

In the Matter of Merchant Mariner's Document Z-514610-D1
Issued to: WILLIAM THOMAS JOHNSON

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

396

WILLIAM THOMAS JOHNSON

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

On 29 September, 1949, Appellant appeared before an Examiner of the United States Coast Guard at New York City to answer a charge of "misconduct" supported by a specification alleging that while Appellant was serving as a porter on board the American SS AFRICAN ENTERPRISE, under authority of Merchant Mariner's Document No. Z-514610-D1, he had in his possession, on or about 19 September, 1949, certain narcotic drugs, to wit: marijuana, contrary to law.

At the hearing, Appellant was duly informed as to the nature of the proceeding, the rights to which he was entitled and the possible outcomes of the hearing. Appellant voluntarily waived his right to representation by counsel and chose to act in his own behalf. He pleaded "guilty" to the specification and charge proffered against him. After the Investigating Officer had completed his opening statement and Appellant had been given an opportunity to present mitigating circumstances, the Examiner found the charge and specification "proved by plea" and entered an order

revoking Appellant's Merchant Mariner's Document No. Z-514610-D1 and all other documents, certificates, and licenses issued to him by the United States Coast Guard.

The appeal is a request for clemency based on Appellant's prior clear record as a seaman and civilian; the fact that he has a dependent mother; and the further statement that he is unable to obtain employment ashore.

FINDINGS OF FACT

On or about 19 September, 1949, Appellant was serving as a member of the crew in the capacity of porter on board the American SS AFRICAN ENTERPRISE, under authority of his Merchant Mariner's Document No. Z-514610-D1, while the ship was docked at Brooklyn, New York, after completion of a foreign voyage. On this date, a routine search of the ship was conducted by the Customs Authorities and seventeen grains of marijuana were discovered in Appellant's quarters. He admitted that the marijuana belonged to him.

Appellant stated that while the SS AFRICAN ENTERPRISE was in Durban, South Africa, he gave a sport shirt to a native who later gave him four packages of marijuana. Appellant utilized the contents of three of the packages by rolling the marijuana in his cigarettes and smoking them. The remainder had been transported in his quarters and was that marijuana which was discovered by the Customs Officer.

Appellant admitted that he first smoked marijuana in November, 1948 while in South Africa, and again three months later in Greece, and that this was his third usage of marijuana.

OPINION

It is the well-established policy of the United States Coast Guard to exercise its authority to revoke seaman's documents when it is considered necessary to do so to preserve discipline and safety aboard American merchant vessels. Further, it is the statutory duty of the Coast Guard to follow such a course of action. It has been learned from experience that users of

marijuana become so irresponsible and dangerous that their presence is a definite and constant threat to the safety of those surrounding them. This applies equally to the mere possession of marijuana since it may at any time be used by the owner or by others. Appellant has admitted that he has used marijuana during at least three different periods of time.

In view of the above, it is expedient for the Coast Guard to give prior consideration to the many seamen whose lives would be greatly endangered by Appellant's indulgence in marijuana, rather than to grant any leniency induced by Appellant's personal inconvenience and hardship.

The Examiner has made additional pertinent comments concerning the necessity of revoking Appellant's document.

CONCLUSION and ORDER

For these reasons, the Order of the Examiner dated 29 September, 1949, should be, and it is, AFFIRMED.

J. F. FARLEY
Admiral, United States Coast Guard
Commandant

Dated at Washington, D. C., this 21st day of November, 1949

***** END OF DECISION NO. 396 *****

[Top](#)