



West Coast Sailors

Official Organ of the Sailors' Union of the Pacific

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SAN FRANCISCO, CALIFORNIA

Friday, March 25, 2005

Sailors' Union marks its 120th Anniversary

The Sailors' Union of the Pacific this month observed the 120th anniversary of its founding, March 6, 1885, on the old Folsom Street Wharf in San Francisco. With determination to gain through democratic collective action what could not be accomplished individually, began a record of achievement that continues to set the standard for American sailors and continues to serve as an inspiration for mariners 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 (born on March 12, 1854) and Harry Lundeberg (born on March 25, 1901), obstacles were overcome and the Sailors' Union grew and developed with a lasting legacy of strength and integrity.

The month of March also marks the 90th 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.

Need for a strong U.S. Merchant Marine aired at MTD conference

The need for a strong U.S. Merchant Marine was emphasized by military leaders, government officials, and private sector representatives at the AFL-CIO Maritime Trades Department's (MTD) Executive Board Meeting held February 24-25 in Las Vegas, Nevada.

General John W. Handy (USAF), Commander of the U.S. Transportation Command (TRANSCOM), praised U.S.-flag carriers and U.S. merchant mariners for transporting critical equipment and supplies to support U.S. military operations in Iraq.

America's merchant mariners are "incredible Americans," General Handy said. "They stand tall and make you proud as Americans," adding that Operations Enduring Freedom and Iraqi Freedom could not have been accomplished "without the incredible support of the Nation's [maritime] Unions."

He also cited the Maritime

continued on page 5

Matson set to acquire two more ships from Philly yard

Company reserves the option to time-charter vessels

In a bold move that blocks other companies from entering the Hawai'i container trade and continues its service to Guam, Matson Navigation Company announced on February 24, that it has entered into *cash-on-delivery purchase contracts* for two new containerships being built by Kvaerner Philadelphia Shipyard.

The first vessel, *m/v Manulani*, is expected to be delivered in May of this year and go into service in July. The new *Manulani* is a sistership to the CV 2600 vessels *Manukai* and *Maunawili* that were built by Kvaerner and went into service in 2003 and 2004. The second vessel, as yet unnamed, is a slightly smaller CV 2500 Baltic Class vessel that will go into service in June 2006.

Matson's decision to acquire the vessels effectively sinks OceanBlue Express which had been trying to buy the vessels and operate them in the Hawai'i trade. The activities of OceanBlue were published in last month's *West Coast Sailors*.

Timothy Repp, OceanBlue's chief financial officer, told the *Honolulu Star Bulletin*, "Unfortunately we don't have any ships to operate with. We had a financing contingency. We had to raise equity financing. Unfortunately, we weren't able to do it in a time frame that made sense."

In addition to acquiring the two vessels, Matson also has a right-of-first-refusal with Kvaerner for up to four other containerships of similar design that are deliverable by the Philadelphia yard before June 2010. Since Kvaerner is the most experienced containership builder in the United States, Matson's move makes it difficult for others, like OceanBlue, to enter the Jones Act containership trade.

Matson's cash on delivery purchase of the two vessels and the option for four more ships does have an important caveat:

That the company has the option to time-charter the vessels in lieu of purchasing them outright. For information on this issue, see SUP President Gunnar Lundeberg's report on page 11.

The acquisition of new tonnage comes at a critical time as the 10-year alliance between American President Lines and Matson ends in February 2006. Currently the

the new service "opens up a growth opportunity". Company spokesman John Kelley said that "we put even a larger number of reliable ships in the Hawai'i service, we solve the dilemma of how to serve Guam and, at the same time, open a growth avenue for the company." Kelley also said the expanded service will create a balanced trade in the



Pictured is the new 712-foot m/v Manulani after she was drydocked at Kvaerner Philadelphia Shipyard on March 11. The \$154 million, 30,000 ton vessel will be delivered in May and enter service in July. Photo by Michael Erana, Kvaerner Philadelphia Shipyard.

service is compromised of two APL vessels (*Presidents Grant* and *Wilson*) and three Matson vessels (*Mahimahi*, *Manoa*, *Mokihana*) which call Guam via the West Coast and ports in East Asia. On the eastbound leg of the service, the vessels return with APL cargo.

Without APL as a partner, Matson plans to run to East Asia via Guam by itself. Using the two new vessels plus the *Manukai*, *Maunawili* and the *R.J. Pfeiffer* (built in 1992), the new service will call Long Beach, Guam, Honolulu and two ports in China. Matson was briefly in the East Asia trade between 1967 and 1970 when the *Pacific Banker* (ex-*Hawaiian Craftsman*) and the *Pacific Trader* (ex-*Hawaiian Planter*) sailed between the West Coast and Japan.

Alexander & Baldwin, the parent company of Matson, stated

company's trans-Pacific business. "What this new trade does is to put Matson in almost the unique position to have revenue-bearing cargo coming to Hawai'i, revenue-bearing cargo going to Guam and then, after a short distance from Guam to the Far East where there's not much cargo moving, you'll have the whole trans-Pacific where there will be a heavy load coming directly from China to the U.S. West Coast."

Allen Doane, president and CEO of A&B, said the parent company "can fund the investments and related debt because it has a strong balance sheet, a capital construction fund to provide tax-advantaged funding of ships and strong cash flow from Matson's shipping business."

Matson expects to invest \$365 million in vessel, container and terminal assets to launch its new service.



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SUP Honor Roll

Voluntary contributions from the membership to the following funds:

Organization/ General Fund

*In lieu of dues increase.

Abe Acosta	20.00
Nicholas Anesti	30.00
Donald Cushing	100.00
Eric Davis	50.00
Curtis Dowling	50.00
Mike Duvall	20.00*
Joe Eckert	10.00*
Thomas Fate	10.00
Diane Ferrari	20.00*
Jon Goodwin	20.00
Mark Littlejohn	40.00*
John Madrid	20.00
Mike McLavy	50.00
Richard Reed	20.00*
Steve Ross	20.00*
James Savage	35.00
John Thompson	20.00
Steven Zachmann	10.00*

Political Fund

Abe Acosta	20.00
Nicholas Anesti	30.00
Alex Capistrano	10.00
Dave Connolly	50.00
Kevin Conroy	50.00
Richard Crowell	30.00
Donald Cushing	100.00
Andre Dayley	40.00
Edward Figuracion	20.00
Tom Gustin	30.00
Monte Kalama	30.00
Richard Kingburg	25.00
Gunnar Lundeborg	100.00
Mike McLavy	50.00
David Mercer	20.00
Vince O'Halloran	100.00
Mike Parenteau	40.00
John Rushing	50.00
James Savage	35.00
Ralph Senter	50.00
Douglas Taylor	20.00



West Coast Sailors

Nicholas Anesti	30.00
George Boyeas	25.00
Ron Casasola	10.00
George Cooney	10.00
David Erickson	25.00
Thor Erickson	10.00
Carl Hansen	25.00
Annette Jackson	25.00
Egon Jorgensen	75.00
Richard Kingburg	25.00
Marc Lara	25.00
Orson Larsen	25.00
Tom Mariner	25.00
Joseph McShane	25.00
Rick Meleski	25.00
Rodolfo Menchaca	25.00
Richard Moore	25.00
Anonymous in memory of Jon Nelson	25.00
John Perez	20.00
Lloyd Rust	40.00
Ted Soderberg	15.00
Jack Stasko	25.00
Eleanor Terrell in memory of my beloved husband Gene Shultz	50.00
William Tice	25.00
Richard Walsh	25.00

Dues-Paying Pensioners

Rafael Cooper	Book #4687
Romaine Dudley	Book #2593
Duane Hewitt	Book #5748
Knud Jensen	Book #3940
John Jewett	Book #4291
Tony Jones	Book #4305
Kaj E. Kristensen	Book #3120
Eli Lalich	Book #4062
Gunnar Larsen	Book #3516
John McKeon	Book #6456
Joseph Napier	Book #2299
John Pedersen	Book #3834
John Perez	Book #3810
Cliff Rouleau	Book #3144
Ralph Senter	Book #7323
Jack Stasko	Book #7430

NYC ferry tragedy linked to poor oversight

The death of 11 passengers in 2003's Staten Island ferry accident resulted from a failure of oversight by the New York City Department of Transportation (DOT), a federal investigation has found.

On October 15, 2003, the sole person in control of the ferry *Andrew J Barberi*, assistant captain Richard Smith, fell unconscious while under the influence of a 'cocktail' of prescription medication he took for chronic back pain. The National Transportation Safety Board (NTSB) recommended that the DOT require proof of pilot compliance with Coast Guard medical certification and that it fully implement a new safety management system by October 2005.

The NTSB called for the USCG to revise regulations and require that results of all physical examinations be reported and that it review its medical oversight process. The NTSB further recommended that the Coast Guard seek legislative authority to require all U.S.-flag ferry operators to implement a federal safety management system, and has called on all U.S. public ferry operations and the Passenger Vessel Association to voluntarily request the implementation of such a federal safety management regime.

Severed leg found in Japanese shipyard

A worker discovered a severed leg wrapped in a black plastic bag while cleaning out the No. 2 dock at Japan's Sanoyas Hishino Meisho's Osaka yard this month.

The leg is believed to have entered the shipyard when water from a nearby river was used to clean out the dock.

Local police say it had been severed with a knife anywhere between 10 and 30 days before the discovery. Forensic evidence suggests the leg belonged to an adult woman. Local police are investigating the grizzly find.

Predictable: Republicans kill minimum wage increase in Senate

Senate Republicans last month defeated a bill by Senator Edward Kennedy (D-MA) that would have raised the Federal minimum wage from \$5.15 to \$7.25 per hour.

On the floor of the Senate, Kennedy said, "I believe that anyone who works 40 hours a week, 52 weeks a year should

not live in poverty in the richest country in the world."

Republican Senator Mike Enzi of Wyoming countered by stating that, "Wages do not cause sales. Sales are needed to provide wages. Wages do not cause revenue. Revenue drives wages." The minimum wage in California is \$6.75.

Filner reintroduces bill to provide benefits for WWII merchant mariners

Congressman Bob Filner (D-CA) has once again introduced legislation that would provide a monthly monetary benefit of \$1,000 a month to certain individuals who served in the U.S. Merchant Marine (including the Army Transport Service and the Naval Transport Service) between December 5, 1941 and December 31, 1946. Surviving spouses of eligible merchant marine veterans could also qualify for the benefit.

Merchant marine veterans were excluded from the GI Bill of Rights, which was signed into law in 1945. Representative Filner, who serves on the House Veterans' Affairs Committee, said that the average age of World War II merchant marine veterans is now 81. "Many have outlived their savings. A monthly benefit to compensate for the loss of nearly a lifetime of ineligibility for the GI Bill would provide some measure of comfort and some measure of security for veterans of the U.S. merchant marine," he said.

H.R. 23, the "Belated Thank You to the Merchant Mariners of World War II Act of 2005" was introduced in January. It was referred to the Committee on Veterans' Affairs, in addition to the Committee on Ways and Means.

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Attend Your Union Meetings

SUP Meetings

These are the dates for the regularly scheduled SUP meetings in 2005:

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

*Tuesday

Final Departures

Lindy Rand, Permit No. 13425. Born in Estonia in 1925. Joined SUP in 1965. Died in California, February 15, 2005. (Pensioner)

Glen E. Smith, Book No. 7253. Born in Minnesota in 1925. Joined SUP in 1952. Died in California, January 12, 2005. (Pensioner)

Frank Kincl, Book No. 2508. Born in Texas in 1918. Joined SUP in 1943. Died in Burlington, Washington, February 21, 2005. (Pensioner)

James Cunningham, Book No. 3443. Born in Connecticut in 1920. Joined SUP in 1943. Died in Napa, California, February 20, 2005.

