



West Coast Sailors

Official Organ of the Sailors' Union of the Pacific

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Sailors' Union's 118th Anniversary



The Sailors' Union of the Pacific this month observed the 118th Anniversary of its founding, March 6, 1885, on the old Folsom Street Wharf in San Francisco. The SUP has been in continuous operation since that date. With determination to gain through democratic collective action what could not be accomplished individually, began a record of achievement that set

the standard for American sailors and continues to serve as an inspiration for seafarers around the world.

Recognition, respect, and improved conditions aboard ship did not come easy but with a militant membership and the dedicated and tenacious leadership of Andrew Furuseth (March 12, 1854) and Harry Lundeberg (March 25, 1901), obstacles were overcome and the Sailors' Union grew and developed with a lasting legacy of strength and integrity.

In addition to the anniversary of the organization of the Union and the birthdays of former secretaries Furuseth and Lundeberg, March also marks the 88th anniversary of the Seamen's Act which was signed into law by President Woodrow Wilson on March 4, 1915 after a 20-year struggle by Furuseth to free seamen from indentured servitude.

Matson double-deals on new Hawai'i ships; SUP & MFOW denounce Union-busting scheme—charges filed with the NLRB

Driven by its insatiable desire to increase profits, Matson Navigation Company has threatened not to purchase two vessels being built at Kvaerner Philadelphia Shipyard but will instead time-charter them back from a new owner with lower crew costs.

If this despicable, duplicitous maneuver does in fact occur, it would signal the beginning of the end for the SUP, MFOW, SIU-A&G-Cooks, MM&P, MEBA and ARA in Matson's fleet. Every new vessel that Matson acquired to replace its aging tonnage would be "outsourced" for someone else to operate.

What this avaricious outfit is after is either to bust its current Unions by running a double-breasted Hawai'i operation or by using the threat of not buying the ships as a bludgeon to

force concessions.

The SUP and MFOW reacted with a fury and immediately filed unfair labor practice charges on March 12 with the National Labor Relations Board in San Francisco. Those charges state:

During the last six months, through its duly authorized agents and representatives, has refused to bargain in good faith with charging parties Marine Firemen's Union (MFOW) and Sailors' Union of the Pacific (SUP), the bargaining agents for the unlicensed engine and deck department employees, respectively, on Employer's oceangoing U.S.-flag vessels, through various conduct, including but not limited to:

(a) failing, refusing and/or unlawfully delaying to furnish charging parties with information and documents relevant to

their representation duties, contract administration and contract negotiations, first requested on March 3, 2003, concerning the employer's imminent threat to time-charter certain vessels unless the Unions renegotiate the terms and conditions of employment thereon;

(b) failing to disclose and/or misrepresenting information concerning the Employer's fleet replacement plans that was relevant to contract negotiations in 2002; and

(c) threatening to make unilateral changes during the terms of the parties's collective bargaining agreements.

In addition, the SUP and MFOW requested injunctive relief.

The licensed Unions have been in bargaining this month with the company. Sources indicate that the MM&P and MEBA have tentatively agreed to cuts amounting to approximately 25% for the new CV 2600 *Manukai*-class ships. The henchmen for Matson say "that's not enough." The ARA has reportedly offered the same give-backs as the mates and engineers, but the company has repeatedly stated that it does not want to carry a radio operator.

The SUP and MFOW have thus far taken the position that the unlicensed Unions have a collective bargaining agreement that covers the *Manukai*-class ships that was bargained in good faith and ratified by the membership less than eight months ago. However, both Union are fully aware of the consequences if Matson fails to purchase and operate the ships.

As the *West Coast Sailors* goes to press, the SUP and MFOW are still waiting for information demanded from the company in order to formulate a response to Matson's assault. The Unions and the company are scheduled to meet on March 24.

For more information on the Matson situation, see SUP President Gunnar Lundeberg's report on Page 10.

U.S. Merchant Marine crucial to U.S. military operations and national security

U.S.-flag ships crewed by loyal U.S.-citizen merchant mariners are vital to the Nation's security, and without these two pillars of the U.S. Merchant Marine it would be impossible for the United States to deploy and sustain worldwide military operations, according to a study

released this week by the National Defense Transportation Association (NDTA).

"The simple fact is that without the Maritime Security Fleet and the Maritime Security Program, the United States would be unable to deploy and sustain its military forces on a global basis," the report declared.

The study underscores the need for MSP as a core component of U.S. strategic sealift and global response capabilities, by providing U.S.-flag vessels, intermodal systems and U.S.-citizen seafarers to support overseas military operations.

The document also highlights MSP's significant cost savings to U.S. taxpayers.

The U.S. Transportation Command has estimated that it would cost the U.S. Government \$9 billion in direct capitalization costs to replicate the sealift capability provided by the U.S.-flag commercial fleet, according to the report. Moreover, replication of global intermodal networks built and maintained by U.S.-flag carriers enrolled in

MSP would cost the U.S. Government an additional \$52 billion, the study said.

The report underscored the importance of the U.S.-flag fleet's global intermodal networks to the U.S. Government. "When one looks at the full scope of that [global intermodal network] system worldwide – not just ships, but terminals, people, training, facilities, information systems – the magnitude of what it would take to replace it starts to become clear," the study said. "In reality, the United States could never hope to build and maintain such a system solely to meet defense sealift requirements."

"Using privately-owned vessels provides the U.S. Military with the most 'bang for the buck' as the cost of each MSP vessel is...less than one-tenth of the estimated annual operating cost of providing the same capability using government-owned ships," the NDTA said in a statement announcing the study.

Founded in 1994, the Alex-

andria, Virginia-based NDTA is a non-political, non-profit educational association organized to foster a strong and efficient global transportation and distribution system to enhance economic growth and security. NDTA is composed of more than 7,800 active corporate and individual members, and has more than 60 chapters in the United States, Europe and the Pacific.

Specific Findings

Specifically, the study found that MSP:

- Maximizes the capability, readiness and reliability of U.S. strategic sealift through immediate assured access to intermodal capacity with the global reach required to deploy and support U.S. military forces worldwide;
- Permits immediate expansion of sealift capacity in an emergency as well as providing a reserve consisting of untapped U.S.-flag capacity;
- Ensures the availability of trained, certified mariners, both licensed and unlicensed, to crew

Continued on page 5



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SUP Honor Roll

Voluntary contributions from the membership to the following funds:

Organization/ General Fund

*In lieu of dues increase.

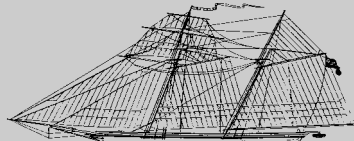
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Final Departures

Warren Sypolt, Book No. 7022. Born in West Virginia in 1921. Joined SUP in 1947. Died in Arizona, November 9, 2002. (Pensioner)

William F. Sweigart, Book No. 7286. Born in Kansas in 1924. Joined SUP in 1953. Died in Australia, November 14, 2002. (Pensioner)

Lorenzo B. Perez, Book No. 3760. Born in Mexico in 1917. Joined SUP in 1951. Died in Escondido, California, December 27, 2002. (Pensioner)

Paul Nielsen, Book No. 2302. Born in Denmark in 1920. Joined SUP in 1946. Died in Sonoma, California, November 28, 2002. (Pensioner)

Homer Fah, Book No. 2168. Born in China in 1916. Joined SUP in 1950. Died in San Francisco, California, January 25, 2003. (Pensioner)

Alvin Madruga, Book No. 5189. Born in California in 1916. Joined SUP in 1943. Died in Hayward, California, March 3, 2003.

SUP Meetings

These are the dates for the regularly scheduled SUP meetings in 2002:

	Hdq.	Branch
April	14	21
May	12	19
June	9	16
July	14	21
August	11	18
September	8	15
October	14*	20
November	10	17
December	8	15

*Tuesday

Senate creates Homeland Security subcommittee

The Senate Appropriations Committee has created a new Homeland Security subcommittee chaired by Thad Cochran (R-MS). The House created its own homeland security subcommittee in 2002.

The ranking Democrat on the new subcommittee is Robert Byrd (D-WV).

Byrd and Cochran have served as co-chairmen of the bipartisan Senate National Security Working Group, a panel designed to find new ways to address international threats to America.

Cochran gave up his chairmanship of the Senate Agriculture, Nutrition and Forestry committee to take his new assignment although he continues to serve on that committee. Committee rules bar a senator from chairing more than one appropriations subcommittee.

Other Republican members are Ted Stevens (R-AK), Arlen Specter (R-PA), Pete Domenici (R-NM) Mitch McConnell, (R-KY), Richard Shelby (R-AL), Judd Gregg (R-NH), Ben Nighthorse Campbell (R-CO), and Larry Craig (R-ID).

Democratic members are Daniel Inouye (D-HI), Ernest Hollings (D-SC), Patrick Leahy (D-VT), Tom Harkin (D-IA), Barbara Mikulski (D-MD), Herb Kohl (D-WI) and Patty Murray, (D-WA).

Of the committee members Hollings and Murray have been strong supporters of border security. Hollings championed the port and maritime security legislation that passed in 2002, while Murray is a supporter of the experimental Smart and Secure Tradelanes project that tracks ocean containers between foreign and U.S. ports. Hollings and Murray, along with Senator Charles Schumer (D-NY), on March 6 criticized the Bush administration for not providing enough money for border security. They said North Korea's nuclear capabilities makes it more likely that a rogue nation or terrorist group could get their hands on plutonium to create a "dirty bomb" and ship it to the U.S. in an ocean container.

Labor secretary's remarks draws ire of AFL-CIO

Political fireworks went off in the Executive Council meeting hall at the February 27 session of the AFL-CIO's winter meeting in Hollywood, California, as guest speaker Labor Secretary Elaine L. Chao cited repeated example of union corruption while addressing the gathering. Teamster President James P. Hoffa criticized Secretary Chao and said labor should back a presidential candidate who understands working people, causing many union leaders to say Hoffa was distancing himself from the president.

Hoffa complained that the Bush administration was veering further to the right, and one of his top aides said the secretary's remarks were only the latest of several anti-labor actions committed by the administration.

Secretary Chao stunned more than 100 labor leaders when, in a response to a question about greater financial disclosure, she read aloud for several minutes about seven criminal cases involving officials from the machinists' union. She brought to the meeting a dossier detailing union-related crimes and she read from it after Thomas Buffenbarger, the

machinists' president, asked her why the Bush administration was proposing far stricter financial disclosure rules for labor unions.

Several labor leaders said they were irritated by what they described as the secretary's confrontational tone. They said they were also upset that she said the economy was too weak to raise the federal minimum wage and declined to say much about an administration study that might reduce the number of workers who qualify for overtime pay.

John J. Sweeney, president of the A.F.L.-C.I.O., which represents 13 million union members, said Chao's remarks were insulting.

"I have never seen a secretary of labor who is so anti-labor," Sweeney said at a news conference. "It's fair to say what we saw from the secretary of labor strengthened our beliefs that this administration is anti-worker."

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Timely Reminder Second quarter 2003 dues are due and payable now!

SUP Constitution ARTICLE VI DUES AND INITIATION FEE

Section 1. The initiation fee shall be Eight Hundred Dollars (\$800.00) payable in installments with the sum of One Hundred Dollars (\$100.00) being due and owing upon the members's admission into the Union and the balance of Fifty Dollars (\$50.00) per month for each month or part thereof in SUP-contracted vessels.

The initial installment of One Hundred Thirty Dollars (\$130.00) shall accompany the application of membership and the dues shall be One Hundred Thirty Dollars (\$130.00) per quarter, payable in advance.

Study shows extent of shore leave denial for foreign mariners in U.S. ports

Nearly two-thirds of seafarers surveyed on ships calling at the U.S. port of Houston in mid-February were denied shore leave, according to a study by the New York-based Center for Seafarers' Rights.

Chaplains from 11 U.S. ports collated the reasons for denying shore leave, to assess the extent of new, tougher port and maritime security enforcement on international seafarers. Crew on nearly 40 percent of ships visited at Philadelphia experienced shore leave denials.

"The data indicates not only a high number of shore leave denials overall due to lack of [crew] visas, but also a sig-

nificant number of restrictions placed on seafarers even ... where they possessed visas," said Center Director Douglas Stevenson. He says shore leave is an essential right that should not be denied to seafarers whose help is needed in the battle against terrorism.

