

In the Matter of Merchant Mariner's Document No. Z-734962
Issued to: JAMES D. WILLIAMS

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

636

JAMES D. WILLIAMS

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

On 7 November, 1952, an Examiner of the United States Coast Guard at New York City revoked Merchant Mariner's Document No. Z-734962 issued to James D. Williams upon finding him guilty of misconduct based upon a specification alleging in substance that while serving as utilityman on board the American SS AFRICAN ENDEAVOR under authority of the document above described, on or about 18 January, 1952, while said vessel was in the port of Boston, Massachusetts, he wrongfully had a quantity of marijuana in his possession.

At the hearing, Appellant was given a full explanation of the nature of the proceedings, the rights to which he was entitled and the possible results of the hearing. Although advised of his right to be represented by an attorney of his own selection, Appellant voluntarily elected to waive that right and act as his own counsel. He entered a plea of "guilty with an explanation" to the charge and specification proffered against him.

Thereupon, the Investigating Officer and Appellant made their opening statements. Since Appellant stated that the marijuana did not belong to him and he did not know the package contained marijuana, the Examiner changed the plea to "not guilty".

The Investigating Officer introduced in evidence a certified copy of Appellant's conviction, in the U. S. District Court for the District of Massachusetts, for unlawful possession of marijuana. The hearing was then adjourned.

Upon reconvening, Appellant appeared with counsel. With Appellant's consent, counsel withdrew the "not guilty" plea and entered a plea of "guilty." It was stipulated that the Federal court conviction and the specification herein were based upon the same set of facts. Counsel then made an appeal for leniency stating that Appellant has a wife and three children to support. There were also several letters submitted attesting to Appellant's good character.

At the conclusion of the hearing, having given both parties an opportunity to submit proposed findings and conclusions, the Examiner announced his findings and concluded that the charge had been proved by facts which supported the plea of "guilty." He then entered the order revoking Appellant's Merchant Mariner's Document No. Z-734962 and all other licenses, certificates of service and documents issued to this Appellant by the United States Coast Guard or its predecessor authority.

This appeal is a request that some clemency be granted and that the order of revocation be reduced so that Appellant will not be deprived permanently of the use of his document.

APPEARANCES: Murray A. Miller, N.M.U. member of the New York City, of Counsel.

Based upon my examination of the record submitted, I hereby make the following

FINDINGS OF FACT

On 18 January, 1952, Appellant was serving as utilityman on

board the American SS AFRICAN ENDEAVOR and acting under authority of his Merchant Mariner's Document No. Z-734962 while the ship was moored at the end of a pier at the Army Base in the port of Boston, Massachusetts.

On this date, Appellant was apprehended in a taxi on the pier where his ship was moored. Appellant had a package containing about three-quarters of a pound of marijuana in his possession. As a result, he was convicted on 13 May, 1952, upon a plea of "guilty" to the offense of unlawful possession of marijuana, in the United States District Court for the District of Massachusetts. Appellant was sentenced to pay a fine of one dollar and to be imprisoned for two years; but the prison sentence was suspended and Appellant was placed on probation for three years.

OPINION

For the reasons stated by the Examiner, the policy of revocation in all narcotics cases must be followed. Fortunately, Appellant received a suspended sentence in the Federal court and is able to seek other employment.

ORDER

The Order of the Examiner dated at New York City on 7 November, 1952, is AFFIRMED.

Merlin O'Neill
Vice Admiral, United States Coast Guard
Commandant

Dated at Washington, D. C., this 24th day of February, 1953.

***** END OF DECISION NO. 636 *****

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