

In the Matter of Merchant Mariner's Document Z-413451
Issued to: WILLIAM THOMAS SULLIVAN, JR.

DECISION AND FINAL ORDER OF THE COMMANDANT

UNITED STATES COAST GUARD

337

WILLIAM THOMAS SULLIVAN, JR.

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 4 April, 1949, the Appellant was tried before an Examiner of the United States Coast Guard at New York on a charge of misconduct supported by a specification alleging that while Appellant was serving as ordinary seaman on board the American SS MARINE MARLIN, under authority of a duly issued Merchant Mariner's Document (Z-413451), he had in his possession, contrary to law, on or about 24 March, 1949, approximately 32 grains of a narcotic known as marijuana.

Appellant voluntarily waived his right to representation by counsel and entered a plea of "guilty" to the specification. After the hearing, the Examiner found both the specification and the charge proved, and he thereupon entered an order revoking said Merchant Mariner's Document Z-413451 and all other valid licenses and certificates issued to the Appellant by the United States Coast Guard or any predecessor authority.

The appeal is a plea for leniency based on the facts that Appellant has earned his livelihood at sea for over five years; he has never worked ashore in his life and he has a wife to support. Appellant also submits that the marijuana found in his possession was such a small amount that the Federal authorities refused to prosecute him. For these reasons, Appellant requests that he be given one more chance and states that, if given this chance, he knows he will never go astray again. Appellant is twenty-three years of age.

There is no record of any previous disciplinary action having been taken against the Appellant.

FINDINGS OF FACT

While serving under the authority of his document as an ordinary seaman of the American SS MARINE MARLIN, Appellant had purchased seven or eight marijuana cigarettes in Antwerp, Belgium, previous to 24 March, 1949. Appellant and other members of the crew smoked these cigarettes ashore in that port. Shreds from these cigarettes had fallen into Appellant's coat pocket and were detected by a Port Patrol Officer upon searching Appellant when the latter arrived at New York, on or about 24 March, 1949. Appellant was apprehended and searched after he had signed off the articles on 23 March, 1949.

OPINION

The penalty imposed in this case is justified despite the small quantity of narcotics involved and the fact that Appellant was apprehended and his offense discovered after he had completed the voyage for which he had signed articles. Due to the high standard of discipline which must be maintained on ships, any amount of narcotics is a potential threat to the safety of the vessel and crew. Judging from Appellant's plea of "guilty" and the proximity of the date of arrest to the date Appellant signed off the articles of the voyage, it is apparent that Appellant had marijuana in his pocket from Belgium to New York and, thus, his offense was a continuing act of misconduct during this phase of the trip.

The offense of possession of narcotics is considered to be

highly injurious to character and moral well-being. Hence, such an offense should be heavily penalized by the Coast Guard regardless of the action, or lack of action taken by the Federal authorities.

Unfortunately, Appellant's personal difficulties, resulting from the revocation of his document, cannot be given persuasive consideration in view of the seriousness of this offense.

CONCLUSION AND ORDER

The order of the Examiner dated 4 April, 1949, should be, and it is, AFFIRMED.

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

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

***** END OF DECISION NO. 337 *****

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