Information from the week-long survey will be passed to the U.S. Coast Guard, which requested the information as it develops regulations to implement new US security legislation. The U.S. State Department has proposed eliminating crew list visas, further restricting shore leave.

Piracy and terrorism connected

Maritime industry observers criticize the international shipping industry for moving too slowly against the increase in piracy and ship hijackings, which could be linked to al Qaeda and other militant groups.

"While there is no definite intelligence that links Yemeni terrorism and Somali pirates, there are potentially closer links between al Qaeda and Indonesian acts (of piracy)," Richard Westbury of the London-based maritime security specialist Hart Group Risk Management, told a seminar on "Piracy and Counter-Terrorism" at the Royal United Services Institute in London, March 12, Reuters reported. "It's becoming more and more apparent."

Militant Islamist groups connected to al Qaeda have been blamed for the attack on the tanker *Limburg* off the coast of Yemen in October 2002. Recent intelligence showed that al Qaeda maintains a unit specializing in maritime attacks.

Westbury, who served as an officer in the British Special Air Services, noted that Islamist groups could target strategic passages such as the Malacca Straits and precipitate a catastrophic incident by putting a bomb on a tanker.

"People have woken up to the fact that oil tankers can and will be used, not just liquefied petroleum gas tankers," he said referring to the attack on the *Limburg*.

Westbury said industry, governments and the United Nations are not taking the threat of hijackings and maritime security seriously.

"There needs to be much greater linkage between flag states, government, port states and tripartite arrangements," he said. "The maritime industry has got to change, and it is only slowly coming towards that realization."

Expansion in the works for Honolulu harbor

Honolulu Harbor, the lifeline that funnels 98 percent of all consumer goods into Hawai'i, needs improvements and expansion costing hundreds of millions of dollars to accommodate future growth, according to state and business officials.

Imported cargo — everything from toilet paper to telephone poles — is expected to almost double in the next 20 years, pushing the 210-year-old harbor to a breaking point.

"We're chock-a-block full," said Glenn Soma, a planner with the Department of Transportation's Harbors Division. "Everybody is squeezed tight and cargo carriers already are looking for new places for their overflow."

Without development of new harbor space or other alternatives, the state's economic development is likely to suffer, business officials say.

"We've got 10 to 20 years, max, to come up with something new," said Glenn Hong, president of Young Brothers, which ships goods to and from Neighbor Islands through Honolulu Harbor.

A 1995 survey ranked Honolulu as the 10th-busiest of all 75 North American container ports in terms of cargo tonnage, but a follow-up survey found that its cargo acreage ranks in the lowest 30 percent.

The most likely expansion area is the former Kapalama Military Reservation, a 55-acre home to hundreds of rambling warehouses and small businesses, most of which exist on month-to-month leases. The state acquired the land just off Sand Island Access Road in 1994, but development will cost more than \$100 million, officials said.

Matson Lines, the state's leading cargo

shipper, paid for a \$31 million overhaul of its cargo yard, giving the company the ability to stack containers and providing a higher density of operations.

"If the growth continues about the same, that should give our system enough capacity to get us to 2015," said Gary North, Matson's vice president of operations. "Ultimately the long-term solution is to develop another container facility at Kapalama."

The biggest proposal of all, though, calls for replacing the Sand Island bridge with a tunnel. Officials say an accident or terrorist attack on the bridge, the only link between the main cargo facilities and the rest of O'ahu, could paralyze the state for weeks.

Replacing the bridge with a tunnel and dredging an adjacent channel into Keahi Lagoon also would create a second shipping lane for the harbor, ending the problem of ever-larger ships trying to turn around in the crowded facility. Tunnel costs are estimated to be more than \$200 million.

Pirates kill seafarer in Brazil

One Ukrainian seafarer died and another was injured in a pirate attack on a vessel in Santos, Brazil on February 7. Oleg Velyev was killed and Andriy Shasherin sustained a gunshot wound in the abdomen during the attack on a ship reported as the Ukrainian-flagged supply ship or the Russian-flagged tanker *Mekhanik Karasev*.

The vessel, leased to the state oil company Petrobras, was loaded with diesel. The Santos federal police said the pirates were only interested in crew possessions.

Mendonca and Gilliland load up



USNS Mendonca being loaded with military cargo in January.

B.J. Talley photo

The *USNS Mendonca* and *USNS Gilliland* responded to the call of the U.S. Army to move more than half a million square feet of cargo and equipment destined for the Central Command area in January.

Both ships had previously been kept in reduced operating status. *Mendonca* was layberthed in Newport News, VA, and *Gilliland* in Jacksonville, FL.

SUP mariners assisted as Military Traffic Management Command's 1189th Transportation Terminal Brigade loaded the ships: the *Mendonca* January 14-16 and the *Gilliland* January 16-18. Both vessels loaded in approximately 70 hours.

"All organizations worked well despite the ever-changing cargo requirements during the loadout," said D'Agostino, MSC's lead shore-side representative.

The operation attracted interest from local and national media outlets. "I just can't believe how enormous this vessel is," said MSNBC correspondent John Elliott referring to the *Mendonca*.

In addition to members of the media, *USNS Mendonca* hosted a group of distinguished visitors while in port. Vice Admiral David L. Brewer, USN, Commander, Military Sealift Command, visited the ship along with Rear Adm. Jay Carmichael, USCG, Commander, Coast Guard District Seven; U.S. Representative Jack Kingston of Georgia's 1st District; and Tom Marchande, Executive Director of the Georgia Port Authority.

Source: Sealift

House passes legislation freeing U.S.-flag carriers from vessel repair rule—Senate Committee also clears bill

Legislation that retroactively exempts U.S.-flag carriers from a costly and overly burdensome vessel repair regulation imposed by the U.S. Customs Service since April of 2001, is moving quickly through the U.S. Congress.

Indeed, the U.S.-flag shipping industry on March 5 took a giant step forward in its efforts to win repeal of the rule when the U.S. House of Representatives unanimously passed what has become known as the "sea duty" amendment contained in the Miscellaneous Trade and Technical Corrections Act of 2003 (HR 1047).

Similar legislation is also moving quickly through the U.S. Senate, having been cleared by the Senate Finance Committee on February 27. It is expected that the Senate will pass the measure in the near future, and then send the bill to President Bush for his signature.

The legislative progress was immediately welcomed by American Maritime Congress (AMC) president Gloria Cataneo Tosi, who spearheaded the effort.

"This year's congressional actions portend a major victory for U.S.-flag ocean carriers who have had to bear the costs and burdens of this rule which imposes a 50 percent ad valorem duty on virtually all parts, supplies and equipment -- right down to the last pint of grease -- used by our U.S.-citizen crew members to perform routine repairs while our U.S.-flag ships are transporting cargo on the high seas," Tosi said.

"The measure also removes an anti-competitive barrier that places our U.S.-flag carriers at a competitive disadvantage in world trade, since the rule does not apply to our foreign-flag competitors," the AMC president said.

"As the U.S. continues its global war on terror, now is hardly the time to impose anti-competitive regulations on our U.S. Merchant Marine which forms the backbone of our nation's fourth-arm-of defense," Tosi said.

The lawmakers who have pushed this issue most vigorously include House Ways and Means Chairman William Thomas (R-CA), Congressman Jim McCrery (R-LA), Senator Trent Lott (R-MS) and Senator John Breaux (D-LA).

Source: AMC Washington Letter

ARA to affiliate with MEBA

The American Radio Association (ARA) announced late last month that it will poll its members regarding affiliation with the Marine Engineers Beneficial Association (MEBA).

The ARA is currently an affiliate of the International Longshoremen's Association (ILA).

SHAPE UP OR SHIP OUT

by Archie Green

At some time—perhaps during World War Two at a now-forgotten Navy boot camp—a tough boatswain commanded a raw recruit to complete a task. Possibly, an Army drill sergeant barked out a similar order to a squad of sad sacks. We can imagine the scene: authority of rank or experience, and even the tone of voice. “Get the lead out.” “On the ball.” “Look alive.” “Shape up or ship out.”

The latter phrase, with its open threat of being assigned to distant combat, served sailors, soldiers, or marines well. It reminded newcomers of duty, of why they had volunteered or been drafted. War was everpresent; battle zones were overseas; not all who shipped out returned.

In time, “shape up or ship out” moved beyond military usage to become an idiomatic expression of wide meaning in all types of situations: improve yourself, straighten up and fly right, get with it, behave. Every trade unionist to whom I have talked—old timer, shade-tree mechanic, sea lawyer, apprentice—knows or has voiced this figure of speech.

Word sleuths first noted the phrase as an Army term listed in the journal *American Speech* (May, 1956). This would suggest that “shape up or ship out” circulated orally for a decade or more before it reached print. Apparently, no one put it in writing in a diary, log, letter, or private manuscript during war years.

To the best of my knowledge, no scholar has offered a conclusive explanation of this speech figure’s origin. Although I served in a Navy ship-repair unit in the Pacific and China during World War Two, I have no conscious memory of then hearing the phrase as something new or clever. Nor can I pinpoint when or where it reached me.

Nautical language many centuries old (such as “fink” or “crimp”) usually hides a complex narrative of some mystery. By contrast, “shape up or ship out” is both recent (we assume 1941-1945) and clear. The meaning is direct for each part of the expression.

To reverse the word order, I treat “ship out” first. The noun “ship” to identify a seagoing vessel is as old as the English language itself. As common names of objects shift into verbs to connote action, “ship” or “to ship” very early signified embarkation or service at sea. The distinction between two usages is obvious: “As the ship hailed in sight, we recognized the Star of Sweden.” “Reluctantly, Jack will ship on the Star of Finland.”

“Shape up or ship out” combines balanced parts; its first half hinges on another old word of multiple meanings. After centuries of description of an object’s form or structure, “shape” came also to stand for altering or preparing something as in: “He shaped up (fattened) cattle for market.” Textile mill hands or needletrades workers shaped up (stiffened; gave strength to; improved) fabrics. In addition to refashioning objects, “shape” gathered ethical power when a parent urged a youth to shape up before taking a job or planning marriage.

By 1921, Waldo Browne in his dictionary of labor terms, *What’s What in the Labor Movement*, added a then-new definition: “Shape, the circle or horseshoe formation which ‘casual’ longshoremen seeking work are required to assume when they arrive at the docks each morning.” Browne was objective in his portrayal; however, maritime workers for nearly a century have inflected “shape up” with apprehension or anger. Their morning horseshoe symbolized a dehumanizing, discriminatory practice.

The 1954 film “On the Waterfront,” shot on location in Hoboken across the Hudson from Manhattan, offers a chilling representation of longshoremen at a morning shape. Terry Malloy (Marlon Brando), a young but failed boxer, and other casuals brawl at a pierhead as they begin their day’s work. The foreman throws a handful of brass checks (tokens to mark job time) into the crowd; men compete by scuffling for the “meal tickets”; the strongest emerge victorious. A callous hiring boss would assume that a man who could beat his mates in snatching a tiny metal tag could handle much cargo.

In November and December, 1948, reporter Malcolm Johnson wrote a number of pieces for the *New York Sun* exposing “Crime on the Waterfront”; in 1950, he gath-

ered them into a book, *Crime on the Labor Front*. Describing a 1930s scene when 500 dockers greeted a ship, Johnson stated that the hiring boss lost his nerve upon facing the mass of men hungry for work, tossed his 100 checks into the air, and walked away as the men fought like animals for the coveted brass (page 139).

This pivotal episode — boss throws checks, men fight for the brass — gathered legendary color. When Mary Heaton Vorse (“The Pirates Nest of New York,” *Harper’s Magazine*, April, 1952) retold “the familiar but grim story” she noted that an old timer summed up with irony: “And that was the fairest ‘shape’ they’ve had in years” (page 30).

Budd Schulberg, author of the screenplay “On the Waterfront,” and his colleagues in the press, civic agencies, and clergy all had heard some variant of the boss-throws-discs-in-the-air tale. This narrative, brief or extended, seemed to symbolize dock practices sanctioned by the International Longshoremen’s Association.

