

In the Matter of Merchant Mariner's Document No. Z-625304-D1 and
all other Seaman Documents
Issued to: Jack Roman

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1149

Jack Roman

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

By order dated 25 June 1959, an Examiner of the United States Coast Guard at Philadelphia, Pennsylvania revoked Appellant's seaman documents upon finding him guilty of misconduct based on his plea of guilty to a single specification. The specification alleges that while serving as a fireman-water-tender on the United States SS ADOLPH SPERLING under authority of the document above described, on 16 and 17 April 1959, Appellant wrongfully used marijuana while the ship was in the port of Calcutta, India.

At the hearing, Appellant elected to act as his own counsel. He entered a plea of guilty to the charge and specification. Appellant admitted that he smoked hashish (marijuana) cigarettes due to "morbid curiosity" while he was ashore at Calcutta. Appellant stated that this was an accepted practice in India and, therefore, he did not understand why there was any harm in having done this in India.

On appeal, Appellant states that after he drank Hindu moonshine, the natives gave him the hashish to cure his hangover. Appellant pleads for leniency with the promise that he will never make this mistake again if his document is returned.

As a result of being charged with the offense of narcotic addiction in 1952, Appellant's document was revoked with the provision that it would be returned to him if he produced a fit for duty certificate within three months. Appellant obtained such a certificate and his document was returned to him in accordance with the examiner's order in that case.

OPINION

Appellant is apparently laboring under the misconception that there should be no objection to seamen using narcotics ashore in foreign ports where it is not unlawful. On the contrary, there has been a concerted effort to keep seamen off United States merchant vessel if they have been involved with narcotics under any circumstances. Whether narcotics are used at a place where it is lawful or unlawful, this is considered to be a serious act of misconduct by a seaman because of the constant threat that such a person presents to safety at sea while serving on a ship. He might, at any time, use narcotics while on board and commit one or more of the many acts of extreme violence attributable to users of narcotics.

Appellant's prior record indicates the probability that this incident was not first experience with narcotics. There is absolutely no basis for returning Appellant's document to him at this time in the future. He has already had one more chance than is usually given to narcotics offenders.

ORDER

The order of the Examiner dated at Philadelphia, Pennsylvania, on 25 June 1959, is AFFIRMED.

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

Dated at Washington, D. C., this 1st day of March 1960.

***** END OF DECISION NO. 1149 *****

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