

In the Matter of Certificate of Service No.: E-660251
Issued to: JACOB CHARLES GREEN, JR.

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

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JACOB CHARLES GREEN, JR.

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

On 14 February, 1950, an Examiner of the United States Coast Guard at Philadelphia, Pennsylvania, revoked Certificate of Service No. E-660251 issued to Jacob Charles Green, Jr. upon finding him guilty of "misconduct" based upon a specification alleging in substance, that while serving as a waiter on board the U.S.A.T. GENERAL W.P. RICHARDSON, under authority of the document above described, on or about 5 July, 1947, while said vessel was in a domestic port, he illegally had in his possession narcotics; to wit, 92.4 grains of morphine hydrochloride.

At the hearing, Appellant was given a full explanation of the nature of the proceedings and the possible consequences. Although advised of his right to be represented by counsel of his own selection, he elected to waive that right and act as his own counsel. He entered a plea of "guilty" to the charge and specification.

Thereupon, the Investigating Officer made his opening statement which included the facts relating to Appellant's apprehension and subsequent conviction in the United States District Court for the Eastern District of New York for knowingly possessing a quantity of narcotics (92.4 grains of morphine hydrochloride) knowing the narcotics to have been illegally imported into the United States.

Appellant offered in mitigation his youthful ignorance of the seriousness of the offense and a letter of recommendation from a former employer.

At the conclusion of the hearing, having heard the statements of the Investigating Officer and Appellant, the Examiner found the charge "proved" by plea and entered an order revoking Appellant's Certificate of Service No. E-660251 and all other valid licenses or certificates of service held by him.

From that order, this appeal has been taken, and clemency is requested on the basis of Appellant's prior clear record; his nine months imprisonment (less time off for good behavior) for conviction of the offense in the Federal court; and the fact that he contributed to the support of his

mother and younger brother before he was arrested.

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

FINDINGS OF FACT

On 5 July, 1947, Appellant was serving as a waiter on board the U.S.A.T. GENERAL W.P. RICHARDSON, acting under authority of his Certificate of Service No. E-660251, while the ship was docked at Staten Island, New York.

On this date, Appellant was apprehended by the Customs Officers as he was leaving the vessel. A search of his person disclosed that he had six morphine ampoules in his right rear pocket. Analysis disclosed that the ampoules contained morphine hydrochloride in the amount of 92.4 grains, net weight.

Appellant was indicted for this violation of Title 21 United States Code, sec. 174, on 22 July, 1947, and tried in the United States District Court for the Eastern District of New York, on 31 July, 1947. At the trial, Appellant was represented by counsel and pleaded guilty to the offense. He was convicted and sentenced to nine months imprisonment and fined one hundred dollars.

Appellant stated that he acquired the six morphine ampoules in June, 1947, from an unknown German in Bremerhaven, Germany, in exchange for three packages of his own cigarettes and three packages of cigarettes supplied by the night watchman on the ship.

Appellant was twenty years old at the time of the incident and had been going to sea about three years. There is no record of any prior disciplinary action having been taken against Appellant by the United States Coast Guard.

OPINION

Offenses involving any association with narcotics are considered to be among the most serious within the administration of the Coast Guard and ones for which revocation is demanded. This grave danger arises from the fact that users of narcotics have been known to commit acts of violence on fellow crew members without provocation or malice. For this reason, the Coast Guard is not able to carry out its statutory duty to preserve safety and discipline on American merchant vessels, in such cases, by any order short of revocation of the seaman's merchant marine documents. This policy will not permit that the mitigating circumstances and the plea for clemency submitted by Appellant be given such weight as to modify or alter the order imposed by the Examiner.

ORDER

The Order of the Examiner dated 14 February, 1950, should be, and it is AFFIRMED.

Merlin O'Neill

Vice Admiral, United States Coast Guard
Commandant

Dated at Washington, D. C., this 10th day of April, 1950.