Actually, many enterprises used metal tokens either for exchange or hiring practice. Two occupations reveal variation. In American collieries during the mid-nineteenth century, miners hung individual brass checks on their coal cars before sending them aloft to the tippie to be weighed. Payment, based on each man’s tonnage, permitted abuse by short weights and other fraudulent schemes. Consequently, organized miners fought



New York Shape-Up, sketch by Ben Shahn, 1952.

for union-chosen checkweightmen (like union-controlled hiring halls for maritime workers) to insure accuracy in crediting “their brass.” The West Virginia song “Miner’s Lifeguard” summed up checkweight lore: “Keep your hand upon the dollar/And your eyes upon the scale.”

On Southwestern sheep ranches, the boss gave shearers a little disc (marked with an identifying sign) cut out of a tin can for each fleece. At the job’s end, the shearer turned in his tags for cash. We sense the period involved by reading Winifred Kupper’s *The Golden Hoof* (1945, page 155). She reports that in “early days” a disc was worth three to five cents. (An economist might well compare the value of such tokens among longshoremen, coal miners, and sheep shearers.)

In stevedoring, a contracting firm stamped its name and a series of individual numbers onto brass discs, usually between the size of a dime and a quarter. The men collected these tags on being selected for work, turning them in to a paymaster for cash at the end of the day or week. Often they would “discount” their brass at a saloon, ending up drunk and broke. Veterans of the 1934 Pacific Coast “Big Strike,” with whom I worked in 1941, bitterly summed up their experience: “We worked the brass before ’34.”

Writing for a professional and academic audience in the *Yale Review* (Spring, 1937), employer representative Paul Eliel commented: “Men in need of money had to cash their brass employment checks through usurers at rates of interest running as high, in some instances, as 10% per week. In other cases, gang bosses had to be placated and jobs purchased either through “kick-backs” or other favors” (page 516).

From the working stiff’s perspective, the shape up, with its related abuses, made the daily call hellish. For instance, men would resort to hidden practices such as placing a matchstick or a toothpick over an ear to signify that the wearer was a member of the “matchstick

brigade” ready and willing to kick back a dollar or two to the hiring boss in exchange for a job.

Equating a brass check with work, or with a particular type of compensation, is several centuries old; it crosses trade and geographic boundaries; it animates considerable lore. Upton Sinclair’s novel, *The Brass Check* (1919), exposed the “kept press”; it asserted that American Journalism served the capitalist class. Sinclair, aware that brothel keepers kept tally of work in their parlors by brass checks, likened newspaper publishers to prostitutes.

Sinclair’s metaphoric usage “brass check” was based on his familiarity with the exposure of New York civic corruption, police bribery, and Tammany hall scandals in 1892. Charles Parkhurst, a Presbyterian minister and compelling orator, then exhorted the “good government” citizens. State Senator Clarence Lexow followed by conducting a legislative investigation in 1894 which brought wide attention to the then-current brass check/harlotry connection.

I am uncertain when either red-light establishments or stevedoring companies initiated this form of payment. Nor do I know how long the practice persisted in either. In a *Dissent* article (Autumn, 1959), Daniel Bell correctly linked the longshore custom, bordellos, and Sinclair’s novel (page 421). For at least a century, the longshore brass check/shape up and the brass check/prostitution connection symbolized two faces of corruption or parasitic exploitation. Dramatically, Sinclair’s novel and Schulberg’s screenplay struck at a common enemy.

The dockside shape up portrayed in “On the Waterfront,” and parallel journalism or fiction, came to signify a Dantean hell out of which a heroic union struggled to be born. During the recent lockout (2002), International Longshore and Warehouse Union Local 19, Seattle, trumpeted, via website, its own 1930s birth out of the flames of conflict: “Those were the days of the shape-up, kickback, blacklist, goon squads, wage cuts, speed-up, and staggering accident rates.”

Although historians, economists, and sociologists have studied the shape up, no one has offered a precise account of the practice’s nativity. Without invoking port hiring conditions around the world, I affirm that the City of London initiated modern techniques for the loading/unloading of ships with the chartering of its West India Dock in 1801. Ship’s crews handled cargo before port authorities, warehouse firms, and shippers hired casual laborers on the docks.

For centuries, English speakers used “stevedore,” borrowed from Spain, before “longshoremen” became the accepted term for men who toiled along the shore. Early dockers’ trade unions favored the words “stevedore” and “rigger” in their official names. The latter, of course, had been long uses in Norway to connote one who handled a ship’s sails and running gear.

It may surprise partisans to learn that the Oxford *English Dictionary* first cites “longshoreman” specifically to name a dock worker in 1870. The new term appeared in a short story set in Maine by Harriet Prescott Spofford, “The Pilot’s Wife” (*Harper’s New Monthly Magazine*, November, page 864).

The nature of irregular, hazardous work in English ports attracted Victorian social reformers who reported on hiring long before anyone named the “shape up.” A classic description of dock labourers, coal whippers, ballast heavers, lumpers (timber handlers), and other related waterside trades began as a set of articles by Henry Mayhew for the *London Morning Chronicle* in 1849. Gathered in four volumes, *London Labour and the London Poor* has been reprinted many times. (I use Dover’s, 1968.)

Mayhew’s graphic account of dock hiring, when read today, recalls a tale by Dickens or the current TV series “The Sopranos.” Of particular interest to maritime workers is Mayhem’s account of the “calling-foreman,” who appears at customary stands or spots each morning: “Then begins the scuffling and scrambling forth of countless hands held high in the air, to catch the eye of him whose voice may give them work. All are shouting. Some cry aloud his surname, some his Christian name, others cry out their own names, to remind him

Continued on page 5

Shape Up or Ship Out *continued*

that they are there." (Volume 3, page 304).

As late as 1924, E. C. P. Lascelles and S. S. Bullock in *Dock Labour and Decasualisation* devoted a whole chapter (III) to "Calling-on," the customary hiring method on English docks. A decade or two before their study appeared, a new term, the "shape" or "shape up," emerged on New York's waterfront. The precise circumstance precipitating the new coinage remain unknown.

We are indebted to Charles B. Barnes, a social worker at the New York School of Philanthropy, for investigating dock conditions during 1910-1911, and to the Russell Sage Foundation for funding his efforts. Barnes' book *The Longshoremen* (1915) is factual in description, moral in tone. It represents a period when intellectuals, muckrakers, reformers, radicals, and trade unionists found common ground under the banners of Socialism and Progressivism. Activists — often at loggerheads, at time united — agreed that workers need not be slaves.

Charles Barnes, Upton Sinclair, Charles Parkhurst, Jane Addams, Mother Jones, Robert La Follette, and Andrew Furuseth, in their distinct ways, fought against the shape up and related forms of wage slavery. Barnes' *The Longshoremen* held some sixty photos of work and gear prior to 1915, but curiously no credit to the photographers involved. Off particular interest are several shots of men in a semicircle; one caption reads: "A 'shape' in front of one of the Chelsea piers. The calling has begun and men begin to step from the line" (facing page 7).

In the years 1910-1915, the new usages "shape/shape

up" were still novel, but the older "calling" to describe the same hiring method had not completely died out. Barnes included the new words in his Glossary, defining them as an assembly of men seeking work (noun), and the act of assembling at the pier (verb). Further, to emphasize novelty, he stated that "shape" was then unknown to Boston longshoremen. They used "pick-up" or "ring" to indicate their hiring practice (page 182).

With Barnes' book and Browne's dictionary entry for "shape/shape up" available, I need not list all the subsequent literature on this form of employment. The documentation of East Coast practices and concomitant evils is legion. Charles Larrowe's book *Shape-up and Hiring Hall* (1955) carried the study from New York to Seattle (and by extension to the West Coast).

Happily in 1997, Peter Cole boxed the linguistic compass by titling his Georgetown University thesis "Shaping Up and Shipping Out: The Philadelphia Waterfront During and After the IWW Years, 1913-1940." He treats one of America's most unusual unions, Industrial Workers of the World, Marine Transport Workers (MTWIU), Local 8, which pioneered racial solidarity in the City of Brotherly Love.

When I asked Cole for the source of his title, he indicated that the phrase "shape up or ship out" had no particular relevance to Philadelphia Wobblies. Rather, he chose the "sexy" phrase for its appeal to eye and ear, as well as for its application to MTWIU members ashore and at sea. IWW stalwarts frequently shifted jobs as conditions demanded.

We see in Cole's thesis title a recent extension of the dual usages "shape up" and "ship out," originally ut-

tered in military speech, very likely during World War Two. A phrase which once implied a "chewing out" is now widespread in American English — a cliché, proverbial saying, or aphorism. Those who use it may never have gone to sea or answered a foreman's call at a pier entrance.

As we face war again in the Persian Gulf, radio and television newscasters report on troops shipping out. The currency of "shape" as a generalized word for hiring shorn of pejorative overtones is attested at the close of Adam Fifield's feature on sandhogs: "Johnson Noel ... had shaped the previous day but had gone home empty-handed" ("The Underground Men," *New York Times*, January 12, 2003, 14:1-2).

Occupational lingo and lore belong to all who treasure this heritage. So long as seafarers, dockers, sandhogs, and their mates across skill boundaries voice their feelings and happenings in shipshape terms, our vernacular language will grow and prosper.

My thanks for help in this piece to — Steve Canright, Tom Carey, Peter Cole, Judy Hitzeman, Rex McCardell, Otilie Markholt, John Robinson, Jerry Schimmel, Harvey Schwartz.

About the Author

Archie Green is a San Francisco folklorist and noted labor historian who contributes to the *West Coast Sailors* from time to time.

U.S. merchant marine crucial to U.S. military operations and national security

Continued from page 1

U.S. Government organic sealift assets;

- Is less costly to acquire, operate, and maintain than U.S. Government-owned assets and intermodal systems for sustained sealift, thus performing military logistics missions in a significantly more cost effective manner; and,
- Ensures an intermodal system that is continuously modernized by its private sector commercial owners, without government assistance.

Pointing to the dwindling number of foreign-flag shipping sources to supplement U.S. sealift operations, the report highlighted the advantages of using U.S.-flag carriers and the importance of maintaining the U.S. Merchant Marine to serve as the Nation's fourth-arm-of defense.

U.S. Allies Increasingly Rely On U.S.-Flag Shipping

"Today, more often than not, the same Allies upon whom the United States used to depend to supplement U.S.-flag sealift shipping, such as the United Kingdom, now rely heavily on the United States to meet their own military sealift requirements," the report said.

For example, the U.K. called upon U.S. Ready Reserve Force (RRF) ships and their U.S.-citizen crews to transport troops and equipments to the Balkans during the Bosnian Operations in the late 1990s, the study noted.

Foreign Charters: Not A Viable Alternative

"Chartering militarily-useful foreign-flag ships on the open market can no longer be counted on to provide an assured, or reliable, source of defense shipping," the NDTA document declared.

"The types of vessels foreign owners are willing to offer up for military service — particularly if the vessels are required to sail in harm's way — are usually those possessing the least amount of commercial utility, often due to age or slower speeds," the study said, noting

that 25 percent, or 46 out of the 172 foreign-flag vessels used by the U.S. military during the Persian Gulf conflict have disappeared from the world fleet.

Cost, Safety, Reliability Disadvantages Of Foreign-Flag Shipping Cited

Experience gained from the Persian Gulf crisis also shows that foreign ships chartered by the U.S. were on the average "more costly, less efficient, less reliable, and less safe than their U.S. counterparts," the report said. Foreign-flag ships averaged \$50 more per ton than cargo transported by U.S.-flag vessels during the conflict, while they carried only 21 percent of the total cargo on 150 vessels, as opposed to U.S.-flag carriers transporting 79 percent of the cargo on only 103 ships, the study noted.

And in 13 documented instances, foreign-flag carriers either "hesitated or refused to enter the Persian Gulf itself to deliver cargoes," according to the report.

Many foreign-flag ships used during the crisis also had a poor safety record, since 40 percent of those chartered came from registries that were on the U.S. Coast Guard's vessel safety blacklist, the study said.

End Of Cold War Cancelled NATO Ship Operations

The demise of the Cold War put an end to a commitment by United States' European NATO allies to include their vessels under NATO's Sealift Ship List that was used to support the rapid reinforcement of Europe from North America, according to the study.