William Upton, Book No. 169. Born in Michigan in 1927. Joined SUP in 1947. Died in Torrance, California, February 9, 2005. (Pensioner)

Edward V. Wood, Book No. 3383. Born in Connecticut in 1927. Joined SUP in 1946. Died in Palm Springs, California, February 20, 2005. (Pensioner)

Keith E. Howe, Book No. 5779. Born in Oregon in 1931. Joined SUP in 1957. Died in Oregon, February 25, 2005. (Pensioner)

George S. Sentinella, Book No. 5384. Born in Hawai'i in 1917. Joined SUP in 1941. Died in Bothell, Washington, March 6, 2005. (Pensioner)

Richard Zapo, Book No. 245. Born in Pennsylvania in 1928. Joined SUP in 1948. Died in Florida, February 3, 2005. (Pensioner)

Crandle Buffkin, Book No. 5334. Born in Florida in 1926. Joined SUP in 1947. Died in California, January 5, 2005. (Pensioner)

Organized labor says Defense Department workforce rules threaten national security

New workforce rules that gut civil service and collective bargaining rights for some 750,000 Department of Defense civilian employees will destroy civilian defense worker morale and threaten national security, AFGE President John Gage told a Senate subcommittee March 15.

Gage and Gregory Junemann, president of the International Federation of Professional and Technical Engineers, testified on behalf of the United DOD Workers Coalition (UDWC), a group of 36 unions that represent the vast majority of Defense Department's civilian employees.

Bush seeks to impose similar rules on entire Federal workforce

Unveiled last month, the new workforce rules—called the National Security Personnel System (NSPS)—are patterned closely after the personnel system the Bush administration imposed on 180,000 Department of Homeland Security (DHS) workers January 26, which slash employees' bargaining and workplace rights and civil service pay scales.

Bush administration officials say they will seek to impose similar new personnel rules on the entire federal workforce—even though President Bush initially argued that changing the personnel rules for DHS employees was necessary to fight terrorism.

A 30-day public comment period on the rules ended March 16, and according to reports, the Federal Register received thousands of comments, most of which heavily criticized the new rules.

New system 'a waste of the nation's resources'

During the hearing before the Senate Subcommittee on Oversight of Government Management and the Federal Workforce, both Union leaders said that the NSPS needlessly reduces employee rights, potentially reduces pay, does not comply with labor management law and amounts to a waste of the nation's resources. "The system will result in a demoralized workforce comprised of employees who know that they have been relegated to second-class citizenship," Gage testified. "This system will encour-

age experienced employees to seek employment elsewhere and will deter qualified candidates from considering a career at [the Defense Department]. It will put [the department] at a competitive disadvantage, with consequent impact on its effectiveness. That is the real tragedy."

Junemann said the Defense Department may have violated a labor relations law that covers federal employees when it failed to involve employee representatives during the development of the NSPS. "The law requires that employee representatives participate in, not simply be notified of, the development of the system. We ask that the Subcommittee investigate [the department's] failure to enforce or observe this aspect of the law," he said.

He stressed the law "protects the rights of employees to organize, bargain collectively and participate through labor organizations of their own choosing in decisions that affect them." Junemann says the coalition stressed that, in 2004 when Congress authorized Defense to develop new personnel rules, it intended the new rules retain the worker protections, which the Defense Department proposals attempt to eliminate.

The new rules also limit the authority of the independent Federal Labor Relations Authority, which mediates union-management disputes, including disciplinary actions, dismissals and other workplace issues such as workers' complaints about management wrongdoing or adverse actions.

"Any new system should, as the law requires, protect the due process rights of employees and provide them with fair treatment," said Gage. "Employees must have the right to a full and fair hearing of adverse action appeals before an impartial and independent decision maker."

AFGE, IFPTE and eight other members of the UDWC filed suit in federal court against Defense Secretary Donald Rumsfeld February 23. The suit says Rumsfeld violated a 2004 law granting the department authority to make personnel changes only in consultation with the employees' unions and that the rules were developed instead by "secret working groups." It asks for an injunction against implementation of the rules.

Governor Schwarzenegger floats anti-worker petitions: Don't sign!

Paid signature gatherers are now on the streets of California with four initiative petitions:

Prohibition on Defined Benefit Public Pensions. Alternative Plans. Initiative Constitutional Amendment and Statute. Prohibits all public employees from having defined benefit pension plans; authorizes only a 401(k)-style defined contribution plan. Will decimate retirement programs for teachers and public workers, with no immediate savings, but long term costs, to the State.

Public Employee Union Dues. Required Employee Consent for Political Contributions. Initiative Statute. Restricts participation by unions in the political process. No restrictions on corporations. Will silence the voice of working people in elections, while allowing corporate interests to completely control the media. Corporations already out spend unions 11:1.

Reapportionment. Initiative Constitutional Amendment. Requires re-drawing of legislative districts in 2006 with the aim of creating districts more likely to elect allies of Governor Schwarzenegger.

Public School Teachers. Waiting Period for Permanent Status. Dismissal. Extends front two to five years period during which teachers may be dismissed without cause. Teachers who teach disadvantaged students who don't "perform" on standardized tests could be dismissed without regard to the teacher's ability in the classroom. These initiatives are part of the effort by Governor Arnold Schwarzenegger and his ideological allies to "reform" government by attacking the people who work for the public, in order to obfuscate the fact that under the Schwarzenegger administration the State now faces a record deficit. Not one of his sponsored initiatives will have any impact on the current State budget crisis.

How you can help: 1) Engage the signature gatherers in debate; 2) Complain to the store manager wherever you see these signature gatherers; 3) Spread the word to all of your friends and family members; 4) **DON'T SIGN THESE PETITIONS!**

SUP opposes implementation of National Security Personnel System

On March 14, 2005, SUP President Gunnar Lundeberg, sent the following letter to Donald H. Rumsfeld, Secretary of Defense opposing implementation of the National Security Personnel System:

Dear Mr. Secretary:

On behalf of the Sailors' Union of the Pacific, I am writing to you because of my concern about the National Security Personnel System (NSPS) scheduled for implementation for more than 700,000 employees of the Department of Defense over the next year.

NSPS was authorized under the 2004 Defense Authorization Act, passed by Congress in November 2003. There is, however, a significant difference between the skeletal authorities that Congress approved and the sweeping new authorities that the Pentagon is now claiming.

During congressional hearings on this issue, you asserted that the Pentagon's broad mission requires greater "flexibility" in hiring, disciplining, compensating and assigning civilian personnel. In short, you wanted the same "chain of command" authority over civilian personnel as he enjoys over uniformed military personnel. Neither you, nor your subordinates have offered any concrete examples to explain how union rights might have impinged on the Pentagon's mission in the past.

Although Congress acceded to the broad requests lodged by the DOD, it attached certain strict conditions—including a specific requirements that DOD observe legal requirements of labor relations statutes and that they involve duly elected unions in the development of the new system. The Pentagon has done neither.

Although DOD has convened a dozen or more meetings to "brief stakeholders" and to "solicit the views" of unions, there has been no information sharing from DOD and absolutely no response to repeated union requests for specific information as to exactly what problems management wishes to address with the adoption of NSPS.

I am certain that one of the Pentagon's objectives in advancing NSPS is to construct a so-called "pay for performance" system. This is another case of deceptive labeling. Various government agencies have been testing performance pay systems for more than 20 years and invariably, the results have been that the majority of workers feel cheated when advancement, promotion and pay decisions are given over to the sole discretion of a supervisor. The process typically reduces salaries and morale. It is too autocratic and eliminates any redress for decisions made on the basis of considerations other than merit.

For these reasons, I oppose the implementation of NSPS until the Pentagon is willing to substantively address the issues raised by the United DOD Workers Coalition, the AFL-CIO, and the Sailors' Union of the Pacific.

New French register prompts seafarers strike

Striking French seafarers clashed with riot police on March 22, as they sought to disrupt services through the Channel tunnel and block access to the nearby A16 motorway. The protest was part of a new wave of action to mark the arrival before the National Assembly of a Bill creating a new French international register.

The seafarers, who disrupted ferry and port services throughout France as they gave strong support to a 24-hour strike call, were seeking to persuade members of parliament to back their claim for a 35% European Union crewing quota aboard vessels on the register.

French owners have warned that they cannot accept an EU quota of more than 25% of-regal minimum crewing levels if the new register is to be competitive but Unions say that the 35% quota they want must apply not to minimum crewing levels but to total shipboard strength.

The Bill creating the new register, which was approved by the French Senate nearly 15 months ago, was due to be presented to the National Assembly at the end of the afternoon March 22 for a debate which promised to last all evening and perhaps into the next day.

An estimated 600 amendments have been tabled by opposition MPs in an attempt to prevent it being adopted by the assembly but the Bill's final form is expected to be determined by two main amendments—one supporting the Unions' position and the other that of the owners.

On March 22, neither owners nor Unions were prepared to bet on how voting was likely to go, or even if the vote would take place within the time allotted.

In the hours preceding the Bill's presentation, the Calais area in northern France took the brunt of seafarers' anger over the threat to their jobs which they say is posed by the new register. SeaFrance services between Calais and Dover were brought to a complete standstill and the port said that P&O and Hoverspeed services had also been halted as seafarers occupied berthing areas. Other seafarers clashed with riot police as they tried to block access to the Channel tunnel and the nearby A16 motorway. Police used tear gas at one point to try to disperse 200 demonstrators trying to block Channel tunnel access but said they had succeeded in clearing the site at the start of the afternoon. At the port of Marseilles, the two Mediterranean operators, SNCM and La Meridionale, were out of action as crews took part in the national strike.

But in the central and western Channel, Brittany Ferries crews opted not to stage a 24-hour strike but to delay the company's sailings symbolically for one hour. The company's seafarers were nevertheless among the 300 or so demonstrators gathered in front of the Brittany town of Vannes' prefecture, the home base of Secretary of State for Transport and the Sea, Francois Goulard.

Frisco paper labels Senate bankruptcy bill as anti-consumer

The *San Francisco Chronicle*, this month, printed an editorial regarding S.256, Senate legislation to overhaul the U.S. bankruptcy laws. Portions of the editorial follows:

"The Bush White House loves to accuse critics of its tax-cut policies of engaging in 'class warfare'. However, it's hard to imagine a more egregious example of class warfare than the Bush-pushed "bankruptcy reform" bill that just cleared the U.S. Senate.

"This measure, S.256, long sought by credit-card companies and retailers, will fall heaviest on meager-income Americans who slide into financial trouble. It could have addressed myriad schemes used by the wealthy to shield their assets from creditors. It could have taken on some of the highly profitable but ethically suspect lending practices—predatory mortgage loans to the elderly, high-interest credit cards to college students, payday loans to the working poor—that too often send the recipient into a downward spiral of debt. Instead, the bill focused on an easy target—low-income folks who find themselves in dire straits.

"The core of the 'reform' involves a tightening of the requirements for Chapter 7 bankruptcy, which erases debts entirely after certain assets are forfeited. Under the bill, which will return to the House for final passage, anyone who earns more than the state's median income and can pay at least \$6,000 over five years would be steered into Chapter 13 for a judge to order a debt-repayment plan. Current law gives judges more leeway to determine which chapter of the bankruptcy code is appropriate for an individual.

"Credit-card lenders have argued that bankruptcy has lost its stigma and the law needed to be changed to raise the threshold for its protections.

"There is no doubt that bankruptcy has become more prevalent in recent years, but in most cases it is not a reflection of consumer recklessness or frivolity — or a cavalier choice. A recent Harvard University survey found that more than half of all personal bankruptcy filings can be attributed to medical bills— and a majority of those filing actually had health insurance. Other frequent factors include divorce and job loss.

"Then there is the credit-card factor. The nation's revolving debts increased almost fifteenfold, to nearly \$800 billion, between 1980 and today, according to a coalition of consumer groups that opposed the bankruptcy bill.

"The credit card industry has thrived with practices that make it easy for a consumer to develop an addiction to plastic—and make it hard to break it. Customers who fall behind on payments are immediately socked with fees and higher interest rates that can make it difficult, if not impossible, to catch up on their rising debt.

"Credit-card issuers have prospered amid Americans' growing debt load. They made an estimated \$30 billion in profits last year.

"They also seem to have made a wise investment in the political system. The coalition of credit-card issuers and finance companies lobbying for bankruptcy 'reform' spent more than \$40 million in political contributions— and millions more on lobbying efforts in the last 15 years, according to the Center for Responsive Politics, a nonpartisan Washington-based group that studies the role of money in politics.

"It is not a fair fight and it is not a fair bill.

