

In the Matter of Merchant Mariner's Document No. Z-805898-D1
Issued to: WALTER A. ANTHONY

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

552

WALTER A. ANTHONY

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 18 December, 1951, an Examiner of the United States Coast Guard at New Orleans, Louisiana, revoked Merchant Mariner's Document No. Z-805898-D1 issued to Walter A. Anthony upon finding him guilty of misconduct based upon a specification alleging in substance that while serving as able seaman on board the American SS FENN VICTORY under authority of the document above described, on or about 17 December, 1951, while said vessel was in the port of New Orleans, Louisiana, he wrongfully had a quantity of marijuana in his possession.

At the hearing, Appellant was given a full explanation of the nature of the proceedings, the rights to which he was entitled, the seriousness of the alleged offense 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 an unsworn statement in mitigation. He stated that while at Antwerp, Belgium, he had been given three marijuana cigarettes by another seaman and had smoked part of one of them in order to be sociable. Appellant claimed that he returned one of the cigarettes and put the third one in his watch pocket.

At the conclusion of the hearing, having given both parties an opportunity to submit proposed findings and conclusions, 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-805898-D1 and all other licenses, certificates of service and documents issued to this Appellant by the United States Coast Guard or its predecessor authority.

This appeal is a request for clemency based upon Appellant's prior clear record as a seaman and the fact that Appellant depends upon going to sea for his livelihood. It is requested that Appellant's document be returned to him on a probationary basis.

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

FINDINGS OF FACT

On 17 December, 1951, Appellant was serving as able seaman on board the American SS FENN VICTORY and acting under authority of his Merchant Mariner's Document No. Z-805898-D1 while the ship was in the port of New Orleans, Louisiana.

On this date during a routine search of the ship, the U. S. Customs officials discovered four grains of loose marijuana in the pocket of a shirt in Appellant's locker and a cigarette containing five grains of marijuana in the watch pocket of the trousers which Appellant was wearing. Appellant admitted ownership of both quantities of marijuana and also that he had smoked marijuana.

OPINION

As pointed out by the Examiner, it is the well-established

policy of the Coast Guard to revoke a seaman's documents when he has been found guilty of any association with marijuana or other narcotics. Appellant's prior unblemished record for approximately five years aboard American merchant vessels is not a sufficient reason to alter the usual course of action.

ORDER

The order of the Examiner dated 18 December, 1951, should be, and it is, AFFIRMED.

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

Dated at Washington, D. C., this 10th day of March, 1952.

***** END OF DECISION NO. 552 *****

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