was serving as assistant cook on board the American S.S. GREEN MOUNTAIN STATE, under authority of Merchant Mariner's Document No. Z-690143, while said vessel was at Yokohama, Japan. On this date, Appellant departed from the ship and was apprehended at the gate of the dock. A quantity of marijuana was found on his person and a search of his quarters aboard the ship disclosed more of the same narcotic. Appellant had obtained the marijuana from one of his shipmates and intended to smoke it while ashore in order to satisfy his curiosity. He was tried by the Yokohama Provost Court on 7 July, 1950, and sentenced to one month and fifteen days' confinement. Appellant was later repatriated on the S.S. COTTON STATE which arrived on 4 December at Seattle, Washington.

Appellant has no prior disciplinary record as a seaman on American merchant vessels. He is twenty-four years of age, married, and has been going to sea for approximately six years.

OPINION

It has been repeatedly stated in my decisions in narcotics cases that the offense of any type of association with narcotics is considered to be an extremely serious offense and one for which the only suitable sanction is the maximum order of revocation of all the seaman's documents. It is a privilege to be permitted to sail

on American merchant vessels and such an abuse of this privilege does not merit a second chance for the offender.

Whether Appellant actually smoked any of the marijuana while on board the ship is of little significance since the statutory duty of the Coast Guard is to protect lives and property against potential as well as actual dangers. While Appellant had the substance in his possession aboard the vessel, there was at all times the possibility that he or one of his shipmates would use it. And the main danger of marijuana lies in the fact that even one cigarette might upset a person so completely that he is unable to recognize the difference between right and wrong. Consequently, users of marijuana often commit vicious assaults on others and destroy property without the slightest reason or provocation for such conduct. Ignorance of these disastrous possibilities is not a sufficient basis for the granting of clemency in these cases.

ORDER

The Order of the Examiner dated 7 December, 1950, should be, and it is, AFFIRMED.

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

Dated at Washington, D.C., this 25th day of January, 1951.

***** END OF DECISION NO. 486 *****

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