"If this were genuine reform it would have addressed the loopholes that allow the wealthy to safeguard their assets in special trusts. A real reform bill would have subjected company executives who are facing personal bankruptcy as a result of their business debt to the same 'means test' as the factory worker who can't pay his or her bills. But amendment after amendment designed to address such inequities were defeated in the Senate. The final vote for passage was 74-25, with 18 Democrats joining one independent and a solid block of 55 Republicans in support of the measure."

Both of California's Senators, Dianne Feinstein and Barbara Boxer, voted against the bill.

"It might seem to be the height of hypocrisy for an administration whose policies have been contributing to record budget deficits to make life so much tougher for American workers who are trying to dig out of debt.

"But that's the Washington way."

U.S. issues East Africa terrorist alert

The U.S. State Department has issued a special advisory warning of a potential terrorist attack against shipping in East Africa. The advisory warns of suicide speedboats packed with explosives—the same devastating modus operandi used against the *USS Cole* and the French tanker *Limburg*.

The email put out by the National Geospatial Intelligence Agency, and attributed to the State Department, warned that the U.S. government had received "unconfirmed information that terrorists may attempt to mount a maritime attack using speedboats against a western ship, possibly in East Africa".

As reported by Holland & Knight maritime attorney Dennis Bryant in his daily internet briefing, the warning went on to note that "this information is unconfirmed and the United States is not aware of additional information on the planning, timing or intended targets of the maritime attack." State department officials were unable to comment further on the warning as we went to press.

The warning is unspecific, but it will resonate throughout the regional maritime community all the same given the potential damage that could be wreaked by a well placed attack on a key choke point for international shipping.

Kvaerner revamps to build and own tankers

In the wake of its deal to sell two containerships to Matson Navigation with an option to sell the Hawai'i carrier four more similar vessels by 2010, Norwegian-owned Kvaerner ASA announced on March 17, that its Philadelphia Shipyard will be a wholly-owned subsidiary of a new company to be called American Shipping Corporation, which will, in turn, be a wholly-owned subsidiary of Kvaerner ASA.

The new company plans to build a series of 46,000 deadweight-ton Jones Act tankers on speculation and then bareboat charter the vessels to U.S. companies.

Economic study reports that Social Security privatization would hurt older workers

Despite President George W. Bush's reassurances, the administration's budget proposals combined with his plans to privatize Social Security will hurt workers older than 55 and make the system less secure, according to a new report by the Economic Policy Institute (EPI).

The new report, released March 16, comes two days after the U.S. Senate signaled strong opposition to the White House plan. Half the Senate, including five Republicans, voted for a nonbinding resolution declaring that Congress should not pass any Social Security plan that would require "deep benefit cuts or massive debt increase." Senator Charles Schumer (D-NY) called the 50-50 vote on March 14 "another marker on the road to rejection of the president's plan."

The Bush plan would cut guaranteed benefits 40 percent even for those who don't choose a privatized account. The average retiree would lose \$152,000 in guaranteed benefits under privatization in the 20 years after retirement, according to a study by the Center for Economic and Policy Research—and risky privatization accounts would not make up the loss.

Privatizing Social Security also would hurt today's seniors by exploding the already high federal budget deficit. Combined with Bush's tax cuts, privatization would reduce revenues over the next decade so greatly the government may not be able to pay future benefits, EPI reports.

In claiming Social Security is in crisis, Bush has promoted private accounts as the solution, but in a March 16 press conference, he acknowledged private accounts would not solve Social Security's future financing problems.

Bush tax cuts for the wealthy are the real threat to Social Security benefits.

Bush claims Social Security will face a crisis in 2018 when expenditures are expected to exceed revenues. But the EPI report, *Collision Course: The Bush Budget and Social Security*, shows over the years the Social Security Trust Fund has switched back and forth between surplus and deficit. There will be no crisis in meeting Social Security's guaranteed benefits unless government officials decide not to pay them, EPI says.

Combined with Bush administration budget policies, especially its repeated tax cuts for the wealthy, the additional \$4.9 trillion deficit caused by privatization would drastically reduce government resources, the EPI report says.

Bush's tax cuts already have slashed government revenues to the lowest level since the 1950s in real dollars. In this year's budget, Bush has proposed tax cuts of \$1.3 trillion over the next 10 years. If enacted, the proposed cuts could effectively deny the government enough revenue to continue current income support to retirees through 2030, according to the EPI report.

The EPI report comes one week after Comptroller General David Walker, head of the nonpartisan Government Accountability Office (GAO), told a congressional committee Social Security does not face an immediate crisis, and private accounts such as those Bush is promoting could actually "exacerbate" the system's financial problems.

He criticized Bush for launching an aggressive campaign to sell his scheme to privatize Social Security. Instead, he said, the White House and Congress should focus on improving financing for the program, something privatization will not do.

Pirates back in business in Malacca Strait after tsunami

The hijacking and kidnapping of two crew from an Indonesian product tanker by heavily armed pirates in the Malacca Strait has stoked fears of maritime terrorism in the region.

The 2,396 dwt product tanker *Tri Samudra*, owned by Humpuss, was hijacked by 35 pirates armed with machine guns and rocket launchers in the Malacca Strait on March 12 at 1755 hours.

Noel Choong, regional manager of the International Maritime Bureau's (IMB) piracy reporting center in Kuala Lumpur, said the fully loaded tanker was on a voyage from Samarinda, Kalimantan to Belewana at the time of the attack.

While the exact nature of the cargo is unclear, it is understood to have been highly flammable.

The pirates ordered the crew to change course from Belewana to Dumai, and some time later left the ship, taking the master and chief engineer as hostage.

The vessel arrived in Dumai with the remaining crew members. Captain Choong said that the pirates have since contacted the owners with a ransom demand.

The owners believe the hijackers were from the Free Aceh Movement or GAM.

While in this case the IMB believes the hijacking was perpetrated by the same group responsible for a series of kidnap and ransom cases involving tugs and barges, the type of vessel that was hijacked has sparked fears that terrorists could hijack a similar type of tanker and

turn it into a floating bomb.

"What if terrorists learn how to attack a ship like this?" said a maritime terrorism expert. "The ship was fully loaded with flammable cargo and this is the ideal size for a terrorist attack"—a scenario that Indonesia's neighbor Singapore takes extremely seriously.

Another industry official involved in the fight against piracy agreed. "You need to have a small sized ship," he said.

A vessel such as a small tanker of few thousand tons with a highly flammable cargo such as jet fuel was seen as ideal.

While much is made of the idea of hijacking a VLCC, it would simply be too large to ram into shore based facilities, and would likely ground before reaching the shore.

In a sign that the temporary piracy calm that followed the Asian tsunami on December 26 is well and truly over, a third hijacking and kidnapping took place in the Malacca Strait on March 14.

A Japanese tugboat, *Idaten*, was attacked on March 14 southwest of the Island of Penang.

The master, chief engineer and chief officer, two Japanese and one Filipino, were kidnapped in the attack said an official involved in the fight against piracy.

The crew had managed to send out a distress call, AFP reported, and the IMB in Kuala Lumpur had given the information to the Malaysian marine police to send a patrol boat to intercept the attack.

Feinstein calls on Congress to pass bills to make America's seaports safer

Senator Dianne Feinstein (D-CA) joined with Long Beach and Los Angeles officials to urge Congress to pass legislation to enhance security at the nation's seaports and ensure that homeland security funding is distributed to high-risk localities.

Long Beach Mayor Beverly O'Neill, Los Angeles Mayor Jim Hahn, Long Beach Police Chief Tony Batts, Los Angeles Police Chief William Bratton, and Los Angeles County Sheriff Lee Baca joined Feinstein recently at the Port of Long Beach to draw attention to the gaping holes in America's port security and the need to pass two pieces of Federal legislation that will improve security at the Los Angeles/Long Beach Port and other ports across the nation.

"Ports are the soft underbelly of our homeland security," Senator Feinstein said. "Millions of shipping containers come into American ports each year, and only five percent are ever inspected. A successful terrorist attack on a busy port such as Long Beach/Los Angeles could have a devastating impact on lives, on property and also on our economy. That is why Long Beach and Los Angeles officials are joining me to urge Congress to pass legislation that will strengthen our laws and provide funding where it is needed in order to beef up security at this port and others across the nation."

The two pieces of legislation would strengthen criminal laws applying to ports and sea vessels and ensure that homeland security funding is allocated based on risk rather than on political and geographical factors.

The port security crime bill (S. 378) is cosponsored by Senators Arlen Specter (R-PA), Jon Kyl (R-AZ), Joe Biden (D-DE), and George Allen (R-VA) and would help to close critical gaps in the defense of our nation's seaports against terrorists and other criminals. The provisions of this legislation address:

- Entering a seaport under false pretenses—Updates applicable law to make it a crime to enter under false pretenses onto seaport. Current law applies to airports, but not seaports. This is punishable by a five-year prison term if there is intent to commit a felony.

- Failure to Obey—Creates a new specific crime of failure to obey Coast Guard orders while afloat (punishable by five-year prison term), such as an order to "heave to" including:

- (1) Knowingly failing to slow or stop a ship once ordered to do so;

- (2) Impeding boarding or other law enforcement action; or

- (3) Providing false information to a federal law enforcement officer. Stopping and boarding ships is a critical early line of defense at our ports.

- Weapons and Explosives—Specifically criminalizes the use of a dangerous weapon or explosive on a passenger vessel, such a cruise ship. This section updates existing law to recognize that the cruise ship industry is a potential target for terrorists, and clarifies existing law to ensure that such vessels are included. The section carries a potential life term.

- Waterways—Adds to existing law to make a specific crime where a terrorist may attack by destroying a navigational device like a buoy, or dumping hazardous materials into the water, or placing a floating mine or other weapon in the water. This section also recognizes the vulnerability of the marine environment

to an ecological attack. The section carries a potential life term, or the death penalty in cases where death results.

- Transport of terrorists or terrorist materials—The bill also focuses on the potential for maritime commerce to be used to support a terrorist attack - as a method for transporting weapons (including biological, chemical, and radioactive materials), explosives, or terrorist operatives on board a ship. This set of provisions carries a potential life term, or the death penalty if death results.

- Destruction of a Ship—Current law criminalizes conduct relating to the destruction of aircraft - this bill applies the same model to ships, applying the same penalties and framework. The section carries a 20-year penalty (life if the vessel carries radioactive materials) or death if death results. It also penalizes maritime threats, or providing false information, carrying a potential five-year term.

- Low-level crime—Low-level crime, such as theft from interstate shipments, adversely affects the entire security posture of a port. This bill addresses that concern, by increasing existing penalties for low-level thefts from one to three years, and clarifies the applicability of the existing law to ensure it applies to materials passing through our ports.

- Stowaways—The bill increases existing penalties for facilitating stowaways from one year to five years. In cases where the intent is to cause injury, or death, the penalty is higher—20 years, and death if death results.

- Failure to comply with manifest requirements—Increases fines from 10,000 to \$25,000 in the most serious cases.

- Bribery affecting port security—Creates a new 15-year jail term.

Feinstein is working with Senator John Cornyn (R-Texas) on the homeland security funding bill, and they plan to introduce it in the coming weeks. The provisions of this bill will:

- Require the Secretary of the Department of Homeland Security to allocate grants based on risk.

- Require funding to meet "essential capabilities." Essential capabilities is what we get for the money spent—the ability to meet the risk, by:

- Reducing vulnerability to attack

- Diminishing the consequences by effective response

- Require States to quickly pass on federal funds to where they are needed. States should not hold federal funds back from where they are needed most. This bill will ensure that states quickly and effectively move the funds through.

- Address the "small state minimum" issue. Current practice requires each state to get .75% of much of the grant funding. That means 37.5% of the funds are marked for distributions before any risk analysis. This legislation will eliminate this large set-aside.

Need for a strong U.S. Merchant Marine

continued from page 1

Security Program (MSP), and the commercial-government partnership between the U.S. Merchant Marine and TRANSCOM as being "extremely important to me," since 85 percent of TRANSCOM's cargo moves by sea. "The contribution of our commercial partners and the people you represent is dramatic. We don't get these jobs done without that very strong tie," General Handy said.

Secretary of Transportation Norman Y. Mineta underscored the national security importance of the new, ten-year MSP, which expands the U.S.-flag fleet from 47 to 60 commercially and militarily useful ships, and is scheduled to go into effect on October 1 of this year.

