

In the Matter of Merchant Mariner's Document No. Z-403032
Issued to: JAMES W. McCLELLAND

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

522

JAMES W. McCLELLAND

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

On 17 July, 1951, an Examiner of the United States Coast Guard at New York City revoked Merchant Mariner's Document No. Z-403032 issued to James W. McClelland upon finding him guilty of misconduct based upon a specification alleging in substance that while serving as Junior Engineer on board the American SS SANTA PAULA under authority of the document above described, on or about 22 June, 1951, while said vessel was at Hoboken, New Jersey, he wrongfully had in his possession about three ounces of marijuana.

At the hearing, Appellant was given a full explanation of the nature of the proceedings, the rights to which he was entitled and the possible results of the hearing. Although advised of his right to be represented by an attorney of his own selection, Appellant voluntarily elected to waive that right and act as his own counsel. He entered a plea of "guilty" to the charge and specification proffered against him.

Thereupon, the Investigating Officer made his opening

statement and Appellant made a statement for purposes of mitigation, stating that he used marijuana occasionally to ease his ulcer pains.

At the conclusion of the hearing, having heard the arguments of the Investigating Officer and Appellant, the Examiner announced his findings and concluded that the charge had been proved by plea and entered the order revoking Appellant's Merchant Mariner's Document No. Z-403032 and all other licenses, certificates of service and documents issued to this Appellant by the United States Coast Guard or its predecessor authority.

From that order, this appeal has been taken, and it is urged that in view of the fact that Appellant intended the marijuana only for his own use to relieve his ulcer pains and since he was fined \$200 in a Federal Court for this offense, the order of revocation was harsh and should be made probationary. This action is also requested on the basis of Appellant's previous clear record as a Merchant Marine seaman for more than eight years.

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

FINDINGS OF FACT

On 22 June, 1951, Appellant was serving as Junior Engineer on board the American SS SANTA PAULA and acting under authority of his Merchant Mariner's Document No. Z-403032 while the ship was in drydock at the Bethlehem Steel Company, Hoboken, New Jersey.

On this date, a Customs Officer apprehended Appellant with approximately three ounces of marijuana in a package hidden on Appellant's person. Subsequently, he was tried and found guilty on a narcotics charge in the United States District Court at Newark, New Jersey. Appellant was fined \$200 and placed on probation for five years.

OPINION

Appellant's admission that he knew the marijuana was on his

person is in accord with his plea of "guilty." The fact that he smoked marijuana cigarettes as a substitute for whiskey, since the latter hurt his stomach after an ulcer operation on 1948, in no way justifies his possession and use of marijuana aboard American merchant ships. It is a known fact that the use of marijuana produces unpredictable and usually disastrous results. Irresponsibility is induced by the release of all inhibitions. Marijuana has been closely associated since the most remote times with insanity, crime, violence and brutality. And it is almost inevitable that when the marijuana kick becomes prosaic, the victim turns to opium, heroin, cocaine, or one of the other more deadly drugs.

CONCLUSION

For these reasons, users of marijuana are not suitable to sail as seamen on American merchant vessels where they would be a constant threat to the safety of the ship and to the lives of all on board.

ORDER

The order of the Examiner, dated 17 July, 1951, should be, and it is, AFFIRMED.

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

Dated at Washington, D. C., this 27th day of September, 1951.

***** END OF DECISION NO. 522 *****

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