

In the Matter of Merchant Mariner's Document No. Z-199347
Issued to: WILLIE JOHNSON, JR.

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

615

WILLIE JOHNSON, JR.

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 30 September, 1952, an Examiner of the United States Coast Guard at New York City revoked Merchant Mariner's Document No. Z-199347 issued to Willie Johnson, Jr., upon finding him guilty of misconduct based upon a specification alleging in substance that serving as a waiter on board the American SS PANAMA under authority of the document above described, on or about 17 September, 1952, while said vessel was in the port of New York, he wrongfully had aboard the ship a narcotic substance; to wit, marijuana.

At the hearing, Appellant was given a full explanation of the nature of the proceeding, 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 in mitigation of the offense. He stated that he began using marijuana in 1948 because it gave him relief from worrying about personal matters which involved the loss of his personal savings by his mother and her confinement to a mental institution after her third marriage. Appellant added that he had never used anything stronger than marijuana and he was not an addict. Appellant also requested clemency on the basis of eleven and a half years' service without having had any prior trouble.

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. He then entered the order revoking Appellant's Merchant Mariner's Document No. Z-199347 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 requested that this matter be given the utmost consideration since Appellant feels that the order of revocation is unfair.

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

FINDINGS OF FACT

On 17 September, 1952, Appellant was serving as a waiter on board the American SS PANAMA and acting under authority of his Merchant Mariner's Document No. Z-199347 while the ship was in the port of New York.

During a routine search of the PANAMA by Customs Officers on this date, two Customs Inspectors searched Appellant's forecandle and found seventeen marijuana cigarettes wrapped in some of Appellant's personal belongings. The marijuana cigarettes were in a Kool cigarette package which also contained three regular cigarettes. Appellant admitted ownership of the marijuana cigarettes. Analysis disclosed that they contained 144 grains net weight of marijuana. Appellant paid the fine of \$8.20 against the ship for failure to manifest the marijuana.

OPINION

The fixed policy of the Coast Guard is to revoke a seaman's documents when an offense involving narcotics has been proved against him. There is no need to repeat again the many reasons, as aptly stated by the Examiner, why such offenses are considered to be among the most serious threats to the safety of life and property at sea.

There are no circumstances present in this case which indicate that there should be any deviation from the well-founded and firmly-established policy of revocation in narcotics cases.

ORDER

The order of the Examiner dated at New York, New York, on 30 September, 1952, is hereby AFFIRMED.

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

Dated at Washington, D. C., this 4th day of November, 1952.

***** END OF DECISION NO. 615 *****

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