The fleet expansion is the first since the program was established ten years ago, and without its reauthorization, "there would have been a high likelihood that many of the existing 47 ships would have been re-flagged to foreign registries employing foreign crews," the Secretary of Transportation said. "And they [foreign crews] would not be putting money into our economy or paying taxes."

The need for a strong U.S. Merchant Marine is being reinforced daily during the War in Iraq, Acting Maritime Administrator John Jamian said.

"More than 8,000 mariners and thousands of longshore men and women at our ports have made certain that equipment and supplies for our Armed Forces in the field arrive safely, where they are needed, and when they are needed," Jamian stated.

The Acting Maritime Administrator noted major improvements in U.S. sealift capacity since the first Persian Gulf War, citing the strengthening of the Maritime Administration's (MarAd) Ready Reserve Force (RRF) fleet. "U.S. merchant mariners . . . crew every single U.S. Navy sealift vessel. The commercial U.S.-flag fleet and the immense intermodal capacity it brings to the table have been completely integrated into military planning and operations through the [government's] Voluntary Intermodal Sealift Agreement (VISA) program," Jamian said.

The integration of commercial sealift capability into National Defense sealift "not only works, but is highly cost effective," Jamian said, noting that this policy "saves American taxpayers more than \$10 billion in acquisition costs and more than \$1 billion a year in operating expenses."

To keep America strong both economically and militarily, three programs are needed - namely, the MSP, the Jones Act, and enforcement of Federal cargo preference statutes, Jamian said.

The MSP maintains America's presence on the world's sealanes, the Jones Act fleet provides an important sealift component and "generates thousands of jobs, directly or indirectly, in every state," while U.S. Government cargo preference laws provide an essential cargo base needed to keep the U.S. Mer-

chant Marine operating in international commerce, Jamian said.

"These proven, essential national maritime laws and policies must be upheld," the Acting Maritime Administrator declared.

Finally, it is imperative to expand the U.S. Merchant Marine through the establishment of a Short Sea Shipping fleet to ease surface transportation congestion under Secretary Mineta's SEA-21 program, Jamian said. "If our ports are choked, if our intermodal connectors and land transportation modes are overloaded, then our entire economy pays a price," he cautioned. "Jobs are lost."

Sheila M. McNeill, National President of the Navy League of the United States, declared that the need for a strong U.S. Merchant Marine "is more critical today" than ever before in light of the global War on Terror, and stated her 70,000-member organization will continue its long history of supporting legislation that will provide the necessary funding "to get the job done."

Mrs. McNeill said the Navy League stays in close contact with Executive Branch decisions makers in each of the sea services, including MARAD, and key Members of Congress. "This is a never-ending task . . . and the Navy League stays on top of this phase of their mission twenty four hours a day, seven days a week."

"As the Navy League engages with the Congress and the [Bush] Administration in this very strained budget season, you can bet that we will be telling your story to our elected officials and the American people," Mrs. McNeill vowed. "We will be using all the means at our disposal . . . to sound the clarion call about the need to maintain a strong maritime component to our National defense, and to ensure we have, today and well into the future, the domestic industrial base and talent pool to maintain that maritime superiority we have come to take for granted."

Other speakers included AFL-CIO President John Sweeney, Federal Maritime Commission Chairman Steven R. Blust, and several Members of Congress, including Representatives Shelley Berkley (D-NV); Norman Dicks (D-WA); William Jefferson (D-LA); Loretta Sanchez (D-CA); and Bennie Thompson (D-MS).

Source: AMC Washington Letter

Timely Reminder
Second quarter 2005
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.

Matson matches Pasha's auto rates

Matson Navigation Company announced on March 16, that it will lower its rates for shipping personal vehicles between Hawai'i and the mainland to \$899, in response to Pasha Hawai'i Transportation Lines' announcement that it would undercut Matson and Horizon Lines. "Matson will match Pasha's rates," said Jeff Hull, Matson's spokesman.

Pasha will begin shipping vehicles to and from Hawai'i later this month, with its first ship the *m/v JeanAnne* arriving in Honolulu from San Diego March 28.

Previously, Matson charged \$996 for shipping a vehicles to or from Honolulu and \$1,042 on Neighbor Island routes. Horizon Lines charges \$994 on the Honolulu route.

ESU Office Assignments

For the month of April, Jerry Patterson will be in the Seabrook office and Robert Knight will be in the Benicia office.



MARCH 2005

Official Publication of the Exxon Seamen's Union

Demotions and lay-offs looming

On March 8, SeaRiver management in conjunction with announcing the turnover of the *S/R Mediterranean* to International Marine Transportation Limited (IMT) requested to meet with the ESU Executive Board to discuss the disposition of surplus personnel created to a large extent with the loss of the vessel to the fleet. At that time HR Supervisors suggested that they would be willing to listen to ideas and proposals to reduce the workforce by alternative means with respect to contractual language.

The entire Executive Board including the Union's three Department Trustees met on Friday, March 10, with company representatives and put forth possible retirement incentive scenarios that the Board felt would meet the ultimate goal of reducing surplus concerns without the need of wholesale demotions or lay-offs. Unfortunately, management accepted none of these proposals. For reasons perplexing to the Union, the company was unable to offer the necessary funds to facilitate an orderly reduction in force through voluntary retirement. Voluntary retirement incentives, though not offered by SeaRiver since 1989, have been used with success on a number of similar occasions in managing reductions in fleet size.

It is regrettable that the ESU's efforts to develop a top-down reduction in personnel was not successful, as the contractual alternative is to reduce the surplus in ratings solely through demotions from seniority lists and layoff as described within the Collective Bargaining Agreement. The language within Article XI, page 40 and 41 provides a safety net in respect to members receiving a separa-

tion in most cases. However, if an employee has less than two (2) years of continuous service with the company they do not qualify for any layoff allowance under the provision in respect to payment for years of service.

It is important to understand that members subject to demotion or layoff will be given six months advance notice by the SeaRiver Human Resources Department that they are considered surplus in their rating. After an employee has received this notification letter they will exercise their contractual right within 30 days to either accept demotion or opt for the layoff allowance. Additionally, employees subject to demotion or layoff will have the option of working the six months or receive the six months in a lump sum payment of his/her normal earnings in addition to the layoff allowance if eligible. However, this option to accept demotion or elect to accept the layoff allowance is contingent on the employee, subject to demotion, having held a position on their present seniority (rating) list for at least one year.

Layoff allowances are based on years of service and are in addition to the six-month lump sum if the employee is eligible and elects to receive it in lieu of continuing to be employed during that period. Below is the contractually agreed on layoff allowance.

· **Members with five (5) years of service and under:** One (1) week of pay for each year of continuous service.

· **Members with six (6) through ten (10) years of service:** Five (5) weeks of pay plus 1½ weeks of pay for each year of continuous service over five (5) years.

· **Members with eleven (11) through fifteen (15) years of service:** Twelve and one half (12-1/2) weeks of pay plus two (2) weeks of pay for each year of continuous service over ten (10) years.

· **Sixteen (16) years of service or over:** Twenty-two and one half (22-1/2) weeks of pay plus two and one half (2-1/2) weeks of pay for each year of continuous service over fifteen (15) years.

A complete list of specific members that will be subject to demotion or layoff is impossible to determine at press time, as decisions by affected members as to whether to accept demotion or elect to accept the layoff allowance are not known. These decisions will surely impact the administration of adjusting seniority lists and identifying members that will be subject to layoff. To proceed properly in respect to contact language will require a few months time to complete. During this process the Union will monitor events and insure that the Agreement language is adhered to.

SeaRiver has indicated that the number of reductions in each rating will be equal to the compliment of the *S/R Mediterranean* multiplied by the 2.0-manning factor. As an example; the vessel carried one Chef billet multiplied by 2 (manning factor) would total a reduction to that seniority rating of two (2) positions. As such, it is the Executive Boards understanding the company is anticipating separating 26 unlicensed seamen.

Ordinarily, any reduction in employee numbers have been managed through a combination of normal attrition through retirements and other forms of separations from the company, as well as re-

irement incentive offers. The Executive Board believes that there are no differing factors present in these circumstances that would disallow SeaRiver managers from acting as they have in the past.

Retirement incentives seem to be the most economical and least painful manner in separating employees. By offering senior employees the option of accelerating their retirement schedule through a monetary inducement, historically more members have volunteered for the offer than is needed by the company to reduce employee numbers to the desired level. By the separation of these employees on a voluntary basis the need to force unwanted employment separations on valuable, younger employees that have more years of service to offer the company becomes unnecessary.

Moreover, the Union foresees a significant economic downside to this decision by SeaRiver. As normal attrition takes place and senior employees do choose to retire under the standard retirement benefits plan, the company will find themselves in the position of having to hire more personnel to maintain needed operational numbers. This will result in the company first separating highly qualified and trained employees that desired to continue their employment only later to bear the financial burden of hiring more employees.

Indications from the company are that approximately a seven (7) ship fleet will be required to meet the cargo demands that SeaRiver is responsible for in the foreseeable future. In consideration of this projection it appears especially ill-advised to allow employees that can meet these future demands to be cast aside.

Ship Representatives' attend annual conference

The complete Executive Board including Department Trustees Bill Ackley, Pat Campbell and Gerard Nelson met in Galveston, Texas, on Monday, March 7, to put the final touches on presentations that would be included in the three day Annual Ship Representative Conference.

ESU Ship Representative's attending the 2005 Conference at the Hilton Hotel in Galveston and the vessels they represent are as follows:

- Ed Caldwell, *S/R American Progress*
- Thor Floreen, *S/R Columbia Bay*
- Joe Graca, *S/R Long Beach*
- Mark Myser, *S/R Baytown*
- Charlie Pollard, *S/R Wilmington*
- George Taylor, *S/R Galena Bay*

Frank O'Malia, Ship Representative to the *S/R Mediterranean* was not able to attend the Conference due to assignment to the "Med". Frank was present in Singapore for the turnover of the vessel to its new operators and departed her for the last time while the conference was underway. This years conference attendees faced an exceptionally demanding agenda of meetings and workshops due to the impending contract negotiations slated to start this spring.

Tuesday, March 8:

The schedule for this day was dedi-

cated to Representative's meeting with various SeaRiver managers from different departments of the company.

Kicking off the days meetings and offering a warm welcome to the participants was Stu McRobbie, VP of Operations. Mr. McRobbie spoke on numerous topics concerning operations and fielded questions from the Union Representative's. Below is an overview of topics reviewed during this portion of the day.

- SeaRiver mission and objectives
- Corporate Structure: SeaRiver Maritime, Inc's. position within the ExxonMobil Corporation
- SeaRiver Management Structure
- SeaRiver Operation's Management Structure
- SeaRiver's Principal Maritime Operations
- Safety Performance: With comments regarding the presentation of the Crystal Award by ExxonMobil
- External Recognition: Listed and commented on a long list of awards and recognitions received by SeaRiver since 1999. Included were mention from the US Coast Guard, Pacific States/British Columbia Task Force, Washington State, British Safety Council, 76 J.F Devlin

Awards (operating without an LTI) and 12 Ship Safety Achievement Awards (heroic deeds)

- Overview of company vessels and their areas of trade and operations
- Discussed stalled new-build project
- Alternative tonnage possibilities: Discussed the possibility of meeting expected tonnage demand through the acquisition of existing vessels
- Fleet projections: Stated that it is very possible that SeaRiver will need to maintain a seven (7) ship fleet despite the pending OPA 90 "drop dead" dates

Mr. McRobbie also answered questions from participants and led discussions on other operational concerns including relief issues at Richmond Long Wharf, storing problems and shipboard email availability.

Fleet Manager (West Coast) Capt. Bill Sheehy followed and addressed topics such as the ANS requirements looking into the future, storage crane use at west coast docks and agreed to follow-up on Richmond Long Wharf relief issues along with HR Supervisor Todd Covini.

Discussing issues specific to the "clean oil" trade was Fleet Manager (East/Gulf Coast) Ron Floyd. Ron elaborated on the present optimistic climate of the Florida

gasoline trade as well as the positive outlook for the "chemical carrier" *S/R Wilmington*.

