

In the Matter of Merchant Mariner's Document No. Z-595481
Issued to: LAU WAH

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

537

LAU WAH

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 23 August, 1951, an Examiner of the United States Coast Guard at Baltimore, Maryland, revoked Merchant Mariner's Document No. Z-595481 issued to Lau Wah upon finding him guilty of misconduct based upon one specification alleging in substance that while serving as steward utility on board the American SS PIONEER WAVE under authority of the document above described, on or about 29 January, 1950, while said vessel was in the port of Baltimore, Maryland, he wrongfully had in his possession a quantity of narcotics, to wit: opium.

At the hearing, Appellant was not present but was represented by an attorney of his own selection who had represented Appellant in earlier proceedings before the United States District Court, and who entered a plea of "guilty" to the charge and specification proffered against Appellant.

Thereupon, the Investigating Officer made his opening statement and the Investigating Officer introduced in evidence a

Charge, Indictment and Commitment of Appellant, on the same facts, before the United States District Court for the District of Maryland; also a certified copy of the U. S. Customs Laboratory Report covering the commodity (opium) involved herein.

In defense, Appellant's counsel offered in evidence an honorable discharge from the United States Army and a letter from the United States Lines showing Appellant's employment with that company.

At the conclusion of the hearing, having heard the argument of Appellant's counsel, 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-595481 and all other documents issued to this Appellant.

From that order, this appeal has been taken, and it is urged:

- (1) Although found guilty in the United States District Court for the District of Maryland and sentenced to two (2) years imprisonment and a Five Hundred Dollar fine, he has been released for sometime on the recommendation of the Probation Officer of said Court;
- (2) Evidence at the trial showed the opium was purchased solely for the reason of alleviating Appellant's suffering;
- (3) Appellant enjoys a good character without previous record with the Coast Guard; he is married and has three (3) children.

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

FINDINGS OF FACT

On 29 January, 1950, Appellant was serving as steward utility on board the American SS PIONEER WAVE and acting under authority of his Merchant Mariner's Document No. Z-595481.

While said vessel was in the port of Baltimore, Maryland, on that date, Appellant was apprehended by the Customs Port Patrol Officers while attempting to smuggle ashore 2 pounds, 14 ounces, 315 grains of raw opium and 73.8 grains of smoking opium.

The opium had been purchased by Appellant at Kingston, Jamaica, to relieve pain in Appellant's chest which resulted from a wound.

OPINION

Safety at sea is of paramount interest to the Coast Guard, and while the controlled use of narcotics may alleviate pain to an individual, the lack of such controls may well cause injury and death to other persons and the needless destruction of property. I have repeatedly held that the wrongful presence of narcotics on American merchant vessels constitutes a constant menace to the safety of those vessels and the persons on board.

CONCLUSION

This case presents no facts to alter my views; and nothing urged on appeal justifies my interference with the Examiner's Order dated 23 August, 1951. That Order is AFFIRMED.

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

Dated at Washington, D. C., this 10th day of December, 1951.

***** END OF DECISION NO. 537 *****