Although many vessels from NATO countries provided sealift during the Persian Gulf conflict, they were operated under commercial charter, rather than as commitments under NATO itself, according to the study. Therefore, "the decision to support U.S. forces now rests with commercial shipowners, not national governments," the report explained.

"Effective U.S. Control" (EUSC) Shipping Down To One Major Operator

The once relatively large fleet of so-called "Effective U.S. Control" ships has all but disappeared, with only one major U.S. tanker operator remaining in the EUSC program, according to the report.

With the loss of tax benefits following tax reform legislation in 1986, most of the EUSC companies switched to foreign ownership, the report said. "Thus, the long-term make-up of the EUSC fleet will always be uncertain," and "if requisitioned, the vessel comes without crew or any supporting infrastructure."

Moreover, EUSC ships are likely to respond slowly to U.S. sealift needs, especially if such operations require lifting cargo from the United States, the study said. Many of these ships operate totally in the foreign-to-foreign trades, thereby being required to finish those voyages before being offered for U.S. use, the study noted. "And when such vessels do deliver, it may be in a foreign port where re-crewing is difficult and from which re-positioning would be time consuming."

Vice Admiral Perkins Emphasizes Study's Timeliness-significance

"This study hits the nail right on the head by declaring that the U.S. Merchant Marine is a critical national defense necessity as the U.S. continues its war on terror, both at home and abroad," Vice Admiral James B. Perkins III USN (Ret.), former Commander of the Navy's Military Sealift Command said.

"This report is timely and of major importance to U.S. policy makers since it coincides with the deployment of U.S.-citizen crewed RRF ships and MSC vessels to transport military equipment and supplies to the Middle East and other parts of the world," said Vice Admiral Perkins, who is also a member of NDTA's Sealift Committee, and serves as Senior Military Advisor to the Ameri-

can Maritime Congress (AMC).

"I am especially pleased that the report falls squarely in line with testimony of General John Handy, [USAF, Commander of the U.S. Transportation Command], before an October 8, 2002 hearing of the House Armed Services Committee's Merchant Marine Panel, where he cited the urgent need for reauthorizing MSP as a national security imperative of the highest magnitude," Vice Admiral Perkins said "This study shows that the MSP is a success story, insofar as it provides ships, intermodal assets and a pool of highly-skilled U.S.-citizen seafarers required to crew military support ships." Vice Admiral Perkins concluded. "I am confident that this report will serve as an extremely useful tool as Congress moves forward to enact a new maritime program that reflects our Nation's new national security requirements."

Source: AMC Washington Letter

Hit-and-run mate convicted by Norwegian court

The Filipino mate of a Norwegian tanker that collided with a French trawler off the coast of Brittany last August killing four fishermen, was sentenced in Bergen, Norway this month to five years in prison.

Ronnie Zape was the mate on watch on the 25,000 dwt *Bow Eagle* when she collided with *Cistude*. After hitting the trawler, the tanker sailed on without stopping, leaving three surviving crew members in the drink for over eight hours before being rescued.

Prosecutors had demanded a four-year sentence but the court added an extra year when it found Zape guilty of "failing to assist persons in danger." The lawyer representing the trawler's captain said, "The sentence is still not long enough."

In his defense, Zape told the court that he thought the collision was not serious and there was no need to stop.

ESU Office Assignments

For the month of April, Jerry Patterson will be in the Baytown office and Tom Thompson will be in the Benicia office.

ESU NEWS

MARCH 2003

Official Publication of the Exxon Seamen's Union

ESU submits comments on security issues

The U.S. Coast Guard is presently formulating new regulations for security assessments and security measures for ports, vessels and facilities. The need for new requirements are a result of the Coast Guard's responsibility to comply with various governing bodies including the International Port Security (ISPS) Code, the International Convention for the Safety of Life at Sea (SOLAS) and the Maritime Transportation Act of 2002 (MTSA).

The Sailors' Union of the Pacific (SUP), of whom the Exxon Seamen's Union (ESU) is an affiliate, has taken a leadership role in actively participating in numerous meetings and discussions in attempting to ensure that the merchant mariner's rights and needs are voiced and considered as laws are established to protect our homeland. ESU members need to be aware that these issues now before the U.S. Coast Guard could directly impact members' quality of life at sea and in port, as well as additional requirements being placed on the mariner for continued employment within the industry.

In the February issue of the *West Coast Sailors*, the SUP published its response to the *Federal Register* Notice on Maritime Security. The Union presented a very lengthy and comprehensive position on a number of security concerns presently under consideration. Among the topics addressed were flag-of-convenience shipping, expanded use of U.S. flagged vessels, manning and fatigue, shore leave and seafarer identification issues.

The ESU Executive Board applauds the ongoing and exhaustive efforts of the SUP in this matter. The ESU has likewise made comment to U.S. Coast Guard as follows:

Comments of the Exxon Seamen's Union on the December 30, 2002 Federal Register Notice on Maritime Security (Docket Number: USCG-2002-14069).

The Exxon Seamen's Union represents approximately 300 maritime seamen that work for SeaRiver Maritime, Inc. SeaRiver Maritime, Inc. is a wholly subsidiary of ExxonMobil which operates a fleet of 11 tankers in domestic and foreign service.

Shore leave

The members of the ESU are particularly concerned about restrictions with access to shore leave. We insist that Vessel Security Plans, and especially Port Facility Security Plans, provide for an adequate means of shore leave for all mariners, and access to the ship for the mariner's union representatives. Shore leave is an essential and time-honored component of the seagoing life, judged throughout the ages to be critical to the health and welfare of the seafarer.

We think the Coast Guard guidance so far on Facility Security Plans is inadequate in this regard. Specific attention

(i.e., requirements) must be paid to the means of conveyance, the visa acquisition system, and identification checks of both seafarers and union representatives. Without such a requirement in the rules, we suspect security might be used as a premise for cost-cutting actions such as ending contracts with facility transportation companies or personnel. Moreover, the importance of shore leave is recognized in the ISPS Code (16.3.15) on page 79760 of the *Federal Register* which provides for "Procedures for facilitating shore leave for ship's personnel or personnel changes, as well as access of visitors to the ship including representatives of seafarers' welfare and labor organizations." The *Federal Register* also notes the importance of the ILO Convention on the Facilitation of Maritime Traffic, 1965, which "provides that foreign crew members shall be allowed ashore by the public authorities while the ship on which they arrive is in port..." The Exxon Seamen's Union urges the Coast Guard, when approving ship and port facility security plans, pay "due cognizance," as that Convention has it, "to the fact the ship's personnel live and work on the vessel and need shore leave..."

The Union also has concerns with the Company (SeaRiver) using whatever the Final Rule is as a tool to restrict our members from shore leave as a way to cut their operating cost. An example would be elimination of launch services and ground transportation that is currently provided under our Collective Bargaining Agreement.

At a minimum, we believe the Final Rule should allow our members unfettered access to shore in all U.S. ports and at all facilities. As stated above, shore leave is an important part of the seafarer's life that is vital to his/her ability to tend to personal business, leisure activities and family.

Your consideration with the above is greatly appreciated.

The ESU will continue to inform its membership on this matter as the regulation process continues and new requirements are implemented.

Condolences

The Union is saddened to learn of the untimely and unexpected passing of William L. "Billy" Straley III, on February 28, 2003 in Campbellsville, Kentucky at age 50.

Billy sailed for numerous shipping companies through the years and had sailed for a brief period of time with Exxon Shipping Co., predecessor company to SeaRiver Maritime, Inc.

The Union extends its sincerest condolences to the entire Straley family including Billy's father, retired Master, Capt. William L. Straley and brothers, ESU Vice President, John Straley and Pumpman, Jeff Straley.

Promotions announced

The ESU congratulates the following members on their recent promotions effective as of March 1, 2003:

Able Seamen

Edward Benjamin
Edward Botchway
John Drew
John Moses
Allen Roberts

Fleet Chef

Pamela Hann
Brenda Johnson
Audrey McDaniels

Cook

Daniel Breaux
Timothy Gallegos
Jack Thompson
Dennis Wright

These promotions satisfy, with the exception of one position on the Cook seniority list, the company's contractual obligation to maintain all seniority lists at a 2.0 manning factor. As members may recall the manning factor was increased from 1.8 to the present 2.0 as a result of gains achieved during the 2002 contract negotiations. As a result of this increase, there has been a significant number of promotions realized since the implementation of the new agreement in September of 2002.

The one Cook slot that remains open is being held for the next eligible candidate whom has not been able, to date, to serve as a "step-up" in that rating. The Company has assured the Union that this individual will be stepped-up as soon as practicable so that any requisite training and evaluations can be accomplished.

The Union is pleased that recent promotions have been accomplished in a more timely fashion than in the past. Timeliness of promotions has been an ongoing concern and point of contention between the ESU and SeaRiver management for several years and has resulted in numerous discussions and a number of charges being filed.

As a result of the discussions held at the January Joint Union Management Training Committee (JUMTC) meeting, onboard training for candidates eligible for step-ups in Steward Department positions have been initiated. The first member allowed to sail extra to gain valuable "hands-on" training to better prepare for future step-up/promotion opportunities as Fleet Chef was Cook Bruce Bender aboard the *SeaRiver Charleston*. This type of training for candidates seeking future promotion was identified as beneficial in conjunction with shore-side training. Further such training can be anticipated for not only the Chef position, but Cook as well.

New MMD renewal requirements

Members need to be aware that due to new requirements precipitated by the passage of the Maritime Security Act of 2002, Merchant Mariner Documents (MMD) renewals will not be able to be accomplished by mail. It is now necessary for members to go to their nearest Coast Guard Regional Examination Center (REC) to be fingerprinted and submit the renewal application. It is not clear at this time if the Coast Guard will require the mariner to also return to the Coast Guard office to surrender their old document and be issued their new one. The Union has been attempting to get a definitive answer to this question, but has found that there is a certain amount of inconsistency from REC to REC on the interpretation of the new requirements and whether the mailing of the new MMD's are acceptable.

In addition to fingerprinting, the Coast Guard will conduct criminal record reviews of individuals as well as verification of identities, criminal histories and sobriety. To facilitate establishing positive proof of an applicant's identity the Coast Guard has deemed it necessary that all applicants be present at the REC.

New forms for renewal of MMD's began being used by the USCG on February 3, 2003 and as of that date the old application forms will no longer be recognized for processing of applications. The Union has provided a copy of these new forms to the vessels and a copy of may be obtained through the ESU Ship Representative.

The Executive Board cannot overstate the importance to members of initiating their renewal process at a minimum of six months before the expiration of their MMD. The Coast Guard has established renewal priorities that gives preference to first, military service personnel and then active sailing merchant mariners. It is anticipated that additional processing time will be required for applicants who are foreign nationals.

Members should contact the Fleet Manning Department for Service, Tankerman Assistant and Drug Testing letters.

Some REC's may not allow walk-in application processing. It is recommended that members needing to renew, call their Regional Examination Center for instructions as to their specific requirements. Further information can be obtained by calling Mr. Donald Kerlin at the National Maritime Center, phone number: (202) 493-1006.

As previously reported by the Union, SeaRiver Maritime has adopted a policy that requires all employees to provide proof of 60 days validity on all required documents when signing aboard. Mariners that cannot meet this requirement will, without exception, not be allowed assignment aboard the vessel and will be required to pay for their own transportation back to their "home port". Furthermore, if the employee has exhausted their paid leave they will be on an off pay status until the document is obtained.

ESU News

Nomination period continues

S/R Columbia Bay

The special election for the Ship Representative position on the *S/R Columbia Bay* is being conducted as outlined under the ESU Constitution and Bylaws. Candidates for this position will be required to submit a nomination form with a minimum of 15 signatures from members in good standing. To be eligible for nomination, a member must have his dues paid through the month in which the nomination is made. The nomination form should be mailed to the ESU Baytown office. The nomination forms can be sent by regular mail, or by certified mail if there is any question concerning the timely receipt of the form. Each bona fide candidate for this position is requested to provide a campaign statement that will be presented to the membership in a mail-out from the Union office along with the ballot.

The nomination period for this election is March 1, 2003 through April 30, 2003. The elected Ship Representative will complete the current term for the *S/R Columbia Bay*, which ends on December 31, 2005.