Safety, Quality and Security Manager Marty Meador began the afternoon session and discussed a number of impending rules and regulations that regulatory agencies and the US Coast Guard, as the enforcement branch, are working on, particularly in regard to free access of mariner's to shore from shore facilities. Mr. Meador, in addition, discussed and fielded questions from the group involving definitions of security breaches and possible deficiencies involving the Vessel Security Plan (VSP). Conversations on these subjects were particularly lively.

Dr. Cory Frates, SeaRiver Medical Director followed with an overview of the Medical Department. Of special interest to the group as evident from questions directed to Dr. Frates were issues involving how short/long disability decisions are arrived at and the company's necessity for mandatory follow-ups after annual exam results have been reviewed by the Medical Department.

Benefits Supervisor Chris Matteson gave a benefits overview and work place harassment presentation. Mr. Matteson

continued on next page

ESU News

S/R Mediterranean departs fleet March 10

After approximately fifteen years of exemplary service in the world crude oil trade the *S/R Mediterranean* was reflagged to the Marshall Islands and turned over to ExxonMobil international ship operator International Marine Transportation, Limited (IMT) on March 10. The former *Exxon Valdez* had been rumored to be leaving the SeaRiver Maritime, Inc. fleet for a number of years and her departure results in a decrease to seven, the number of vessels presently being operated by the company.

The vessel, along with her sister ship the *S/R Long Beach*, are the largest vessels operated by SeaRiver Maritime, with a crude oil cargo capacity of 1.5 million barrels. During this vessel's life, she has operated under a cloud of controversy and litigation that has followed her since the infamous 1989 grounding and her subsequent repairs and introduction into the foreign crude trade in the summer of 1990. One of the few American-flagged, American-crewed tankers trading internationally, members have reported for years that she consistently received high mention in foreign ports for her crews outstanding performance.

In September of 2002, the vessel was placed in overseas lay-up for what many thought would be the end of her service life. But as reported in the January 2003 issue of the *WCS/ESU News*, the company announced that it was reactivating the ship as a result of a considerable increase in world shipping rates. Unfortunately the rates, which are always fluctuating, were not enough to assure an acceptable return of profit for the American-crewed vessel.

Much has been said and written concerning this vessel over the years. But few have had the privilege of serving aboard her. She will be missed.



S/R Mediterranean leaves service in the SeaRiver fleet after years of successful international service. The "Med", built in 1986 at the NASSCO Shipyard in San Diego, California, measures 987 feet in length with a beam of 166 feet. She will continue in the world crude oil trade under the management of International Marine Transportation, Ltd.

SHIP REPRESENTATIVES' CONFERENCE continued

facilitated an open floor discussion in which participants offered different possible harassment or creating a hostile work environment scenarios and discussed how each case would possibly be administered in respect to ExxonMobil/SeaRiver Maritime policy.

Concluding the days company presentations was Fleet Manning Coordinator Wendy Morrison. Ms. Morrison discussed a number of Fleet Manning issues including procedures for members reporting to Fleet Manning for assignment from paid leave and mail delivery problems. Wendy also fielded a number of questions from those in attendance.

Wednesday, March 9

This day's ambitious schedule of presentations was dedicated to ESU specific topics. Starting at 0800, Representative's were presented by Executive Board Officer's with a variety of specific subjects including the following:

- Financial overview: Including review of present financial position and projections for the future.
- Review of ESU's Ideology & Objectives
- Presentation and discussion of ESU's Long Term Goals
- Review of 2004 Union Goals developed at last years Ship Representative Conference
- Development of 2005 Union Goals
- Ship Representative Responsibilities
- Conducting a Union Meeting
- Review of 2002 Contract Negotiations

Following the conclusion of the presentation concerning the most recent Collective Bargaining Agreement negotiations, the Ship Representative's were tasked with developing issues for the upcoming 2005 contract negotiations. Representatives, working in a "work shop" forum divided into smaller groups chaired by the Department Trustee's, where they put forth issues and concerns that were generated from the entire membership. After this process was completed, the Representatives and Trustees met as a collective unit and developed a prioritized list after considerable discussion. This final list was then presented to the Executive Board Officer's for use in negotiations.

Thursday, March 10

The final work day of the conference began with Board Officer's presenting an overview of Blue Cross and Blue Shield health and dental issues. Among items

pertaining to insurance matters addressed were:

- How Health and Dental premiums are developed
- Health Care Industry trends and how they effect the membership
- Recent changes in Prescription Drug Plans
- Future challenges in maintaining health and dental insurance at present coverage levels

Executive Board Officer's discussed and answered questions regarding insurance issues with the Representative's in an "open floor" session following the formal insurance presentation.

Next on the agenda was Sailors' Union of the Pacific (SUP) East/Gulf Coasts' Representative and former ESU President, Bud Yost. After receiving a warm welcome from the Exxon Seamen's Union attendees, Bud presented a comprehensive presentation developed specifically for the participants. Among topics presented in this portion of the Conference were:

- Overview of SUP operations
 - Historical prospective of the evolution of events that led up to the affiliation of the ESU and SUP
 - Value of the affiliation to each Union
 - Ability of ESU members joining the SUP and receiving sea-time credit on their book
 - Life aboard SUP represented vessels
- Following Bud's well received presentation, ESU legal counsel Sharon Groth conducted a discussion on the following issues:
- On the job harassment issues
 - Overview of recent arbitration cases

This day ended with all attendees and invited guests meeting in the evening for the annual appreciation dinner. Among invited guests were SUP President/Secretary Treasurer Gunnar Lundeborg, Bud Yost, Sharon Groth and Harris County AFL/CIO President Dale Wortham.

The Executive Board wants to express its gratitude to the Ship Representatives for their attendance at the 2005 conference. The membership will benefit from the information that these Representatives have gathered and the work that they have performed during this exhaustive 3-days of meetings.

Ship reports

SR American Progress

ESU Board Officer scheduled to visit vessel 3rd week of March at ExxonMobil Dock in Beaumont, TX. Recently elected Ship Representative Ed Caldwell attended the Ship Representative Conference in early March. Michael Harrison has filled in during the interim and is staying in excellent communication with the Union. Singapore yard visit has been delayed due to unavailable replacement tonnage for the vessel while she is out of service. Vessel tentatively slated for yard period in late spring

SR Baytown

Vessel visited during rare port call to ConoccoPhillips Dock in Rodeo, CA. Ship Representative Mark Myser represented vessel at recently concluded Representative Conference. The Union thanks AB Joe Bernavich for representing the membership onboard during Mark's absence. No beefs.

SR Columbia Bay

Board member visited the vessel on March 4th at the Valero Dock in Benicia, CA. AB Tony Curtis serving as Temporary ESU Representative while Thor Floreen completes his paid leave after attending Ship Representative Conference. Mail problems brought forth during Board Officer's visit and issue continues to be worked ashore.

SR Galena Bay

Vessel scheduled for Executive Board Officer visit March 22, after previously scheduled visit being cancelled due to vessel delay on February 22 and 23, in Corpus Christi, TX. Representative George Taylor on paid leave and attended the Representative Conference. Rudy Benavides and Randy Witowich have filled in and communicated frequently with the Union offices during George's absence. Vessel continues on cross-Gulf trade.

SR Hinchinbrook

Board officer visited the vessel on March 17, at the San Francisco Dry Dock where the vessel is in for a short yard stay. Steve Bowles is serving as Temporary Ship Representative and in regular contact with the Executive Board. TC/AC overtime issue brought forth and being investigated by E. Board. Ship Representative Danny Jones off vessel and was in attendance at Representative Conference.

SR Long Beach

Ship visit tentatively planned for last week of March. Executive Board was unable to call on vessel during her early March visit due to Representative Conference. Representative Joe Graca was present at the Conference. Vessel continues on her ANS run with split discharges in Southern/Northern California.

SR Mediterranean

Most of crew departed vessel on March 10, and Marshall Island flag flown. Issue brought to Unions attention concerning high levels of H2S not being properly communicated to crew. Discussions have taken place shore side on this issue. Members should be proud of the professional turnover of the vessel and the Union extends a job well done to ESU Ship Representative Frank O'Malia for his service to the membership aboard the vessel.

SR Wilmington

Board Officer visited ship March 12 and 13 at the ExxonMobil Dock in Baytown, TX. Ship Representative Charlie Pollard attended the Ship Representative Conference and both Bob Ross and now Mike Gore have volunteered to assume his duties until Charlie returns. No beefs reported. Considerable interest and questions regarding the expected demotions and layoffs directed at Board Officer.

EXXON SEAMEN'S UNION

Founded March 28, 1941

Affiliated with the Sailors' Union of the Pacific

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Secretary/Treasurer Robert Knight

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 2005

The following dates are tentative. Contact Steve Messenger (415 778-5490) for more information.

STCW 95 Basic Safety Training

• Basic Fire Fighting	• Basic First Aid		
• Personal Survival	• Personal Safety and Social Responsibility		
Mar. 21-25	May 23-27	Aug. 8-12	Oct. 17-21
Apr. 11-15	Jun. 6-10	Aug. 22-26	Oct. 31-Nov. 4
Apr. 25-29	Jun. 20-24	Sep. 12-16	Nov. 14-18
May 9-13	Jul. 11-15	Sep. 19-23	Dec. 5-9
	Jul. 25-29	Oct. 3-7	Dec. 12-16

LMSR Vessel Training (MSC approved)

Apr. 12-22	Jun. 7-17	Aug. 9-19	Oct. 11-21
May 10-20	Jul. 12-22	Sep. 13-23	Nov. 8-18
			Dec. 6-16

Small Arms Training (MSC approved)

Mar. 28-30	Jun. 20-22	Aug. 22-24	Oct. 24-26
Apr. 25-27	Jul. 25-27	Sep. 26-28	Nov. 21-23
May 23-25			Dec. 19-21

Able Seaman (AB)

Apr. 11-23	Jun. 6-18	Aug. 8-20	Nov. 7-19
May 9-21	Jul. 11-23	Sep. 12-24	Dec. 5-17
		Oct. 10-22	

Survival Craft (Lifeboatman)

Mar. 28-31	Jun. 6-9	Aug. 22-25	Oct. 31-Nov. 3
Apr. 4-7	Jun. 20-23	Sep. 12-15	Nov. 14-17
Apr. 18-21	Jul. 11-14	Sep. 26-29	Dec. 5-8
May 9-12	Jul. 25-28	Oct. 3-6	Dec. 19-22
May 23-26	Aug. 8-11	Oct. 17-20	

Training Information and Enrollment

Contacts

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Welfare Notes

March 2005

Participant Addresses

It is important for the SUP Welfare Plan to have current addresses for our participants. Outdated addresses can hamper us in keeping you informed of plan changes, your current MPP investment information, and other situations, which may affect you personally.

HIPAA privacy laws and our office policy protect the confidentiality of your personal information. Business partners with the SUP Welfare Plan must sign privacy agreements, which prevent them from sharing information with other agencies. Our interest in having updated information is to help serve you better.

Newly eligible participants should contact the SUP Welfare Plan with their mailing addresses so that we can get you the information to enroll you in a medical and dental plan. Continuing participants should also contact us if you have recently moved or feel we may have outdated information.

Below is a list of participants we would like to contact our office (1-800-796-8003):

Abordo, Ross	Alcaraz, T.S.	Amaral, Jason	Baker, R.E.
Barrett, Henry	Bayani, Emmanuel	Brown, Donald	Burns, Robert
Byrne, Joseph	Chong, Chance	Christianson, Brett	Christianson, Fred
Cooke, C.	Cook, Robert L.	Crandall, Jay	Dougherty, Sean
Duarte, Dana	Duff, J.	Ellery, C.T.	Erp, John
Euju, Peter	Everson, Steve	Fainuu, Vaa	Foster, Patrick
Flynn, William	Gellert, Nancy	Glanan, Gerry	Gordon, R.A.
Hardwick, S.C.	Hardy, Richard	Holloway, W.	Holter, Louis
Imperial, Edgar	Johnson, David	Kenny, James	Macias, Jacob
Manganalandan, K.	McDevitt, Michael	McDonald, Gabriel	McMullen, F.
Munson, Keith	Murner, Michael	Musi, Jeremy	Ohalloran, K.
Pepper, S.	Ramos, Victorino	Reinking, David	Rexford, James
Rojas, Oscar	Selfors, Laue	Serrell, J.	Smith, Greg
Smith, James T.	Spaccarotelli, D.M.	Stultz, Robert	Swinton, Stephen
Thomas, Steven	Toetaua, Gago	Torre, Joselito	Tufono, Roy
Wadlow, Rick	Wenger, Marc	Williams, Morris	Wright, Lewis
Wynn, Bryan	Young, Jennifer	Zirkle, Derek	

Telephone Numbers

SUP Welfare Plan 1-800-796-8003
SIUPD Pension 415-437-6889
SIUPD Supplemental Benefits 415-437-6870

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

Seafarers Medical Center

Effective March 1, 2005, Seafarers Medical Center will only pay outports in San Pedro, Seattle and Honolulu for constructed drug screens on Matson or ASM ships.

