

In the Matter of Merchant Mariner's Document No. Z-663965
Issued to: HUGH DANIEL McCracken

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1139

HUGH DANIEL McCracken

This appeal has been taken in accordance with Title 46 United States Code 239b and Title 46 Code of Federal Regulations 137.11-1.

By order dated 25 February 1959, and Examiner of the United States Coast Guard at Long Beach, California revoked Appellant's document upon finding him guilty of the charge of "conviction for a narcotic drug law violation". The specification found proved alleges that, on or about 21 September 1954, Appellant was convicted by the Superior Court of the State of California in and for the County of Los Angeles, a court of record, for a violation of the narcotic drug laws of the State of California (section 11500 of the State Health and Safety Code-possession of marijuana).

At the hearing on 31 July 1958, Appellant elected to act as his own counsel. He entered a plea of guilty to the charge and specification. The conviction as alleged was proved by the evidence in addition to Appellant's plea of guilty. The Examiner concluded that the charge and specification had been proved by plea. He then entered an order revoking Appellant's documents.

On appeal, it is urged that the two letters submitted by Appellant from his employers from 1955 to 1958 show that Appellant

has been rehabilitated since his conviction in 1954 and that he does not traffic in marijuana.

These contentions have no bearing on the outcome of this proceeding because 46 U.S. Code 239b (b)(1) requires the revocation of a seaman's documents upon proof of his conviction by a court of record for violation of narcotic drug law of any State of the United States. The conviction is conclusive for the purpose of the action taken herein since Article 6, section 12 of the California Constitution states that this is a court of record.

ORDER

The order of the Examiner dated at Long Beach, California, on 25 February 1959, is AFFIRMED.

A. C. Richmond
Vice Admiral, United States Coast Guard
Commandant

Dated at Washington, D. C., this 10th day of February 1960.

***** END OF DECISION NO. 1139 *****

[Top](#)