As of March 17, 2003, the Union has received no nomination forms for this election. The Executive Board encourages each individual member to consider stepping forward and offering their services in this vital leadership role within our Union.

Conference scheduled for April

The annual Ship Representative Conference is slated for April 21-26 at the Wyndham Greenspoint Hotel in Houston, TX. Ship Representative's and department Trustees needing assistance with scheduling to attend should contact the ESU Baytown, TX office. The Union will attempt to work with Fleet Manning on your behalf.

Ship reports

S/R American Progress

Board Officer visited the vessel on March 10 at the City Dock in Beaumont, TX and March 15 at the ExxonMobil Dock in Baytown, TX. Temporary Ship Representative John Munich reports that everyone is doing well after a hard and fast transition from the West Coast to the Gulf. The crew is to be commended on a job well done in a safe, nonstop tank-cleaning voyage to prepare vessel for the clean product trade in the Gulf. Representative Chuck Bell is now on board.

S/R Baytown

Vessel continues to trade between Valdez and the Puget Sound area. Ship Representative Mark Myser now aboard. The Union thanks Jay Berry for stepping-up to assume the Temporary Ship Representative duties. No major beefs reported.

S/R Bristol Bay

Vessel entered short-term lay-up at Cascade Ship Yard, Portland, OR the first week of March. Skeleton crew has been aboard. Lorenzo Fontana serving as Temporary Representative and is communicating with Union. The vessel is expected to be re-manned and put back into service some time in April.

S/R Charleston

Ship boarded at Unocal Dock in Port Arthur TX March 11. Ship Representative Bob Knight on board. Bob reports all is going well. Vessel is preparing for a voyage from Gulf to a Los Angeles, CA area refinery. This is the first transit for the vessel through the Panama Canal and to California. Crew looks forward to a change in trade.

S/R Columbia Bay

Newest addition to the SeaRiver fleet departed Singapore on February 2 and loaded in Valdez March 16. The ship will discharge its load of ANS cargo at Richmond and Benicia in the S.F. Bay Area. Tim Williams continues as Temporary Representative and has communicated in excellent fashion with the Executive Board via email. The nomination period for the selection of an ESU Representative to this vessel continues through April 30.

S/R Galena Bay

Executive Board Officer visited the vessel at the Valero Dock in Benicia, CA on March 9. Bill Davis filling in for Ship Representative Levy Ponce. No beefs reported.

S/R Hinchinbrook

Ship has completed another run to Hawaii and is now on the Valdez to Puget Sound trade. Danny Jones on board as Ship Representative but is due for relief soon. Continue to have problems on vessel in regard to use of MS in assisting Stewards Department. Grievance written and unfair labor practice charge filed with Department of Labor.

S/R Long Beach

Vessel visits conducted February 24 and March 14 at the Valero Dock in Benicia, CA as well as March 13 in Richmond, CA at the Chevron Long Wharf. No major beefs reported. Jeff Harris, participating in the EREP program, has filled in for regular Ship Representative Joe Graca. Vessel continues to discharge in Southern California as well as split loads in the S.F. Bay Area.

S/R Mediterranean

Ship Representative Frank O'Malia is in contact with the ESU via e-mail and reports all is going well. The crew is working hard and staying busy bringing the vessel back into shape. Vessel departed shipyard March 11. Due to security concerns, ships schedule is not being published. The Union will closely monitor the vessels movements.

S/R Puget Sound

Vessel visited by Board Officer on March 3 at the Shore Terminal in Martinez, CA. All is reported to be going well on board. Ship Representative Michael Harrison is reported to be mending well and it is hopeful he will be returning soon. Ship is slated for Valdez to Puget Sound area voyage.

S/R Wilmington

The ship is returning to the Gulf after a stop in Puerto Rico. Ship Representative Allan Cooper is in contact with the Board via telephone and reports everything running smoothly.



Pictured above are some of the participants of the Exxon Mobil Labor Council meeting. From the left are: Kenny Kohlmeyer, President, Pace Local 4-2001 Baytown, TX; Gary Beevers, Pace International Representative and Council coordinator; W.T. (Jerry) Patterson, President Exxon Seamen's Union; Ray Sisneros, Council Chairman, Pace Local in Torrence, CA; Jim Byrd, Vice President and Director of Pace Region VI; Francis (Bear) Abbott, representing the new Pace Local in Baton Rouge, LA; Jim Parnell, Administrative Vice President, Pace International Union and Joe Drexler, Director of Special Projects, Pace International Union.

ESU in attendance at Labor Council meeting

ESU President Jerry Patterson attended a General Membership meeting of the Exxon Mobil Labor Council held at the GCIW Pace Local 4-2001 Union Hall in Baytown Texas on March 10 and 11, 2003.

The Exxon Mobil Labor Council is a close-knit confederation of Pace and Local Unions in the region whose members are employed by ExxonMobil. A detailed summary of the meeting will be published in the April issue of the *ESU News*.

Constitutional Amendment proposed

As reported in the February issue of the *ESU News*, the Unions' Executive Board has initiated a petition to change language in the Constitution and By-Laws. This petition was distributed to all vessels in compliance with Article XII, paragraph 2, A, B and C of the Constitution and By-Laws.

This Union has experienced numerous occurrences of additional expenses in conducting "special elections" to fill vacancies due to, for a variety of reasons, Ship Representatives not fulfilling their terms of office. Additionally, these vacancies cause many months of inconsistent ESU representation aboard the affected vessel due to the lengthy nomination and election period mandated by our Constitution and By-Laws.

In an attempt to address this concern, the Union is proposing a language change to Article V, paragraph 4-A of the ESU Constitution and By-Laws as follows:

Existing Language — 4. Vacancy

A. When a vacancy occurs in a Union office due to resignation or for other reasons and more than one-year remains of the unexpired term, the Executive Board shall call a special election to fill the vacancy. The vacancy shall be announced to the membership and sixty (60) days allowed for candidates to gather the requisite signatures for nomination as specified in Article V, Paragraph 1 D. If no candidate seeks election for the remainder of the term, the Executive Board can then appoint a member to fill the remainder of the term.

Proposed Language — 4. Vacancy

A. When a vacancy occurs in a Union Executive Board Office position due to resignation or for other reasons and more than one-year remains of the unexpired term, the Executive Board shall call a special election to fill the vacancy. The vacancy shall be announced to the membership and sixty (60) days allowed for candidates to gather the requisite signatures for nomination as specified in Article V, Paragraph 1 D. If no candidate seeks election for the remainder of the term, the Executive Board can then appoint a member to fill the remainder of the term. When a vacancy occurs in a Ship Representative position due to a resignation or for other reasons, the Executive Board can then appoint a member to fill the vacancy until the next scheduled election.

*Note: Underlined text indicates proposed changes in language

The Union requests that Ship Representative's make the Constitutional Amendment Petition available to members who want to sign and expedite the signed petitions back to the Baytown ESU office at this time as the petition period runs concurrent with the "special election" nomination period to select a Ship Representative for the *S/R Columbia Bay* ending April 30.

EXXON SEAMEN'S UNION

Founded March 28, 1941

Affiliated with the Sailors' Union of the Pacific

701 W. Sterling Ave.
Baytown, TX 77520
Tel (281) 420-9276
Fax (281) 422-0710
E-Mail: esubay@msn.com

P.O. Box 792
Benicia, CA 94510
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President Jerry Patterson

Vice President John Straley
Secretary/Treasurer Leo DeCastro
Recording Secretary Thomas Thompson III

Deck Trustee Patrick Campbell
Engine Trustee William Ackley
Steward Trustee Gerard Nelson

Sailors' Union of the Pacific/ Training Resources, Ltd.

Schedule of Course Offerings for 2003

STCW 95 Basic Safety Training

• Basic Fire Fighting	• Basic First Aid		
• Personal Survival	• Personal Safety and Social Responsibility		
Mar 24-28	May 19-23	Jul 28-Aug 1	Oct 6-10
Apr 7-11	Jun 9-13	Aug 11-15	Oct 20-24
Apr 21-15	Jun 23-27	Aug 25-29	Nov 3-7
May 5-9	Jul 14-18	Sep 8-12	Nov 17-21
		Sep 22-26	

Small Arms Training (MSC approved)

Mar 24-26	May 26-28	Sep 29-Oct 1	Nov 17-19
Apr 21-23	Jun 30-Jul 2	Nov 3-5	Dec 15-17
	Aug 25-27		

LMSR Vessel Training (MSC approved)

Apr 8-18	June 17-27	Aug 12-22	Oct 21-31
May 13-23	July 22-Aug 1	Sep 16-26	

Survival Craft (Lifeboatman)

Apr 1-4	Jun 3-6	Aug 19-22	Oct 28-31
Apr 22-25	Jul 29-Aug 1	Sep 30-Oct 3	Nov 18-21
			Dec 16-19

Training Information and Enrollment

Contacts

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SUP Welfare Plan
450 Harrison St., San Francisco, CA 94105
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Dave Connolly, SUP Vice President
c/o Andrew Furuseth School of Seamanship
450 Harrison St., San Francisco, CA 94105
Tel: (415) 777-3400
Fax: (415) 777-5088
E-mail: daveconnolly@msn.com

----- NOTICE ----- LMSR-trained sailors

All members who have taken Military Sealift Command (MSC)-required training for Large Medium Speed Roll-On/Roll-Off (LMSR) vessels should be prepared to serve in these ships if so requested. Members with Class B, Class C seniority and Class D registrants who have taken the MSC-required training should be aware that under SUP Shipping Rule #9 they "must accept jobs to which they are assigned. If any Class B member or Class C member fails to accept a job to which dispatched, without a reasonable excuse, their registration shall be cancelled and they will not be allowed thereafter to register again."

Gunnar Lundeberg
President/Secretary-Treasurer

Editor's Note: For those who want to receive the *West Coast Sailors* in a more timely manner, subscriptions **via first-class mail** are now available (one-year intervals only) for \$25 per year.

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450 Harrison Street
San Francisco CA 94105



Welfare Notes

March 2003

Active members

401(k) information

Starting in late April the SUP Welfare Office will be able to assist members who participate in the 401(k) plan with a new benefit. By obtaining the participants approval the Plan Office will be able to access the individuals 401(k) account information via computer. The participant can then obtain the current balances, contributions, rate of return, and other financial information. This service is not only available to participating members who come to the Plan Office at Headquarters, but also to members at all branches. Your SUP Welfare representative will be able to access this information at branch offices when he attends the monthly membership meetings. The May issue of *West Coast Sailors* will let you know when the Welfare Office will be at branch meetings.

Pensioners

Reimbursement forms

The Plan Office would like to review one of the forms that retired members use to claim reimbursement from their annual medical allowance. The key to speeding up your claim and make our job more efficient is to complete and submit the reimbursement forms with your medical receipts. When your claim is paid by the Welfare Plan, a new reimbursement form will be mailed back to you with your check. You can then complete this new reimbursement form to submit with your next medical or dental claim. You DO NOT need to mail in the reimbursement forms unless you have medical or dental claims to be paid by the Plan.

When you fill the form, please complete the sections for you and for your dependent if submitting a claim for both of you. If the claim is to be paid directly to your doctor or provider, please check the "ASSIGNMENT" box that authorizes the Plan to send the check directly to them.

If you need some extra forms or have any questions on this procedure please call the SUP Welfare Plan Office.

ATTENTION MEMBERS

Recent enactment of the Health Insurance Portability and Accountability Act of 1996 (hereinafter called the HIPAA Privacy Rule) requires the SUP Welfare Plan Inc., to provide all active members and retirees with a notice of our legal obligations and your rights as a Plan participant. You will shortly be receiving this notice by mail to your address on file. This notice will be a seven-page letter that the Plan encourages you to take the time to read.

The letter you will be receiving identifies what this protected information is and how the Plan works with this information to administer your benefits. While this letter will go into great detail to state rights and obligations, you as a participant will see virtually no change in the way your plan is administered since the HIPAA Privacy Act puts into law policies and procedures which have already been in place in the Welfare Plan Office.