Patriot LMSR ships do not pay any mandays contributions to Seafarers Medical Center. This means any service for Patriot LMSR ships must be paid for by Patriot or the Union member.

As a service to the members of SUP and MFOW, Seafarers Medical Center will continue to issue constructed drug screens on all American-flag ships but ONLY at the San Francisco office. If discharges are mailed to San Francisco Seafarers Medical Center, there will be no charge.

All members of SUP and MFOW can fax or mail their discharges to the San Francisco office with directions where they wish to have the constructed drug screen card mailed. A stamped return envelope would be appreciated.

If faxing discharges to San Francisco Seafarers Medical Center does not work for the member, they can pay the outports for a constructed drug screen.

For free constructed drug screen, mail or fax discharges to: Seafarers Medical Center's fax number is 415-392-3614. Mailing address is P.O. Box 191086, San Francisco CA 94119. If questions, call 415 392-3611.

Brothers and Sisters:

I want to thank by name the crew of the *APL Korea* that attended the final dispersal of my brother Eustratius "Ted" Jordanides' ashes in the Pacific Ocean as per his wishes:

Master James N. Jannetti; First Mate Daniel Born; Bosun Steven Zachmann; AB Louis Frazier; AB Linda Cramp; AB Jose Obsuna; AB Paul Calais; REO Randall Lower; Deck Cadet Steven Smith; Eng. Cadet Jeffrey Jones.

I'm sure Ted was happy with the turn out. We had his ashes in Connecticut and Florida for three years and now he is home. I also want to let you know of my brother Mike's passing on February 1, 2005. He was also retired from the SUP. He was buried in Ansonia, Connecticut. He wore his SUP jacket for the burial. Again thank you all.

George Jordanides, retired
Book #4300

SUP Seattle shoregang spruces up C-11's in Singapore



Seattle Shoregang Bosun Norm Christianson and A.B. Tim Hill at work aboard the *APL Thailand* in Singapore last month. Christianson and Hill did maintenance work aboard the *APL China*, *APL Korea*, *APL Philippines* and *APL Thailand* while they were drydocked in Singapore.

Agriculture Committee leaders oppose Bush's proposed food aid policy change

Significant concern recently surfaced in Congress over the Bush Administration's budget request that would facilitate the purchase of food aid commodities from foreign sources rather than American farmers by cutting \$300 million from the U.S. Department of Agriculture's (USDA) Public Law 480 Title II program during Fiscal Year (FY) 2006 and shifting the funds to a cash-based International Disaster and Famine Assistance (IDFA) program housed in the U.S. Agency for International Development (USAID).

Indeed, soon after President Bush's FY 2006 budget plan was announced, opposition to the proposed food aid policy change was voiced by House Agriculture Committee Chairman Bob Goodlatte (R-VA).

Chairman Goodlatte issued a statement on February 15th decrying the policy proposal, which, he charged "would pull \$300 million out of [American] taxpayers' pockets and drop it into foreign markets."

"I strongly oppose this proposal," Chairman Goodlatte said. "Public Law 480 Title II food aid serves two purposes: one - it provides emergency and non-emergency [development] food aid to food-insecure countries and two - the program helps American farmers since the money is used to purchase American agricultural products and thereby stimulate the U.S. economy."

"The purchases from U.S. farms benefit our economy as the expenditures circulate through the U.S. economy rather than the European economy or that of other major food exporting nations," Chairman Goodlatte said.

The Bush Administration's plan would cut USDA's PL 480 Title II program from \$1.185 billion in FY 2005 to \$885 million for the upcoming fiscal year, thereby providing funding for only 1.7 million metric tons of food aid, as opposed to the legal mandatory level of 2.5 million metric tons per fiscal year.

Senator Saxby Chambliss (R-GA), Chairman of the Senate Agriculture, Nutrition and Forestry Committee, issued a statement on February 8th taking aim at the Bush Administration's USDA budget request which seeks to cut farm support program funding.

"At the mid-way point of the current farm bill, we are \$15 billion under budget," Chairman Chambliss said. "Why make changes in our farm support pro-

grams now, with farm spending less than estimated? U.S. farmers will only be placed in a vulnerable trade position against foreign markets if Congress is to make concessions now, before trade negotiations occur in the World Trade Organization."

"The current farm bill is in place because when it comes to the American food supply, dependability for growing food within our own borders is entrusted to the reliability of the American farmer," he said. "The result is a farm bill that works as intended."

"Federal spending on agriculture largely goes to support nutrition programs, food donations, and conservation to preserve the soil and water. When Congress looks to control spending, it must look wisely and with fairness," Chairman Chambliss concluded.

In another development involving food aid funding, President Bush's proposal to provide only \$200 million in emergency food aid funding drew criticism from Senator Tom Harkin (R-IA), the Ranking Democrat on the Senate Agriculture, Nutrition, and Forestry Committee.

Senator Harkin issued a statement charging that President Bush "failed to request adequate funding to meet emergency food aid needs around the world or to acknowledge the magnitude of the need," noting that in the supplemental appropriations request for troops and military operations in Iraq and Afghanistan, that the \$200 million requested "falls well short of the estimated \$1 billion needed to fulfill America's food aid commitment and replenish depleted accounts."

Senator Harkin said he will work with his colleagues on the Senate Appropriations Committee to increase funding in order to "honor America's historic commitments to fighting hunger around the world."

Source: AMC Washington Letter

**SUP Halls closed
March 31
in observance of
Cesar Chavez'
Birthday**

Wal-Mart's cost to American taxpayers is staggering

Among Wal-Mart employees, some single job workers may be able to make ends meet. Others may be forced to take on two or three jobs. Others may have a spouse with a better job. And others simply cannot make ends meet. Because Wal-Mart fails to pay sufficient wages, U.S. taxpayers are forced to pick up the tab. In this sense, Wal-Mart's profits are not made only on the backs of its employee but on the backs of every U.S. taxpayer.

The ultimate costs are not limited to subsidies for underpaid Wal-Mart workers. When a Wal-Mart comes to a town, the new competition has a ripple effect throughout the community: other stores are forced out of business or forced to cut employees' wages and benefits in order to compete with Wal-Mart. The Los Angeles city council commissioned a report in 2003 and the consulting firm Rodino and Associates found that super centers drove down wages in the local retail industry, place a strain on public services, and damage small businesses. It recommended that the city council refuse to allow any super centers to be built in Los Angeles without a promise from Wal-Mart to increase wages and benefits for its employees. (Nancy Cleeland, "City Report is Critical of Wal-Mart Supercenters," *Los Angeles Times* C1, December 6, 2003)

The findings of Rodino are alarming. The labor impacts of a Wal-Mart super center in low-income communities include:

- Big box retailers and superstores may negatively impact the labor market in an area by the conversion of higher paying retail jobs to a fewer number of lower paying retail jobs. The difference in over-

all compensation (wages and benefits) may be as much as \$8.00 per hour.

- Lack of health care benefits of many big box and superstore employees can result in a greater public financial burden as workers utilize emergency rooms as a major component of their health care.

- A study conducted by the San Diego County Taxpayers Association (SDCTA), a nonprofit, nonpartisan organization, found that an influx of big-box stores into San Diego would result in an annual decline in wages and benefits between \$105 million and \$221 million, and an increase of \$9 million in public health costs. SDCTA also estimated that the region would lose pensions and retirement benefits valued between \$89 million and \$170 million per year and that even increased sales and property tax revenues would not cover the extra costs of necessary public services.

- The threat of Wal-Mart's incursion into the Southern California grocery market is already triggering a dynamic in which the grocery stores are negotiating with workers for lower compensation in an attempt to re-level the playing field.

- One study of superstores and their potential impact on grocery industry employees found that the entry of such stores into the Southern California regional grocery business was expected to depress industry wages and benefits at an estimated range from a low of \$500 million to a high of almost \$1.4 billion annually, potentially affecting 250,000 grocery industry employees, the full impact of lost wages and benefits throughout Southern California could approach \$2.8 billion per year.

Coast Guard's \$919 million wish list

The U.S. Coast Guard has given Congress a \$919 million wish list of program and hardware not funded in the Bush administration's fiscal 2006 budget. For the first time, the USCG has sent congressional representatives an unfunded priorities list (a tally of needed items not included in the fiscal 2006 request.)

The list includes an additional \$637 million for the service's Deepwater recapitalization program; \$11.6 million for helicopter repairs; \$4 million to increase aviation maritime patrol hours, and \$59 million to renovate shore stations.

The Defense Department armed services have been required since the mid-1990s to furnish such lists if requested by

Congress. But up until last year, the Coast Guard, under the Homeland Security Department, had no similar provision. The USCG and Maritime Transportation Act of 2003 gave the service the leeway to speak directly to Congress about issues affecting it. Published reports quoted a letter to Senator Thad Cochran, chairman of the Senate Appropriates, from Commandant Admiral Thomas Collins as saying the items in the service's \$8.1 billion fiscal 2006 budget request "represent my highest priorities." Collins expressed support for the president's proposed budget and added that he provided Cochran and other lawmakers the unfunded list "as a matter of comity."

Supreme Court to decide if U.S. Disabilities Act applies to foreign-flag cruiseship

The Supreme Court heard arguments on February 28, on whether the Americans with Disabilities Act (ADA) applies aboard passenger ships that call at United States ports while flying foreign flags—that is to say, nearly every cruise ship that serves the United States market.

The 1990 law guarantees to people with disabilities the “full and equal enjoyment” of any “place of public accommodation.” The lower federal courts disagree on whether the definition includes the floating resort hotels that are particularly popular among people with disabilities, who select cruise vacations at a higher rate than the general population.

The United States Court of Appeals for the Fifth Circuit, whose jurisdiction includes the ports of New Orleans and Houston, ruled last year that the law did not apply, dismissing a suit filed against Norwegian Cruise Line by three passengers with mobility impairments and their two traveling companions.

The passengers claimed that they had been charged an unjustified premium for their accommodations on the *Norwegian Sea* and the *Norwegian Star* and that public restrooms and recreational facilities, including the swimming pools, had been inaccessible. The Justice Department supported the lawsuit.

The appeals court rejected the view of the Justice and Transportation Departments that the disability law applies to all cruise ships that enter United States ports, regardless of their country of registry. It is up to Congress to state clearly whether the law applies, and Congress has not done so, the Fifth Circuit said.

By contrast, the United States Court of Appeals for the 11th Circuit, which includes the ports of Fort Lauderdale and Miami, reached the opposite conclusion five years ago when it reinstated a lawsuit brought by a wheelchair-using passenger against a cruise line based in the Bahamas.

Attorney, Thomas C. Goldstein, arguing the appeal for the Norwegian Line’s passengers, said the Fifth Circuit had misunderstood the legal principles governing the case. The plaintiffs are seeking not extraterritorial application of United States law. Mr. Goldstein said, but rather application of that law within sovereign United States territory. His clients have been subjected to discrimination “on the land, in the ports and on the waters of the United States,” he said.

David C. Frederick, arguing for Norwegian Cruise Line, warned the court against applying a “Pandora’s box of domestic legislation,” including occupational safety laws and food and drug laws, to foreign ships. Federal judges would become the “special masters of the cruise industry,” Mr. Frederick said. He said the cruise line denied the charges of discrimination, which remain untested because the case was dismissed before trial.

The cruise line, with a business office in Miami, is a subsidiary of Star Cruises, based in Hong Kong, and registers its ships in the Bahamas. Arguing for the government of the Bahamas on behalf of Norwegian, another lawyer, Gregory G. Garre, said that applying the disability law to foreign ships would invite “international discord and confusion.”

