

In the Matter of Merchant Mariner's Document No. Z-425449-D1
Issued to: RAYMOND MAURICE HASKINS

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

483

RAYMOND MAURICE HASKINS

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 20 November, 1950, an Examiner of the United States Coast Guard at New York City revoked Merchant Mariner's Document No. Z-425449-D1 issued to Raymond Maurice Haskins upon finding him guilty of "misconduct" based upon a specification alleging in substance that while serving as wiper on board the American S.S. AFRICAN CRESCENT, under authority of the document above described, on or about 13 November, 1950, he wrongfully had marijuana in his possession while said vessel was in the port of Boston, Massachusetts.

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, he elected to act as his own counsel and entered a plea of "guilty" to the charge and specification.

After the Investigating Officer had made his opening statement, Appellant made a statement and testified under oath in

his own behalf. The gist of Appellant's story is that a girl had given him a marijuana cigarette while he was at a bar in Cambridge, Massachusetts, and he had put the cigarette in his jacket pocket with the intention of later destroying it when he went outside but he then forgot about it until it was found in his jacket pocket by a Customs patrol officer.

At the conclusion of the hearing, the Examiner found the specification and charge "proved by plea" and entered an order revoking Merchant Mariner's Document No. Z-425449-D1, and all other valid documents, licenses and certificates issued to Appellant by the United States Coast Guard or its predecessor authority.

From that order this appeal has been taken and it is urged that although the facts as found are not disputed, the facts do not justify the decision rendered since Appellant was in possession of only one marijuana cigarette; he was not conducting himself so as to endanger the maritime service or any seamen; he has never used marijuana or any other drug; and he is a person of good character. Appellant requests that the order be reduced to a probationary suspension so that he may continue to practice the only occupation he knows and, thereby, maintain his responsibilities to his dependents and society.

APPEARANCES: Frederick Guminick, Esquire, of New York City.

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

FINDINGS OF FACT

On 13 November, 1950, Appellant was serving as wiper on board the American S.S. AFRICAN CRESCENT, under authority of Merchant Mariner's Document No. Z425449-D1, while said vessel was at Boston, Massachusetts.

Early in the morning on this date, Appellant was secretly given a marijuana cigarette which he put in his jacket pocket. He returned to the ship and put the jacket in his locker. At about 0900, Customs officers conducted a routine search of the ship and discovered the unused marijuana cigarette in Appellant's jacket pocket. There was no prosecution by Federal authorities for this

offense.

There is not record of any previous disciplinary action having been taken against Appellant by the Coast Guard. Appellant is twenty-seven years old, married, and has been going to sea since 1943.

OPINION

Having carefully reviewed the record in this case, I find no adequate reason to alter the order imposed by the Examiner.

Appellant was perfectly aware of the fact that the cigarette in question contained marijuana and he had ample time and opportunity to get rid of it but he did not do so. He also knew that it is considered to be a very serious offense for seamen to be found with narcotics in their possession aboard American merchant vessels on which they are serving. This is sufficient justification for the order of revocation even though Appellant has never smoked marijuana or used other narcotics.

The amount of the marijuana or proof of actual use is not particularly significant in these proceedings. The duty of the Coast Guard extends to protecting lives and property against potential, as well as actual, dangers. The tremendous potential danger of marijuana is due to the fact that no prediction can be made as to the effect of marijuana on different individuals. Doctors can prescribe with great accuracy the use of morphine for the relief of pain, predict its action, and describe satisfactorily the phenomenon of morphine addiction. On the other hand, no prediction can be made as to the effect of even one marijuana cigarette, for it has happened that even one of these cigarettes has so violently upset an individual that he became a homicidal menace to society.

Hence, I do not agree with Appellant's contention that "he was not accused of conducting himself in any way so as to endanger the Maritime Service or any seamen on his ship." Such an accusation is implicitly contained in the specification alleging possession of marijuana. As long as the marijuana cigarette was on board the ship, there was the ever present possibility that Appellant or some other crew member might smoke it and become completely beserk.

Often, in such cases, the marijuana user cannot even later remember the damage which he has caused. For these reasons, the Coast Guard has stringently enforced a policy of revocation where narcotics are involved in any way, or any quantity, whatsoever.

ORDER

The Order of the Examiner, dated 20 November, 1950, should be and it is, AFFIRMED.

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

Dated at Washington, D. C., this 9th day of February, 1951.

***** END OF DECISION NO. 483 *****

[Top](#)