

In the Matter of Certificate of Service No. E-335540
Issued to: LEOPOLDO ROMAN

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

314

LEOPOLDO ROMAN

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

On 17 December, 1948, an Examiner of the United States Coast Guard revoked Certificate of Service No. E-335540 and all other valid certificates and documents held by Leopoldo Roman upon finding him guilty of misconduct based upon his illegal possession of 153 grains of marijuana while serving as messman on the American SS LEVI WOODBURY in a domestic port on 19 January, 1948.

At the hearing Appellant was given a full explanation of the nature of the proceedings and the probable consequences, but voluntarily waived his right to representation and admitted he had the marijuana in his possession; entered a plea of guilty to the charge and specification. Thereupon, the Examiner entered the revocation order mentioned above.

On this appeal, it is urged:

1. Appellant is not a habitual user of marijuana; and has only used it to relieve an asthmatic condition; he has not used marijuana since the incident in question;
2. Appellant has a clean record for 35 years as a merchant

seaman through World Wars I and II;

3. Appellant is no present menace to the crew of any vessel on which he may serve; he has never caused any trouble;
4. Appellant has no other means of livelihood, especially at his age; his parents, who depend upon him for support, are suffering untold hardships;
5. Appellant has been punished enough, having been suspended for about a year.

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

FINDINGS OF FACT

On 19 January, 1948, Appellant was serving under authority of Certificate of Service E-335540 as messman on the American SS LEVI WOODBURY which vessel was then undergoing repairs at Bethlehem Drydock, Hoboken.

He was apprehended by a port patrol officer when about to leave said dock, and it was then discovered that Appellant had on his person a "Half and Half" tobacco can containing marijuana weighing 153 grains net. No action was taken by the United States Attorney because of the small amount involved.

Appellant has sailed as a merchant seaman for over 35 years without any record of disciplinary action against him. Appellant has smoked marijuana cigarettes irregularly for about 15 years as a relief for bronchitis.

OPINION

On 1 December, 1948, I addressed Senator Robert F. Wagner respecting this case, in part, as follows:

"Offenses involving the unlawful possession, use, or sale of narcotics are considered among the most pernicious arising within the administration of the Coast Guard. It is considered that no greater single threat to the safety of a vessel or its personnel exists than a person under the influence of narcotics and the Coast Guard will act protectively to remove such offenders."

Nothing appears in this Record to alter that opinion; and while I am not indifferent to Appellant's long service in the merchant marine, it is impossible to disregard the potential hazard that exists when a person known to use narcotics (especially marijuana) is permitted employment on shipboard.

That Appellant purchased the marijuana in New York shortly before he was apprehended is not particularly important to my decision of this case. Of paramount importance is the duty of the Coast Guard to extend every effort to protect the lives of American seamen and property. That duty is not fulfilled by permitting persons who are known to be users of marijuana (no matter how irregularly) to sail as seamen in the American merchant marine.

CONCLUSION AND ORDER

The order dated 17 December, 1948, by the Examiner, Third Coast Guard District, should be, and it is, AFFIRMED.

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

Dated at Washington, D.C., this 2nd day of March, 1949.

***** END OF DECISION NO. 314 *****

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