An assistant solicitor general, David B. Salmons, joined Mr. Goldstein in arguing for the plaintiffs. “Any vessel that comes into the waters of the United States and offers service to our residents” is covered by the Americans With Disabilities Act, Mr. Salmons said, adding that

“the relevant question is whether the ship has offered a ‘public accommodation’ in the United States.”

The justices took a lively interest in the case, *Spector v. Norwegian Cruise Line Ltd.*, No. 03-1388. But they did not appear completely satisfied with either side’s position, and it was unclear by the end of the argument what the eventual decision might be. For example, Justice Ruth Bader Ginsburg told Mr. Goldstein. “You are in effect saying, ‘The U.S. rules the world.’ No matter what the other ports say, U.S. law is going to govern.”

When Mr. Goldstein objected to that characterization of his argument, Justice David H. Souter rephrased Justice Ginsburg’s point. “It rules the world unless the world doesn’t want to use the U.S. as a port of call,” he said.

Justice Ginsburg then took an equally stern tone with the cruise line’s lawyer. Under Norwegian’s position, she said, the public accommodations provision of the Civil Rights Act of 1964 would also be inapplicable to foreign ships, and “so a ship putting in at a U.S. port would be free to discriminate among the passengers on the basis of race.”

Consistent with his legal position, Mr. Frederick, Norwegian’s lawyer, had to agree, because Congress has not clearly stated that the Civil Rights Act should apply. He tried to address the question obliquely, saying, “Congress has not extended its laws to the full extent of U.S. power.”

“This concerns me,” Justice Ginsburg said. Observing that a majority of Norwegian’s cruise passengers are Americans, she continued, “You’re asking us to rule that an enterprise that is U.S.-centered is not bound by our bedrock antidiscrimination law.”

When Mr. Frederick noted that compliance with the disability law on a ship could require structural modifications, Justice Antonin Scalia came to his assistance. “Why don’t You draw that line?” Justice Scalia asked, explaining that the physical requirements of the statute could provide a reason for deciding that other civil rights laws applied on board ship while the disability law did not.

But Justice Sandra Day O’Connor found the reasoning unpersuasive. She noted that the disability law did not impose a blanket requirement for physical modifications, but only for those that are “readily achievable.”

Although the precise question before the court was a new one for the Justices, the effort to define the reach of United States law to foreign ships is decades old and has proved quite difficult. Each side could invoke an inventory of precedents to support its position. For example, a Prohibition-era decision by the justices held that in deference to United States law, foreign ships could not carry liquor when calling at United States ports, even if the liquor was kept under lock and key.

More recently the Supreme Court refused in 1963 to apply federal labor law to disputes between a foreign ship and its crew, on the ground that such disputes affected only the ship’s internal management and not its behavior toward Americans. On the other hand, in a 1970 case, the court held that federal labor law covered disputes over wages paid by foreign ships to longshoremen working in American ports.

[This article by Linda Greenhouse was originally published by the *New York Times*.]

Vice President's Report

March 2005

National Security Personnel System

In yet another aggressively anti-Union attack, the Bush administration finally published the new regulations for the National Personnel Security System authorized under the Defense Authorization Act of 2004. These regulations eliminate traditional collective bargaining rights from the more than 200 units within the Department of Defense. The system was put in place to grant the DOD some flexibility in completing its mission, but, as Gunnar Lundberg put it in his letter to the Secretary of Defense Donald Rumsfeld, “There is a significant difference between the skeletal authorities that Congress approved and the sweeping new authorities that the Pentagon is now claiming.”

The system will eliminate the recourse of workers and Unions to the National Labor Relations Board administrative authority. Instead, it sets up the new Defense Labor Relations Board (DLRB) to handle labor problems. The DLRB, of course, will be populated with corporate officials from the defense industry and Pentagon appointees.

The system’s “pay-for-performance” structure will eliminate the importance of seniority and leaves advancement and pay decisions within the sole discretion of an immediate supervisor.

Worst of all, the word “bargaining” is wholly replaced by the concept of “consultation.” After 60 days of consultation with the Unions, the DOD is free to impose whatever conditions it determines the mission requires. Complaints go to the DLRB. The applicability of these regulations to merchant mariners under contract to the Military Sealift Command is not yet fully known. Read Gunnar’s letter on page 3.

Foss Maritime Company Training clarification

As a result of dozens of meetings and letters, the resolution of three outstanding grievances is now complete. The so-called Weintraub, Higa, and Rymel grievances have all been settled to the satisfaction of the Union. To summarize: we agreed that given the “any source” right of the Company to ship deckhands to tankerman work, and failing any specific prohibition, our strict interpretation on the separation of boats and barges was untenable. Therefore, we established the written rules for an existing tankerman training program that is free from favoritism, discrimination, and depends first on seniority. Associated with that development, we favorably resolved the pay for licensed engineers as written in Section 37, and the travel time issue as written in Section 36. Thanks again to the hard work of the co-delegates Tom Tynan and Mike Worth and the faith of the membership in the effectiveness of the grievance process.

Ships checked

USNS Bob Hope: delegate Robert McDougall. Clarification on jurisdiction and cargo watches. Enroute Corpus Christi. Will go into ROS in Violet.

USNS Seay: delegate Dan Gunning. Arriving Beaumont from a six-month deployment overseas. Question on breaking of articles, reliefs, etc. As usual, outstanding seamanship demonstrated by the bosun Paul Harsany.

USNS Pililauu: delegate Steve Thompson. Problems with jurisdictional violations. Questions on training, health benefits eligibility and overseas reliefs.

USNS Mendonca: delegate Joe Jewell. Questions on health benefits eligibility. Enroute Northern Europe. Then back to Persian Gulf. Reliefs overseas.

Washington Voyager: delegate Earl Eastmark. Discussion on bonus pay, travel policy. In good shape at Richmond Long Wharf.

Dave Connolly

Maersk wins control of MSP ships

After a protracted legal battle, United States Ship Management, Inc. (USSM) and Maersk Line, Ltd., a subsidiary of Denmark’s A.P. Moller, have agreed to a settlement with Maersk gaining control of sixteen U.S.-flag ships operated by USSM under the Maritime Security Program (MSP).

Maersk took over one vessel, the *Sealand Express*, on February 28, and the other 15 ships on March 3.

According to Stuart Breidbart, USSM’s General Counsel, the terms of the settlement agreement are confidential.

The vessels in question are former Sealand Service ships that were acquired by Moller after it purchased Sealand’s international operations and formed Sealand Maersk. Under the provisions of the 1995 Maritime Security program, only U.S.-citizen companies as defined by the Shipping act of 1916 were allowed to operate MSP vessels. As a result, Sealand Maersk ships were operated by USSM. Using the same criteria, American President Lines vessels were and are operated by American Ship Management.

The U.S.-citizen requirement for holding MSP operating agreements have been generally waved under the enabling legislation for the new program approved by Congress last year.

Record of SUP Shipping February 2005

	Hdqg.....	Seattle	Wilm	Hono	Total
Bosun.....	3.....	5	3	1	12
Maint. Man.....	8.....	0	0	1	9
A.B. Dayworker	0.....	0	8	1	9
A.B	10.....	13	6	4	34
O.S.	0.....	1	0	2	3
Ship Util.	0.....	1	1	0	2
Standby	32.....	3	74	22	131
TOTALS	53.....	22	92	31	198



SUP President's Report

March 14, 2005

MATSON NAVIGATION COMPANY

On February 24, Alexander & Baldwin, parent company of Matson Navigation Company, announced that Matson had entered into a "cash on delivery purchase contracts" for two new containerships with Kvaerner Philadelphia Shipyard. Both vessels are similar in capacity, speed and operational efficiency to the *Manukai* and *Maunawili* delivered by the same yard in 2003 and 2004 and currently operating in Matson's Hawai'i service.

Employing the same duplicitous strategy it used in 2003, when the company threatened to run a double-breasted operation with the *Manukai* unless the seagoing Unions made concessions, Matson President and CEO James Andrasick said that Matson has the option to time-charter the vessels instead of buying them.

Matson has called for a meeting with the SUP, MFOW, and SIU-A&G Marine Cooks on March 16 to discuss the issue. The SUP has a separate meeting with the company on the same date in a continuing effort to have Matson comply with the collective bargaining agreement regarding funding of the SUP Welfare Plan. Will keep the membership fully informed on these issues.

The first new vessel –tentatively named *Manulani*– is expected to be delivered and enter service in July of this year. The second vessel, as yet unnamed, will be delivered in June 2006. According to Matson the *Manulani* will cost \$154 million and the second vessel \$161 million. By mid-2006 both vessels will join the *R.J. Pfeiffer*, *Manukai* and *Maunawili* in a new West Coast-Hawai'i-Guam-China service which will replace the service provided by the APL/Matson Alliance which expires in February of that year. The projected 35-day run is tentatively scheduled to call Long Beach, Honolulu, Guam and two unnamed ports in China.

In addition to the new vessels, Matson also announced that it will also have the right-of-first-refusal with Kvaerner for up to four other containerships of similar design that are deliverable by the yard before June 2010.

LMSR PROTEST UPDATE

As reported last month, Patriot Contract Services filed a motion with the United States District Court for Northern California in San Francisco seeking a preliminary injunction enjoining the Military Sealift Command from turning over the nine Large Medium Speed Roll-On/Roll-Off (LMSR) vessels to American Overseas Maritime Corporation (AMSEA). This motion follows in the wake of the compliant filed with the court on December 5 and amended on January 11, that seeks to overturn MSC's award of the LMSRs to AMSEA and instead to award the contract to Patriot.

Patriot's motion for a preliminary injunction is scheduled to be heard on March 29. The government has filed a cross motion for dismissal and/or a change in venue to the Court of Federal Claims, which will be heard on the same date.

To underscore the importance of this case to the membership, the SUP has retained noted labor attorney Duane Beeson of the Oakland-based law firm of Beeson, Tayer & Bodine to file a motion to intervene in the case. As of today's meeting, the Masters Mates & Pilots have agreed to join the SUP in this effort.

Regrettably, the timing of the court schedule to hear the motion was too late to save the USNS *Shughart* which was turned over to AMSEA on March 11 in Norfolk, Virginia.

The March 29 court date is critical to the protest process as it will be the first time the court will hear Patriot's case in detail. If Federal Judge Marvin Jenkins issues an injunction, the company's case is strengthened and we will have better than a fighting chance to retain our work in the LMSRs.

GOVERNMENT CONTRACTS

As reported in December, both Patriot Contract Services and Matson submitted bids to operate three Maritime Preposition Force Enhanced (MPFE) ships for the Military Sealift Command. The vessels were awarded this month to Keystone Prepositioning Services, a division of Keystone Shipping Company.

It is anticipated that MSC will announce the successful bidder for eight Fast Sealift ships within the next couple of months and the Maritime Administration will do the same for vessels in the Ready Reserve Fleet. Patriot and Matson have also submitted bids for these vessels.

MARITIME TRADES DEPARTMENT

Along with MFOW President-elect Anthony Poplawski, attended the Executive Board meeting of the AFL-CIO's Maritime Trades Department (MTD) on February 24 and 25 in Las Vegas.

In addition to acting on several policy statements, speeches were delivered by Transportation Secretary Norman Mineta; AFL-CIO President John Sweeney; General John Handy, Commander of the U.S. Transportation Command (TRANSCOM); Federal Maritime Commission Chairman Steven Blust; Sheila McNeill, President of the Navy League of the United States; Congresswoman Shelley Berkeley (D-NV); Congressman Bennie Thompson (D-MS); Congressman William Jefferson (D-LA); Congresswoman Loretta Sanchez (D-CA); and John Jamian, Acting Maritime Administrator. Your secretary had the opportunity to speak with many of the preceding on issues of importance to the SUP.

More information on the MTD meeting will be published in the March *West Coast Sailors*.

EXXON SEAMEN'S UNION

At the invitation of Exxon Seamen's Union (ESU) President Jerry Patterson, SUP East & Gulf Coast Representative Bud Yost and your secretary attended the ESU Ship's Representative Conference on March 10 and 11 in Galveston, Texas.

The annual conference brings together the officers of the ESU and the elected Ship's Representatives (delegates) in the SeaRiver Maritime fleet to discuss issues of importance to the ESU membership. Due to its structure, the ESU does not hold monthly meetings ashore, like the SUP, hence the need for an annual conference.

