

In the Matter of Merchant Mariner's Document No. Z-433886-D1
Issued to: MORRIS PARKER

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

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MORRIS PARKER

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

On 4 April, 1949, an Examiner of the United States Coast Guard entered an order revoking Merchant Mariner's Document No. Z-433886-D1 and all other valid licenses and certificates issued by the Coast Guard held by Morris Parker, upon a plea of guilty to a charge of misconduct, supported by a specification alleging possession of about 12 grains of marijuana contrary to law, while serving under the authority of the document as a messman aboard the American SS AFRICAN SUN on 23 March, 1949, while that vessel was moored at Brooklyn, New York. Appellant was advised of the nature of the hearing, his right to have counsel, and of his other rights at the beginning of the hearing. Appellant, appearing as his own counsel, entered a plea of guilty to the charge and specification.

The Investigating Officer described the results of his investigation. Appellant did not testify under oath, but stated that he had been smoking marijuana cigarettes for about two years. He made various other statements including one regarding the manner in which he obtained the marijuana which was found in his possession. No witnesses appeared. The Examiner found the charge

and specification proved by plea and entered the order of revocation.

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

- (a) The loose marijuana found in his pocket came from cigarettes he had had in his pocket, and he was not aware that some of the marijuana had fallen out of the cigarette wrappers into his pocket.
- (b) Appellant has a family which depends upon his earnings at sea for its livelihood, and that employment conditions are such that hardship will result for his family and himself if he is not permitted to earn a living at sea, the only type of employment in which he is experienced.
- (c) Appellant will never smoke marijuana again for the rest of his life.

Based on a careful study and consideration of the Record in this case, I make the following

FINDINGS OF FACT

On 23 March, 1949, Appellant was serving under authority of Merchant Mariner's Document No. Z-433886-D1 as messman on the American SS AFRICAN SUN, which vessel was then moored at Brooklyn, New York. On that date, Appellant was apprehended by a United States Customs Agent in Brooklyn, New York, and found to have in his possession approximately 12 grains of marijuana.

OPINION

The Record in this case shows that the Appellant does not deny possession of the marijuana. Although the amount found in his possession was small, he freely admits its possession and that he has used marijuana for about two years. I am fully cognizant of the severity of an order of revocation of a document held by a merchant seaman. I realize that such an order does have serious economic repercussions on the person who knows no other calling or profession ashore. On the other hand, I am also fully aware of the potential danger that a seaman who uses marijuana creates for his shipmates and vessel. It is my firm conviction that persons who use marijuana are undesirable seamen aboard vessels of the United

States - not only for their own good, but primarily for the safety of their shipmates and the vessel upon which they are employed. I feel that safety of the many is of greater importance than the hardship to an individual when the acts of the individual tend to jeopardize that safety.

CONCLUSION AND FINAL ORDER

My review of the Record and consideration of the grounds of appeal in this case do not satisfy me that modification of the Examiner's decision is warranted.

The decision and order of the Examiner dated 4 April, 1949, are AFFIRMED.

MERLIN O'NEILL
Rear Admiral, United States Coast Guard
Acting Commandant

Dated at Washington, D. C., this 9th day of May, 1949.

***** END OF DECISION NO. 333 *****

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