SUP Welfare Plan

450 Harrison Street, San Francisco CA 94105

Telephone Numbers:

Main (415) 778-5490
Eligibility active members/dependents (415) 778-5491
SUP Money Purchase Plan, SUP 401(k) Plan,
Pensioner Medical Benefits (415) 778-5493
Toll Free Number (800) 796-8003

MFOW election results

In the recently concluded election of officers for the Pacific Coast Marine Firemen, Oilers, Watertenders and Wipers Association (MFOW) for the 2003-2005 term, "Whitey" Disley was reelected President/Secretary-Treasurer without opposition.

Also unopposed were Vice President Bobby Iwata, San Francisco Port Agent Anthony Poplawski and Seattle Port Agent Mike Carr.

Incumbent Honolulu Port Agent Bonny Coloma bested Stuart Melendy. For the Wilmington Port Agent's job Bill O'Brien topped Robert Bugarin.

Record of SUP Shipping February 2003

	Hdq	Seattle	Wilm	Hono	Total
Bosun	3	1	4	0	8
Maint. Man	1	0	0	0	1
A.B. Dayworker	0	0	5	0	5
A.B.	17	9	16	7	49
O.S.	1	0	1	0	2
Standby	16	17	81	40	154
TOTALS	38	27	107	47	219

U.S. citizenship critical to maritime security program says USSM CEO

Noting that the Maritime Security Program (MSP) citizenship policy is "critical" to the nation's security and should not be changed, Jay Keegan, President and CEO of U.S. Ship Management, Inc. (USSM), warned an industry gathering in Washington this month that Maersk is leading the advocacy effort in the Congress and in the halls of MarAd and DOT to change long-standing policy by seeking to equate a foreign-controlled "documentation citizen" with a U.S. citizen-owned and controlled company (a Section 2 citizen).

USSM operates MSP vessels for Maersk. American Ship Management has a similar arrangement with APL. USSM and ASM are U.S.-citizen companies as defined by Section 2 of the Shipping Act of 1916.

In remarks before the Washington chapter of the Kings Point Club on March 6, Keegan recalled testimony he presented last summer before a House Armed Services Committee hearing in which he "presented proof" that Maersk was doing business in Iran, Iraq, Libya and Sudan, all of which were designated by the U.S. State Department as "state sponsors of international terrorism." American companies are prohibited from doing business with such countries.

He told the gathering that he made it clear during the hearing that he was suggesting that Maersk was violating U.S. law because, after all, Maersk is not a U.S. citizen. "But Maersk was appearing before the Committee and claiming that it should be considered as the equivalent of a Section 2 citizen."

The following are excerpts from Keegan's remarks:

"After 9/11, it is even more important that vessels in the MSP program be operated by Section 2 citizens. We certainly cannot afford to allow our country to become increasingly reliant on foreign-owned and controlled companies.

The citizenship policy of the MSP is a key topic in the upcoming reauthorization, Maersk is leading the advocacy effort in the Congress and in the halls of MarAd and DOT to change long-standing policy by seeking to equate a foreign-controlled "documentation citizen" with a U.S. citizen-owned and controlled company (a Section 2 citizen).

In a time of national emergency the United States needs to know that it can count on genuine U.S. citizens rather than the legal fiction of foreign-controlled "documentation citizens." Unfortunately, we can envision conflicts where foreign-controlled "documentation citizens" might decide to be "neutral" when our nation requires commitment.

If we permit a "documentation citizen" the same rights and privileges as a Section 2 citizen we will hasten the demise of the citizen-operated U.S. Merchant marine in the foreign trades and, as importantly, it will eventually result in both the domestic and noncontiguous trades falling to foreign ownership and control. Do we want this to happen? I think not!

Another aspect of maritime policy that will be considered this year is tax policy.

Proposals have been circulating for a tonnage tax system. Such program have had some success in other countries. The "tonnage tax" proposal would provide that an American-flag vessel would pay no more than about \$20,000 per year in federal tax, regardless of how much it earned. No doubt that would be a powerful incentive to bring ships under U.S. flag.

As some of you know, of course, foreign-owned companies which have American subsidiaries today pay little, if any, American taxes.

So when they compete with American-owned companies, the foreign-owned company starts with a tremendous advantage. An advantage so significant that, overtime, it will inevitably cause any American-owned business to lose that unfair game. As a result foreign-owned companies operating in the U.S. have not given tax reform legislation a high priority.

They don't need it; they don't have a tax problem.

Now, when foreign-owned companies engage in business that takes place completely within the U.S.—for example, terminal operations, or inland transportation, or forwarding—they would be subject to U.S. taxes.

As a result, some foreign-owners are now advocating legislation that would make income from terminals and inland operations and forwarding effectively exempt from U.S. tax by providing that the "tonnage tax" on U.S.-flag vessels would exclude their "related businesses" from taxation. In other words, all of the income from such "related business" would be included in the \$20,000 per vessel annual limit on taxation, while advocating this massive tax windfall for themselves, these same foreign-owned companies dismiss the American Shipbuilding Association's proposal as too expensive.

And what would happen to any U.S.-owned terminal operator or inland transport provider or forwarder who was not owned by someone who also owned ships? Could they survive in such an unfair environment?

It seems to me that we have done our industry and its future a real disservice when we became so fractured in seeking what is good for some individually in the short-term and abandoning long-standing, fundamental tenets of the U.S. maritime industry. I specifically refer to those who would advocate positions 1) that would undermine the U.S. citizenship policy—the cornerstone of our maritime policy 2) that would abandon American shipyards, and 3) that would jettison the Jones Act."

Bosun's Stamp Committee



From left: Norman Christianson (Seattle), Keith Miller (Wilmington), Ernie Stimach (observer from San Francisco), Monty Kalama (Honolulu) and Romaine Dudley (San Francisco).

Committee on Bosun's Stamps Recommendation to the Committee on Constitution February 24, 2003

On this day the elected Committee on Bosun Stamp's met at Headquarters as mandated the membership in the 2001-2002 election. We discussed the question of qualifications for bosun's stamps and after careful consideration make the following recommendation to the Committee on Constitution and the membership:

Amend Shipping Rule No. 26 with the following additional qualifications:

- 1) All new applicants for a bosun's stamp shall present a letter signed by 10 members, at least six (6) of whom shall have Class A seniority, that recommends the member for a bosun's stamp.
- 2) All new applicants for a bosun's stamp shall demonstrate competency before a Committee of three (3) members in the following areas:
 - a. Splicing of appropriate line and wire.
 - b. Rigging of staging and bosun's chairs.
 - c. Knowledge of international crane hand signals.
- 3) All new applicants for a bosun's stamp shall provide proof of one (1) year's seetime as delegate under SUP collective bargaining agreements.

These additional items will be reviewed and considered by the regular Membership and Ratings Committee for final authorization of eligibility for the bosun's stamp.

Fraternally submitted,

Romaine Dudley *Romaine Dudley*
 Norman Christianson *Norman Christianson*
 Montague Kalama *Monty Kalama*
 Keith Miller *Keith Miller*

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Vice President's Report

March 2003

SOCP conference

In addition to the regular duties of the front office, and routine clarifications on all contracts, I traveled to San Diego on March 5 and 6, to attend the Ship Operations Cooperative Project conference with President Gunnar Lundberg and SUP Welfare Plan Representative Rich Reed. This small but influential group of shipowners, ship operators, training institutions, government agencies, and unions is often on the leading edge of change in the maritime industry. The two primary present concerns are the implementation of the maritime security regulations and mariner recruitment and retention. On the latter, Capt. William Schubert, head of the United States Maritime Administration, publicly recognized our role in creating the most innovative and effective maritime apprenticeship program in the nation at the Mar Vista High School. Capt. Schubert expressed his strong support for the Sailors' Union, and addressed the students at our site at

Camp Nimitz. The replication of the program will provide the next generation of well-trained union mariners ensuring our continued success in meeting our contractual obligations.

Foss delegates

In bargaining with Foss Maritime Company beginning in November 2001, we proposed to add a second delegate because there are two shifts at Foss. Mike Worth was elected to augment the work of Tom Tynan, and through their dedication, vigilance and intelligence, the two together have transformed the administration of the Foss contract. Recently, Tom investigated and processed a jurisdictional grievance (non-bargaining unit members performing SUP work) from initial claim to victorious payoff. That's never been done before in this unit, and augurs well for the future. Moreover, it is clear and convincing evidence of the advantage the Union gets from an active, responsible, and interested membership.

Matson's Double-breasted intent

Only eight months ago, Matson assured us the new Manukai-class ships were ours. In bargaining, we made numerous informational demands related to the ships, we discussed manning, wages, delivery dates, and they handed across the table the ship schematics and plans. At their invitation, I visited the ships in Philadelphia, inspecting the construction, and discussed with the engineers their intent to comply with our Agreement on the specifications of crew quarters, among other things. The ships became part of the signature issue of that year's bargaining: specifically, that Matson would not engage in double-breasted operation in the Hawai'i trades. Gunnar Lundberg repeatedly, emphatically, and unequivocally insisted on an ironclad company commitment to operate their ships in the Hawai'i trades with the SUP on deck. Those sessions were intense and

Continued on page 12



SUP President's Report

March 10, 2003

MATSON NAVIGATION COMPANY

On February 28, at the request of Matson, MFOW President Whitey Disley, MFOW Vice President Bobby Iwata and your secretary, attended a meeting to—in the words of the company—“dispel rumors” about the two CV 2600 *Manukai*-class ships under construction at Kvaerner Philadelphia Shipyard. Representing the company were C. Bradley Mulholland, Alexander & Baldwin Executive Vice President and Matson Vice Chairman; Gary North, Senior Vice President; Ronald Forest, Vice President; and Captain Jack Sullivan, Director of Vessel Operations and Offshore Labor Relations.

Mulholland stated that although Matson had previously committed to buying the Kvaerner ships and had recently received \$150 million in Title XI ship loan guarantees from the Maritime Administration for the vessels, the company was now considering another operator to buy the ships and then time-chartering them back for use in the Hawai'i trade.

Matson's rationalization was that owning the ships “can no longer be viewed as a reasonable investment” and that it has determined “that the ships are not affordable under the present cost model and has requested Kvaerner seek another buyer.”

The “cost model” the company referred to is crew costs. A company interoffice memo distributed to all Matson employees the same day the meeting was held stated that “the option to time-charter the ships, lends itself to several, lower cost crewing options.”

The SUP and MFOW responded with fury, characterizing the company's outrageous and duplicitous scheme as Union-busting.

When questioned what had changed the “cost model,” Sullivan stated that the MM&P Pension Plan needed additional funding, that the MEBA Pension Plan possibly requires additional funding in the near future and that Matson had not achieved its goal of removing the radio operator in the *Manukai*-class ships.

Mulholland added that the company was aware that there were several operators who have expressed interest in buying the ships and time-chartering them back to Matson that have lower crew costs. Specifically mentioned was Interocean Uglund Management Corp. (IUM), a subsidiary of SaltChuk Resources. IUM has collective bargaining agreements with the SIU-A&G and AMO.

The meeting concluded with the SUP and MFOW warning Matson that we would take all legal action if the company tried to escape from our agreement.

As the membership will recall, in 2001 (see the August and September 2001 *West Coast Sailors*) Matson proposed that all seagoing Unions take an 11.7% reduction in the total cost of combined wages and benefits in the Kvaerner ships plus any other ships the company purchased. At that time, Sullivan stated that Matson might consider chartering the ships instead of buying them. Ultimately the SUP and MFOW, and eventually the other seagoing Unions, rejected Matson's concessionary proposal as having no compelling economic justification.

However, there was concern that Matson was capable of gimmicking the deal for the Kvaerner ships given the experience of the bareboating chartering of the *Kaimoku* and *Kainalu* to Sea Star Line in 1999 which resulted in the loss of work for the SUP, MFOW, MM&P and MEBA. Matson was and remains an inventor in Sea Star along with Totem Ocean Trailer Express (TOTE), another SaltChuk subsidiary.

During negotiations with Matson last year, the primary focus of the Unions (SUP, MFOW, SIU-A&G Cooks) at the outset and throughout bargaining was the concern that the company might pull another *Kaimoku/Kainalu* stunt and run a “double-breasted” operation in the Hawai'i trade with the Kvaerner ships. Although the Unions were assured in writing and across the bargaining table that was not Matson's intent, it is now

clear that the company did not bargain in good faith as the threat has surfaced again.

