

In The Matter Of Merchant Mariner's Document No. Z-936554  
Issued to: WILLIAM McKINLEY CORNISH

DECISION AND FINAL ORDER OF THE COMMANDANT  
UNITED STATES COAST GUARD

413

WILLIAM McKINLEY CORNISH

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 18 October 1949 an Examiner of the United States Coast Guard at New York, N.Y. revoked Merchant Mariner's Document No. Z-936554 issued to William McKinley Cornish upon finding him guilty of "misconduct" based upon one specification alleging in substance, that while serving under authority of the document above described, on or about 16 August 1949 as Utilityman on the United States Army Transport HEINTZELMAN, at a domestic port, he wrongfully had in his possession a quantity of marijuana.

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 advised the Examiner of the circumstances attending the discovery of marijuana cigarettes in Appellant's possession. Appellant offered no explanation or satisfactory excuse for that possession.

At the conclusion of the hearing, the Examiner found the charge "proved" by plea and entered an order revoking Merchant Mariner's Document No. Z-936554 and all other valid documents and certificates issued to William McKinley Cornish.

From that order, this appeal has been taken, and it is urged: that Appellant be given another chance because: (a) He did not smoke any of the cigarettes which he had purchased; (b) He has an honorable discharge from the United States Coast Guard, and has never been in trouble before. He fully realizes his wrongdoing, and is penitent.

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

FINDINGS OF FACT

On 16 August 1949, Appellant was completing final details for entering the service of the U.S.A.T. HEINTZELMAN in the port of New York, as Utilityman, under authority of his Merchant Mariner's Document Z-936554. In the course of that operation, Appellant purchased eight (g) marijuana cigarettes at a neighborhood bar; because, although he had never smoked marijuana, he wanted to "try it".

Before he had an opportunity to smoke any of the cigarettes, he was apprehended by a port patrol officer, and apparently without hesitation delivered the cigarettes to the authorities.

Appellant had served about 2 1/2 years with the Coast Guard; has an honorable discharge and an otherwise clear record.

#### OPINION

Narcotics and drugs, uncontrolled, have no place in a program addressed to the safety of life and property at sea. Merchant seamen are undesirable when through deliberation or otherwise, they lend themselves to the advancement of this iniquitous traffic.

Appellant's former association with the Coast Guard; his clear record, and purely inquisitive involvement here, might inspire some sympathy for his predicament; however.

#### CONCLUSION

I find no good reason for deviation from the long established policy which demands revocation of documents held by seamen in the American merchant marine who become involved in the use of or traffic in drugs and narcotics.

#### ORDER

The order of the Examiner dated at New York, N.Y. on 18 October 1949 is AFFIRMED.

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

Dated at Washington, D. C., this 12th day of January, 1950.