

In the Matter of Merchant Mariner's Document No. Z-757800  
Issued to: RICHARD RHONE

DECISION AND FINAL ORDER OF THE COMMANDANT  
UNITED STATES COAST GUARD

348

RICHARD RHONE

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

On 17 May, 1949, the Appellant appeared before an Examiner of the United States Coast Guard at Galveston, Texas, on a charge of misconduct supported by two specifications. The first specification alleges that while Appellant was serving as utilityman on board the American SS GENERAL R. E. CALLAN under authority of his Merchant Mariner's Document No. Z-757800, he had in his possession four marijuana cigarettes on or about 18 June, 1947, while in the port of New York. The second specification alleges that Appellant while serving as above, and on the same date, gave aid and comfort to a member of the crew in assisting him to land marijuana in the United States.

Appellant voluntarily waived his right to representation by counsel and entered a plea of "guilty" to each of the specifications. After the hearing, the Examiner found both the specifications and the charge proved, and he thereupon entered an order revoking said Merchant Mariner's Document No. Z-757800 and all other documents, certificates or licenses issued to the

Appellant.

The appeal is a request for clemency since the Appellant is not an addict or habitual user or a periodic indulger of marijuana or narcotics of any kind. He also states that since the time of this offense he has neither possessed narcotics nor associated with anyone who used narcotics. Appellant further claims that he had the marijuana in his possession through a foolish whim and that the foolhardiness and viciousness of the association with any narcotic has since been greatly impressed upon him.

There is nothing in the record which indicates that any previous disciplinary action has ever been taken against the Appellant. He is now twenty-four years of age.

#### *FINDINGS OF FACT*

On 18 June, 1947, Appellant obtained four marijuana cigarettes by requesting them from a crew member, Warren McCombs, while both of these men were in the former's quarters on board the American SS GENERAL R. E. CALLAN in New York. There was no payment made for the cigarettes and Appellant intended to smoke them himself as he had smoked marijuana once before on the ship. Later the same day, Appellant went ashore at Staten Island and was apprehended and searched by a Customs Inspector. The four marijuana cigarettes were found on his person. A subsequent search on board the ship revealed another marijuana cigarette in the quarters of McCombs. Due to the circumstances involved, the Assistant United States Attorney to whom the matter was referred declined prosecution in the case.

#### *OPINION*

Any amount of narcotics in the possession of a merchant seaman is a potential threat to the safety of the vessel and crew to which he is attached. The seriousness of such an offense is accentuated by the high standard of discipline which must be maintained on ships. It has been the consistent policy of the Coast Guard to revoke documents when the person charged has been found guilty of possessing, using or selling narcotics. And it is doubtful that any mitigating circumstances could be found which would alter the pursuit of this course of action. This well-established policy has

been followed on appeal of marijuana cases HQ 305, HQ 306, HQ 308, HQ 310, HQ 311, HQ 313, HQ 314, HQ 318, HQ 319, HQ 320, HQ 323, HQ 326, HQ 333, HQ 334, HQ 335, HQ 336, HQ 337, HQ 339, wherein it was stated the Coast Guard would consider as undesirable seamen in the American merchant marine those persons who have any association with marijuana: possession, use, traffic or otherwise.

*CONCLUSION AND ORDER*

For these reasons, despite Appellant's plea for clemency and the circumstances involved, the order of the Examiner dated 17 May, 1949, should be, and it is AFFIRMED.

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

Dated at Washington, D. C., this 22nd day of June, 1949.

\*\*\*\*\* END OF DECISION NO. 348 \*\*\*\*\*

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