On the day following the meeting with Matson, Disley and your secretary met with legal counsel to discuss the Matson situation. After reviewing a number of options, we sent a demand letter to the company requesting specific information regarding Matson, Kvaerner, etc. in order to get a more accurate read on the situation and to prepare for possible legal action.

On March 9, the unlicensed Unions met at Headquarters with Matson to continue discussions on the Kvaerner ships. In attendance for the Unions were Disley, Iwata, MFOW Port Agent Tony Popawski, MFOW/SUP Attorney Peter Saltzman, SIU-A&G West Coast Vice President Nick Marrone, SUP Vice President Dave Connolly, and your secretary. The company was represented by Sullivan; Tom Percival, Manager, Labor Relations and Vessel Operations, and Jim Mann, Supervisor of Vessel Operations.

At the outset of the meeting, Sullivan was asked if he was prepared to respond, in writing, to the informational demand letter. Sullivan tap-danced around the issue giving a variety of lame excuses of why Matson was unresponsive. The Unions demanded that we needed the information by the close of business on March 11. If the information requested is not received, the Union is prepared to seek other remedies.

Sullivan stated that Matson had met with the MM&P, MEBA and ARA in Washington on March 5 and 6 and had commenced bargaining on the Kvaerner ships. Sullivan indicated that the company proposed a 40% reduction in wages for the vessels, with the licensed unions proposing a 20% cut. Sullivan said this was “not enough” even if the radio operators job was eliminated. According to Sullivan, the licensed Unions are scheduled to meet in San Francisco on March 13 to continue concessionary bargaining.

When pressed as to when the company would make a decision on whether to buy the vessels, Sullivan was vague and non-committal. Sullivan also said that the company had given the licensed Unions until March 21 to present Matson with a proposal incorporating “significant cost saving” in order to convince the company to buy the Kvaerner ships.

Sullivan indicated that Matson also had a proposal for the unlicensed Unions. Our response was that we already had a collective bargaining agreement with the company negotiated in good faith and ratified less than eight months ago—that incorporates the wages, benefits and manning scales for the *Manukai*-class vessels. We further stated, that in our judgment, the proposed maneuver by Matson constitutes a breach of contract and that we would take appropriate legal action if necessary.

The meeting concluded with Sullivan again stating that the company is on a course to let some other company purchase the ships with Matson time-chartering them back. The Unions again responded by stating that we would take all legal action necessary to protect our agreement.

Whether Matson's strategy regarding the Kvaerner ships is a bluff is not known at this time as we have not received sufficient information to make a determination, outside of the bellicose threats made by the company.

What is clear, however, is if Matson is not the owner of the Kvaerner ships and time-charters them back with others onboard, it will be analogous to releasing a cancer into the Matson fleet that will only grow over time. If the Matson proposed gambit is successful, the company will use this strategy with all new ships it enters into service.

To say this is a dangerous situation is an understatement, for the end result would mean the elimination of the SUP, MFOW and the other seagoing Unions from the Matson fleet.

The SUP and the MFOW are prepared and committed to use all our resources to insure that this does not occur. The membership must also be prepared to meet any contingency.

Will keep all hands fully informed on the issue.

SUP BUILDING CORPORATION

As the membership will recall, at the October 22, 2002 SUP Building Corporation meeting, the Trustees discussed the status of Headquarters building and ultimately decided unanimously to authorize real estate consultant Tony Crossley, Senior Vice President of Colliers International, to receive any bids on the 450 Harrison Street building which would, in turn, be reported to the membership. This action was approved at the November coast-wise meetings. The full report on this meeting is in the November 2002 *West Coast Sailors*.

The Building Corporation Trustees met again on February 12, after Mr. Crossley notified the Trustees that an unsolicited offer had been received from Crescent Heights Acquisitions, Inc. to buy the building for \$11,750,000.

The other details of this offer are as follows:

- Contingencies: 45 days
- Closing: 15 days after the contingency period
- Cash at closing: \$2,750,000
- Balance of \$9,000,000 paid within four years. No interest the first year, 3% interest for six months after the first year and 6% interest from year 1.5 through the fourth year. The First Deed of Trust held by the Building Corporation.
- Seller occupancy after closing: The Union could remain in the building rent free for a year. Thereafter the lease would be month-to-month at \$10,000 per month plus taxes. After 18 months the rent would rise to \$15,000 per month plus taxes.
- Buyer occupancy after closing: The buyer would have the right to 5,000 square feet anywhere in the building.

Crescent Heights is currently building two residential towers adjacent to the Headquarters building at 333 First Street. Crossley said Crescent's intent was to integrate 450 Harrison Street into the 333 First Street residential development by the conversion of the existing building into residential units and the construction of a new high-rise residential tower on the top of the building. Crescent Heights, according to Crossley, can afford to pay significantly over the estimated \$5 million market value of building since residential development is the current and best use of the property. Crossley explained that the City of San Francisco requires each new residential unit built to have one parking space, and therefore, with Crescent's intention of adding 200 new residential units to the 450 Harrison site, this would necessitate 200 parking spaces. Given that the Headquarters building is built on bedrock, it would be extremely difficult to fulfill the parking requirement. However, Crescent Heights has excess parking at its 333 First Street site that would meet city requirements.

The Trustees had considerable discussion on whether to sell the building and decided that 1) the membership must be informed of the offer at the March meetings, and 2) to authorize Crossley to continue discussions with Crescent Heights to improve the offer.

The Building Corporation convened again on March 7 as Crossley had received a final offer from Crescent Heights. The specifics of the offer are as follows:

- **Selling Price: \$13,200,000**
- **Contingencies (the time which Crescent can examine the building and decide if it ultimately wants to buy): Until May 31, 2003 with the right to extend for 30 days.**
- **Closing: 15 days after the contingency period**
- **Cash at closing: \$3,500,000**
- **Balance of \$9,700,000 paid within four years with no interest, secured by a First Deed of Trust held by the Building Corporation.**
- **Seller occupancy after closing: The Union could remain in the building rent free for five years. However, either party may terminate the lease on 180 days written notice served six months after closing, however the buyer has a right upon receiving government approvals to shorten the period to four months. Crossley told the Trustees it would take at**

President's Report continued

least two years to gain approval from the City of San Francisco. If the lease was terminated, the Building Corporation would receive the \$9,700,000 within 45 days. The Building Corporation would continue to receive the rentals the building generates which is approximately \$255,000 a year during the rent-free lease period. The new owner would pay the taxes and the insurance, while the Building Corporation would pay all other expenses (lights, water, heat, maintenance, etc.).

• **Buyer Occupancy after Closing:** The buyer would have the right to use 5,000 square feet in the basement or the auditorium.

• **Closing Costs for the Building Corporation:** Approximately \$565,000 including \$99,000 in transfer taxes; \$396,000 in real estate commission at 3%; legal fees of approximately \$70,000.

Crossley also submitted to the Trustees price comparisons from recent comparable real estate transactions in the area near 450 Harrison Street. Those comparisons demonstrate that the offer made by Crescent is exceptional given what is occurring in the real estate market.

Crossley stated that no other offers had been received since last November and that he could not foresee any other offers comparable to the \$13,200,000 submitted by Crescent given the special circumstances of that company's development next to the building.

After the offer was presented, the Trustees thoroughly debated the merits of selling the building, as well as the terms and conditions of sale. After an exhaustive discussion, a majority of the Trustees voted in favor of selling as being in the best long-term interests of the Union. Trustees Calais, Christianson, Lundeborg voted in the affirmative while Trustees Berger and Connolly dissented.

In accordance with Article XIV, Section 6 of the SUP Constitution, the concurrence of the membership is needed to affirm the Building Corporation's decision. Therefore a vote is needed at today's Headquarters' meeting and next week's Branch meetings.

The membership should also be aware of the following provision of Section 6:

In the event of the sale of the Headquarters building or any real property or asset of the Sailors' Union of the Pacific, the money received from the sale shall be placed in a Headquarters asset fund and will be administered by the Trustees with each Trustee having an equal vote and with the following conditions. Such asset sale money shall require a two-thirds (2/3) majority of a general vote for any use except the interest that is generated by this fund can be used when necessary for the regular operation and general maintenance of the Sailors' Union of the Pacific Headquarters and Branches under Article XXII of this Constitution. Such asset sale money shall in no way be used for officials or employees salaries or plans, such as supplemental vacation plans, pension plans, severance plans, medical plans, insurance policies, or auto allowances. The status of this fund once established shall be printed in the Quarterly Finance Report of the Sailors' Union of the Pacific.

In my judgment, and in the judgment of the majority of the Building Corporation, the prudent and fiscally responsible course of action is that selling the building now is in the best interests of the membership as a whole and the SUP as an organization.

The building itself is not a money-loser but it has become a liability since the Building Corporation was sued under the Americans with Disabilities Act. A substantial part of the building cannot be used unless funds are expended to handicap the building. It would be foolish to spend an estimated million dollars plus needed to accomplish this when the expense of renovation would take many years to recapture. In order to pay for the renovation the Union would have to borrow the money.

The Sailors' Union has been headquartered at many different locations in San Francisco since its founding 118 years ago. The same is true of the Branches. The identity and spirit of the Union is not symbolized by structures or monuments but is carried in the hearts of every member. The strength of the Union rests not in any particular building, but in our collective ability to have jobs with decent conditions that a member can work under and wages and benefits that enable him to

support himself and his family. Selling the property would increase the financial strength of the Union and enable it to better to meet ongoing challenges. The current critical dispute with Matson and the fate of the APL U.S.-flag fleet after September 30, 2005, are prime examples.

The price being offered for the building is far above market value. Given the depressed state of the San Francisco real estate market it will take years for that value to increase. The Union should not be put in a position where it is forced to sell the building at a "fire sale" price in order to meet the challenges it will face.

Therefore, I strongly recommend that the membership concur with the Building Corporation's decision.

Editor's note: The following is the vote on the Building Corporation's recommendation on 450 Harrison Street including the action taken at the March 17 Branch meetings:

Headquarters:	30 Yes	10 No
Seattle:	25 Yes	1 No
Wilmington:	21 Yes	8 No
Honolulu:	3 Yes	19 No
Total	79 Yes	38 No

PATRIOT CONTRACT SERVICES

Patriot Contract Services, a division of American Ship Management, notified the Union last month that the Military Sealift Command rated the company's performance in operating the Large Medium-Speed Roll-On/Roll-Off (LMSR) vessels as "exceptional" for Year 3 (August 1, 2001-July 31, 2002) of the five-year contract.

As a result of its performance, the company was awarded 91% of the Award Fee Bonus for all the LMSRs eligible in Year 3. Those vessels were the *USNS Fisher*, *USNS Seay*, *USNS Mendonca*, *USNS Shugart*, *USNS Gilliland*, *USNS Gordon*, *USNS Pililaau* and *USNS Brittan*.

The total Award Fee Bonus for the period allocated to crew members, top to bottom, was \$324,487.51. Of that amount 73 SUP members were awarded bonuses totaling \$36,864.69.

Patriot's process of determining which mariners were eligible to receive an Award Fee Bonus was modified from previous years—due in part by the input of SUP Vice President Dave Connolly—to expand the bonus pool with discretionary awards to include mariners who were not otherwise eligible but exhibited commitment and dedication to the program. These included those who were relieved due to medical reasons or who had quit prior to completing their assignment but were otherwise eligible for the bonus. In addition, those crew members who were recognized for their individual performance, commitment and participation in the LMSR program received additional discretionary bonus.

The Award Fee Bonus is not a contractual provision under the collective bargaining agreement with Patriot but strictly an MSC award for the purpose of attracting and retaining qualified crew members.

MARITIME TRADES DEPARTMENT

At the invitation of Maritime Trades Department and SIUNA President Mike Sacco, MFOW President Whitey Disley and your secretary attended the Executive Board meeting of the MTD from February 20-21 in Miami.

