

In the Matter of Merchant Mariner's Document No. Z-822902
Issued to: EDUARDO GONZALEZ

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

488

EDUARDO GONZALEZ

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations 137.11-1.

On 9 November, 1950, an Examiner of the United States Coast Guard at Jacksonville, Florida, revoked Merchant Mariner's Document No. Z-822902 issued to Eduardo Gonzalez upon finding him guilty of misconduct based upon a specification alleging in substance that while serving as a wiper on board the American S.S.FLORIDA, under authority of the document above described, on or about 31 October, 1950, he wrongfully had in his possession approximately 42.7 grains of marijuana.

At the hearing, Appellant was given a full explanation of the nature of the proceedings, the seriousness of the alleged offense and the possible consequences. Although advised of his right to be represented by counsel of his own choice, Appellant elected to voluntarily reject that right and act as his own counsel. He entered a plea of "guilty" to the charge and specification.

The Investigating Officer then made his opening statement and Appellant made a statement, under oath, explaining that he

sometimes smoked marijuana cigarettes on board the ship when he was nervous and not feeling well.

After both parties had waived their right to submit arguments, findings and conclusions, the Examiner found the specification "proved by plea" and the charge "proved" by proof of the specification. He thereupon entered an order revoking Merchant Mariner's Document No. Z-822902 and all other certificates and documents issued to Appellant by the U.S.Coast Guard or its predecessor authority.

On appeal, it is stated that Appellant used marijuana, during the past two years, for his own health while he was not on duty aboard ship. Appellant requests clemency based on his otherwise satisfactory conduct as a seaman for almost four and a half years until the date of the offense alleged herein. It is pointed out that Appellant was tried in the Federal Court and sentenced to six months' imprisonment on 8 November, 1950, and presently is in custody at the Federal Correctional Institution at Tallahassee, Florida.

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

FINDINGS OF FACT

On 31 October, 1950, Appellant was acting under authority of his Merchant Mariner's Document No. Z-822902 while serving as a wiper on board the American S.S. FLORIDA. On this date, it was discovered that Appellant had approximately 42.7 grains of marijuana in his possession on board the FLORIDA.

OPINION

My review of the record discloses no adequate reason for mitigating the order imposed by the Examiner. Assuming that Appellant did not traffic in marijuana but merely possessed it for his own use, he is still considered to be an extremely serious threat to the safety of seafaring men and property. It is difficult to keep such practices secret in the confined spaces of a vessel at sea and, quite possibly, one of Appellant's shipmates would sooner or later sample Appellant's marijuana cigarettes and run amuck. Or Appellant himself might become so affected by this

narcotic that he would become a dangerous individual.

One marijuana cigarette has been known to change a normal person into an irresponsible force of destruction. It is also a known fact that the use of marijuana often leads to the use of more potent narcotics such as morphine and heroin. It has been conclusively proven that the use of marijuana is morally degrading and that it has no value as a medicate. The natural hazards of the sea are too abundant to tolerate the existence of such artificially created dangers as the use of narcotics.

ORDER

The Order of the Examiner, dated 9 November, 1950, should be, and it is AFFIRMED.

A. C. Richmond
Rear Admiral, United States Coast Guard
Acting Commandant

Dated at Washington, D.C., this 23rd day of February, 1951.

***** END OF DECISION NO. 488 *****

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