Speakers at the meeting included U.S. Maritime Administrator William Schubert; Representatives Don Young (R-AK), Robert Menendez (D-NJ); William Delahunt (D-MA) and James Clayburn (D-SC); Alaska Governor Frank Murkowski; AFL-CIO President John Sweeney and Secretary-Treasurer Richard Trumka; United Food and Commercial Workers President Douglas Dority; and John Graykowski, Senior Vice President and General Counsel for Kvaerner Philadelphia Shipyard, Inc.

Relevant policy statement passed by the delegates will be published in the April *West Coast Sailors*.

BURGESS v. SUP

As reported last year (see the May, June and November 2002 issues of the *West Coast Sailors*) Wayne Burgess' legal action against the SUP continued when Burgess appealed his case to the United States District Court for the Ninth Circuit after Judge George H. King of the U.S. District Court of the Central Division of California (Los Angeles) refused to vacate his February 28, 2002 judgment against Burgess and to allow Burgess to amend his original complaint.

Union attorney Glenn Rothner of the Law Firm of Rothner, Segall & Greenstone notified the SUP last month that oral arguments in the Burgess case will be held before judges of the Ninth Circuit at 9:00 A.M. on April 8 at the Federal Courthouse, 125 South Grand Avenue, Pasadena, California. Mr. Rothner advises that the decision of the Ninth Circuit could take from three to six months after oral arguments are heard.

As the membership will recall, the Burgess matter began on August 21, 2000 when Burgess was brought up on charges in accordance with the SUP Constitution and tried by an elected committee of his peers in Wilmington and found guilty of the charges. The Trial Committee recommended that Burgess be removed from "any and all offices of the Sailors' Union of the Pacific." Burgess at that time was Wilmington Branch Agent and SUP Building Corporation Trustee.

After the coastwise membership meeting concurred with the Trial Committee's recommendation, Burgess took his case to an Appeal's Committee at Headquarters which also concurred with the Trial Committee's recommendation.

This frivolous and groundless case has thus far cost the Union approximately \$35,000.

On February 28, Burgess filed another charge against the SUP with the National Labor Relations Board in Los Angeles alleging that the Union harassed him in retaliation for his Union and/or protected concerted activity. Mr. Rothner will represent the SUP in this matter.

HOLIDAYS

Cesar Chavez's Birthday

All SUP halls on the West Coast will be closed on Monday, March 31, in observance of Cesar Chavez's birthday, which is an ILWU holiday and, therefore, is a recognized holiday for SUP members working under the American Ship Management and Matson Navigation Company Shoregang Agreements on the Pacific Coast and for ASM and Matson vessels in Pacific Coast ports.

It is also a holiday for those working for the San Francisco Bar Pilots inside San Francisco Bay.

Good Friday

In accordance with past practice, all SUP halls will close at noon on April 18, in observance of Good Friday.

Good Friday is a holiday under the collective bargaining agreements with Matson and ASM vessels in West Coast and Hawai'i ports shall be paid the overtime rate if required to work between noon and 3:00 P.M. The same applies to those employed under the shoregang agreements.

ACTION TAKEN

Building Corporation recommendation regarding 450 Harrison St.: Vote taken: In favor 30, opposed 10 to concur in the recommendation of the Building Corporation. M/S to accept recommendation. Motion carried.

M/S to accept the balance of the President's report. Carried unanimously.

Gunnar Lundeborg

**Vice President's
Report on Page 9**

SUP Branch Reports

Seattle

February 18, 2003

Shipped during the period: 1 bosun, steady to USNS ship, filled by a B-card; 13 ABs went as follows, 2 steady, 1 relief and 4 returns to A cards; 2 B's and 4 D's to USNS berths; 1 ordinary seaman to USNS, C-card. And 17 standbys were taken by 4 A's, 5 B's, 2 C's and 1 MFOW, 6 A cards for a total of 30, 9 B cards for a total of 23, 5 C cards for a total of 17.

Ships checked

APL Korea, APL Philippines in with little or no problems. Maui, clarification on wash-down. Kauai running smoothly. Received phone calls from the USNS Yano and USNS Pililaau both back from a run for the military. The crew reported minor problems but happy ships with good payoffs. Most of the deck gang on both ships are staying on for a second trip.

I attended the King County Labor Council meeting, the Maritime Focus Group for training future mariners and the Jobs with Justice steering committee meeting.

On January 27, the USCG held an anti-terrorist training seminar for waterfront workers that the Sailors' participated in.

Along with SUP-affiliated Deep Sea Fisherman's Union members Einar Ketilsson and Jan Standaert traveled to Olympia to lobby for a DSFU member to be appointed to the North Pacific Fisheries Management Council. Brother Standaert did an excellent job of button-holing Governor Locke and putting his position forward.

On February 3, I had the distinct pleasure of accompanying Vice President Dave Connolly to a hearing on the Maritime Security and Transportation Act held at Boeing Field. With no less than two hundred people in attendance and most of them being high level government officials and industry leaders, Brother Connolly hit the deck no less than fifteen times to provide testimony directing the government to look at real threats to port and shipboard security. The Sailors' Union stood head and shoulders above all others who rose to speak, which did not go unnoticed by those present. From the start of these proceedings the Sailors' Union of the Pacific has been the driving force to insure maritime labor is represented as a stakeholder in any legislation created under the jurisdiction of Maritime Security. A tip of the Stetson to Headquarters for a job well done in preparing the testimony to the Coast Guard panel.

Vince O'Halloran
Branch Agent

Vice President's Report cont'd.

comprehensive, and eventually, because Matson wanted a settlement, they delivered verbal and written assurances across the table that said it had no intent engage in double-breasted operations in the Hawai'i trades. Now they say things have changed. For us, either they were deliberately misleading the Union in negotiations or they are plainly not living up to their agreement now. As Gunnar recently said in meeting with the Company, "We will pull out all stops to ensure the interests of our membership are protected."

Dave Connolly

Wilmington

February 18, 2003

Shipping Bosun: 2 Standby: 78, AB: 15, AB Maint.: 4 OS: 2. Total jobs shipped: 102. Registrations: A: 41 B: 26, C: 12 D: 2.

Ships checked

APL Singapore-Tony Fague, delegate, President Adams, Chief Gadao-Bert Genita, delegate, President Polk, President Wilson, Ewa-Joe McDonald, delegate, Lihue-Va'a Tautala, delegate (new book man, congratulations), Lurline-Carl Ziegeler, delegate (no more double net), President Grant, President Truman, APL Korea-Duke Maringer, delegate, Manoa, President Jackson-Rich Williams, delegate, APL Philippines-Mike Dirksen, delegate, President Kennedy and Mokihana also checked.

Steve Callahan and I attended former MFOW Port Agent Robert Gomard's funeral on January 21. Our condolences to the Gomard family.

On January 27, attended the Merchant Marine Veteran's Memorial Committee Meeting. Also on January 27, attended the LA County Federation of Labor Meeting. They are endorsing labor candidates for the upcoming election.

Tony Perkov of Antes Restaurant generously donated two \$25 gift certificates to the SUP. We raffled them off during the meeting and will continue to do so throughout the year.

LA/LB Port Security Meeting was held on February 5. The USCG has been having these meetings in ports all over the US and asking for input from the maritime communities. Dave Connolly was up to the mike several times addressing our concerns about manning, shore leave, and flags-of-convenience.

At the February 11 Veteran's Memorial meeting, we accepted the contractor's plan to fix the existing memorial. All work should be done well before Maritime Day, May 22. On the same day, we had our monthly Agents' lunch.

Cliff Rouleau was instructor at the February 12 SUP Marlinspike Class. He showed us a couple of wire splices. Classes are held on the second Wednesday of the month. By the way, the SS Lane

Pic from the past



SUP member Sven Ostman with famed actress Lana Turner during the filming of the "Sea Chase" starring John Wayne in 1954. Sven rowed a boat in the movie. Sven is now retired but volunteers as Chief Steward in the Lane Victory.

Victory needs volunteers. There's a great bunch of people running this ship/museum. Many are SUP retirees including steward Sven Ostman and bosun Ray Person who will welcome you aboard. As American merchant mariners, we should be proud of this ship and support her.

On February 14, attended the MTD meeting.

The Ninth Annual Cesar Chavez Labor Banquet will be held on March 29 to acknowledge the men and women who dedicated their life to their Union and to the Rights of all workers. This annual event commemorates Cesar Chavez birthday. This year our very own Duane Nash will be honored with an award. Congratulations Mr. Nash.

The Matson terminal is now in its new location, Pier C Street, Berth 60-62, right off Pico in Long Beach.

Mark Hurley, Branch Agent

Honolulu

February 18, 2003

During the month of January, shipped 1 bosun, 1 bosun return, 2 ABs, 1 AB relief and 1 O.S. These jobs were filed by 3 A members, 2 B members and 1 C member.

During the months of January, registered the following: 1 A member, 4 B members, 6 C members, and 3 D registrants. To date, registered are: 8 A members, 8 B members, 8 C members and 4 D registrants.

Ships checked

Maui, Lurline, Chief Gadao, Matsonia, Kauai, Ewa, R.J. Pfeiffer and Lihue. All with few or no problems. Paint and rigging gang running smoothly with George Lua as Bosun.

On February 19, attended the Hawai'i Ports Council meeting. Discussion on Senator Dan Inouye's Norwegian Cruise Line reflagging bill and the upcoming Pacific Coast Maritime Consortium (PCMC) meeting concerning the feasibility of establishing an integrated maritime recruitment and training program here in Hawai'i. Bud Jacque executive V.P. of the MEBA. D-11 PCD was an invited guest in attendance.

Shipping still slow here even with eight vessels on line.

Mike Duvall, Branch Agent

San Francisco Business Agent

March 10, 2003

Visited and paid off the following ships:

Kauai— Rich Cahill, delegate: Clarification on overtime.

Mahimahi— John Gabourel, delegate: No disputes.

Manoa— Tom Larkin, delegate: No disputes except: When will the bow truster be fixed? The answer is when it goes to the shipyard.

Matsonia— Charles Brown, delegate: No disputes; back on the regular run. Job well done by Art Thanash, Bob Vandemay and Paul Calais, for keeping the cows happy with fresh water and clean cow pens and that's no bull.

Maui— John Hamman, delegate: Island run. Good shape, problem with wash down.

Moku Pahu— Robert Reed, delegate: Voyage pay off. Made a trip to Orient.

Norfolk Office

February 2003

In the months of February, shipped 3 ABs and 2 OS all taken by C cards. The rest of the jobs were handled on the West Coast.

On my trips down south to pay off each LMSR, I squared away many contract items to the favor of the gang. But most on a whole were good trips with good overtime. Most ships that are reloading for second trips are bound for the Persian Gulf via the Med.

If anyone doesn't need to get off, your Union requests that you stay aboard and make another trip. All are asked to help our country, as our brothers and sisters did in the past when duty called.

Jack Stasko, SUP Representative

New pensioners

The following SUP members join the ranks of pensioners, bringing the total number of SUP members to 942.

Romaine Dudley, 74, Book #2593, joined SUP in 1946, 52 years seetime.

Joseph Piscopo, 54, Book #3841, joined SUP in 1967, 25 years seetime.

Dispatcher's Report

Headquarters—Feb. 2003

Deck	
Bosun	3
Carpenter	0
MM	1
AB	17
OS	1
Standby	16
Total Deck Jobs Shipped	38
Total Deck B, C, D Shipped	10
Engine/Steward	
QMED	0
Pumpman	0
Oiler	0
Wiper	0
Steward	0
Cook	0
Messman	0
Total E&S Jobs Shipped	0
Total E&S B, C, D Shipped	0
Total Jobs Shipped - All Depts. ...	38
Total B, C, D Shipped-All Depts. .	10
Total Registered "A"	81
Total Registered "B"	72
Total Registered "C"	12
Total Registered "D"	14

Along with Bobby Iwata and a MEBA representative, met with the master and Labor Relations Manager Tom Percival regarding restriction to ships at anchor at Jakarta, Indonesia. All unions requested three days for crew members being restricted. Beef still pending. Ship going into lay up.

R.J. Pfeiffer— Dan McDonald, delegate: Back on regular run, no disputes.

President Adams— Charlie Supple, delegate: Voyage pay off. Last trip in Oakland.

President Truman— David Hiebert, delegate: Voyage pay off. No disputes.

San Francisco Bar Pilots—Routine visit.

Also worked in the front office during the month.

William Berger