Brother Yost, who served as President of the ESU, gave a comprehensive presentation that covered his seagoing experience with the SUP in comparison with that at SeaRiver; the history of the ESU's affiliation with the SUP; and an overview of the benefits to ESU members if their organization merged with the SUP. Yost's remarks were well received.

The ESU affiliated with the SUP in July 1999.

SUP ELECTION INFORMATION

The biennial election of SUP officers and referenda on proposed amendments to the SUP Constitution and Shipping Rules will commence on December 1, 2005, and will conclude on January 31, 2006.

Although nominations for elective office will not occur until September, the membership is reminded that in accordance with Article XXVII of the SUP Constitution, proposed Constitution and Shipping Rule changes must be submitted, in writing, to any Headquarters or Branch meeting by June.

Resolutions submitted will be referred to a Committee on Constitution elected at the June coastwise meetings. The Committee, as per the Constitution, will consist of three members from Headquarters and one member elected at the Seattle, Wilmington and Honolulu Branch meetings.

HEADQUARTERS RENTAL

Warner Brothers has requested that the Union rent the hiring hall and the library at Headquarters to film a pilot for a prospective television series entitled "The Evidence".

Although a final agreement has not been reached as of today's meeting, in preliminary negotiations, Warner Brothers has requested to use the spaces mentioned from March 22 through April 6. On the days the company actually films (Monday through Friday), it was agreed that \$2,000 per day will be paid to the Union. On days when the spaces are not used (weekends) Warner Brothers will pay the SUP \$1,000 per day.

Recommend membership approval of this temporary rental. It should be noted that the Warner Brothers production crew is 100% Union.

HOLIDAYS

Good Friday

In accordance with past practice, all SUP halls will close at noon on March 25, in observance of Good Friday.

Good Friday is a holiday under the collective bargaining agreements with Matson and ASM members. 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.

Cesar Chavez's Birthday

All SUP halls on the West Coast will be closed on Thursday, 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.

ACTION TAKEN

M/S to approve renting the hiring hall and library to Warner Brothers. Carried.

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

Gunnar Lundeberg

Senate backs Artic National Wildlife Refuge drilling

During deliberation of the Fiscal Year 2006 Budget Resolution, the Senate voted 51-49 to retain language in the measure that calls for oil and gas development of the Arctic National Wildlife Refuge (ANWR).

ANWR leasing supporters cleared a major hurdle when the Senate rejected an amendment offered by Senator Maria Cantwell (D-WA) that sought to strike ANWR revenue provisions from the Budget Resolution. The budget language assumes nearly \$5 billion over the next five years in oil drilling revenues from ANWR.

By including ANWR development through the protection of the budget rules, the Senate has effectively prevented opponents from using a filibuster to block a final vote on the proposal. The Senate's Budget Resolution must now be reconciled with the House Budget Resolution, which also passed this week.

Eventually, the Senate Energy and Natural Resources Committee and the House Resources Committee must approve measures laying out the details for ANWR drilling. Industry estimates indicate it would take seven to ten years before oil begins flowing from ANWR.

SUP Branch Reports

Seattle

February 22, 2005

Shipped the following during the period: 9 Boatswains: 1 A shipped steady and three A's returned, 1 B to a relief job, and 4 B's to Navy bottoms; 20 able seaman berths shipped and filled by: 2 A's, 6 A returns, 2 B's, 2 B relief's, 4 B members to Navy ships, 1 C to Chevron, 2 C's and 1 D registrant to Navy ships; 1 ordinary seaman filled with a D card and 3 standbys taken by 1 C member and two MFOW members.

Registered the following during the period: 10 A cards for a total of 27; 18 B cards for a total of 38; and 7 C cards for a total of 27.

Ships Checked

Maui, *Kauai* and *Lihue* all passed through with little or no trouble. The Navy ships are operating overseas and continue to call for reliefs according to "shuttle ship" rules.

During the month, I attended the Area Maritime Security Committee meeting, the King County Labor Council meeting, the Jobs with Justice steering committee meeting and the Port Coalition meeting.

Bill Gates, Sr., the father of Microsoft founder Bill Gates Jr., appeared before the Washington State legislature's House Finance Committee recently where he characterized the states tax system as "unconscionable". Gates, who favors a personal and corporate income tax, reminded state legislators that companies like Microsoft owe their good fortunes to significant public tax dollar investment in education, roads, and research and development.

Washington State faces dramatic budget shortfalls this year while trade with Asia is expected to double during the next ten years. In order for our state to be competitive in maritime industries with the rest of the West Coast and to attract shipping companies to our state, we must demand from our politicians accountability in rebuilding our transportation systems; roads, rail and marine terminals. That will require politicians to change an "unconscionable" tax system and have these said politicians tax "big" businesses both accordingly and fairly.

SUP Vice President Dave Connolly traveled to the Puget Sound to make the Seattle Branch meeting and take questions on the changes to the SUP Welfare Plan. Although the changes as explained were confusing at first; Brother Connolly did an excellent job fielding questions and challenges from the rank and file and in answering everyone's concerns.

Brother Gerry Marshall is to be specially recognized from the floor of the meeting for thinking of and questioning every possible mathematical scenario in which to qualify under the new guidelines. All of us recognized the tough job the Trustees did in renegotiating the benefits plans. It was just four months back that many of us here in Seattle were standing in the picket lines of our sisters and brothers in the United Food and Commercial Workers Union's as they were forced to renegotiate radical changes in their health care benefits.

Vince O'Halloran
Branch Agent

Wilmington

February 22, 2005

Shipped during the period: 4 bosuns, 10 ABs, 11 AB maints., 2 OS and 84 standby jobs, for a total of 111 jobs shipped.

Registration for the period is at: 49 A members, 37 B members, 8 C members and 1 D member.

Ships Checked

Manukai-OK, Sean Moore, delegate; *R.J. Pfeiffer*-OK, Jim McGee, delegate; *Manoa*-OK, John Fernandez, delegate; *Maunawili*-OK, Paul Barbour, delegate; *Matsonia*-OK, John Savage, delegate; *President Adams*-OK, Duke Maringer, delegate; *Mahimahi*-OK, Robert Green, delegate; *APL Thailand*-OK, Diane Ferrari, delegate; *President Polk*-OK, Daniel Gabaree, delegate; *APL Singapore*-OK, Morris Thibodeaux, delegate; *President Truman*-OK, Ray Harlow, delegate; *APL Korea*-OK, Anthony Labor, delegate; *President Grant*-OK, Miguel Palacios, delegate.

Took care of the responsibilities of the port for the membership during the period.

January 20, attended an MTD luncheon meeting aboard the *s/s Lane Victory* in San Pedro Harbor with the other waterfront Unions. We were pleased to have a representative from L.A. Trade Tech College Labor Studies Department to inform us of labor courses offered this spring. Also we were pleased to have an update on harbor issues by Shannon Donato, president of the Harry Bridges Institute.

It was a pleasure to have President Lundeberg attend our meeting. He gave his monthly report in full and explained the changes in eligibility for SUP Welfare Plan benefits. He answered many questions and it was very informative. It had full Wilmington ratification.

Congratulations to Chris Paquette and James Buster on getting their AB tickets.

Keith Miller, Branch Agent

San Francisco Business Agent

March 14, 2005

Visited and paid off the following ships:

Kauai— Tom Gustin, delegate: Seattle to San Francisco run. No disputes. Clean ship.

Lihue— Ian McLeod, delegate: Made twice: In from Seattle: Shoreside workers renewing lifeboat falls which is sailors work; agreed to pay four hours. In from the Island, good shape.

Lurline— John Gabourel, delegate: New bosun. Van and car carrier. No disputes. Made this vessel twice.

Manoa— Rolando Gerbacio, delegate: Voyage pay off. No disputes. Charles Duke, bosun.

Maui— Greg Schauf, delegate: In from Seattle, squared away with few problems. Made twice.

Mokihana— Dan McDonald, delegate: Sent an e-mail to the ship as requested for a clarification of Shipping Rule 41(c). These shipping rules are voted on and passed by the membership on a coastwise ballot.

R.J. Pfeiffer— Jim McGee, delegate: The question frequently arises: "What is

Honolulu

February 22, 2005

The following were dispatched during the month of January: 3 ABs, 1 AB relief, 2 AB maints., 1 ABD, 1 ABD relief, 1 ABD return, 1 OS, and 1 OS return. These jobs were filled by: 4 A members, 6 B members, and 1 C member. Also shipped 24 standby jobs filled by: 1 A member, 10 B members, 11 C members, and 2 D registrants, for a total of 35 jobs shipped.

Registered during the month of January: 9 A members, 7 B members, and 1 C member. To date, registered are: 12 A members, 11 B members, 9 C members, and 1 D registrant, for a total of 33 registered.

Ships Checked

Maui, *Lurline*, *Matsonia*, *Kauai*, *R.J. Pfeiffer*, *Lihue*, *Maunawili* and *Manukai*. All with few or no beefs.

Paint and rigging gang running smoothly with Monte Kalama as bosun.

On February 25, Matson Navigation Company issued a press release on obtaining delivery purchase contracts for two new Kvaerner container vessels to be eventually used on the Guam run. This purchase essentially shuts out the OceanBlue Express start up. Matson has the option to time charter these vessels in lieu of purchasing.

Shipping has slowed over here after the new year rush. I would like to remind junior members to upgrade their papers as soon as you accumulate seetime.

Mike Duvall
Branch Agent

Jacksonville

February 2005

For the month of February, four AB's were dispatched to USNS ships. These jobs were filled by one B, two C and one D-card.

the definition of voyage stores?" Steward department stores are considered voyage stores. When required to handle on dock and/or aboard ships, the sailors shall be paid at the overtime rate. Deck and engine department stores are not considered voyage stores. Overtime will be paid on overtime hours. Fresh daily stores such as vegetables, milk and bread are not payable unless the work is performed on overtime hours.

APL China— Rogelio Berioso, delegate: Voyage pay off. No disputes.

APL Korea— Anthony Labor, delegate: Voyage pay off.

APL Philippines— Julio Nunez, delegate: Voyage pay off. No disputes.

Also worked in the front office during the month.

ATTENTION

It's come to my attention that lots of mates have been in violation of the SUP Work Rules, Section 4, Scope of Work.

It's important that you read this and understand this—an important part of SUP jurisdiction.

Bill Berger

Ships Checked

USNS Shughart— Boarded at Lambert's Point in Norfolk, VA, on February 28. Jerry Mastricola is the delegate and Brian Yost, the Boatswain. Ship completed its COI and is to be turned-over to AMSEA on March 11. Despite this, morale remains high and all hands are working hard to ensure that the ship is turned over clean and in SUP fashion. Had a great meeting with the entire gang to answer questions about changes in the medical plan, future status of LSMR's and legal actions being taken to retain these ships. No beefs.

The *USNS Gordon*, *Yano*, *Bob Hope*, *Pililaau*, *Seay*, *Mendonca*, *Brittin* and *Fisher* remain in Full Operational Status at various points on the globe; and the delegates are doing a wonderful job of staying in touch with the Jacksonville office via email and cell phone. A number of contractual beefs have been resolved in this manner.

All reliefs required were dispatched to Diego Garcia and several of the LSMR's will be returning to stateside ports beginning next month.

Bud Yost
East/Gulf Coast Representative

SUP members join pension ranks

The following SUP members joined the rank of pensioner, bringing the total number of SUP members to 798:

Bruce C. Smith, 49, Book No. 7480, joined SUP in 1971, 25 years seetime.

Richard G. Cahill, 70, Book No. 4746, joined SUP in 1960, 25 years seetime.

David G. Gillis, 72, Book No. 3012, joined SUP in 1991, 12 years seetime.

Lloyd C. Hussey, 68, Book No. 5818, joined in 1968, 34 years seetime.

Ivar Thorbjornsen, 67, Book No. 3269, joined in 1966, 31 years seetime.

Dispatcher's Report

Headquarters—Feb. 2005

Deck	
Bosun	3
Carpenter	0
MM	8
AB	10
OS	0
Standby	32
Total Deck Jobs Shipped	53
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. ...	53
Total B, C, D Shipped-All Depts. .	10
Total Registered "A"	75
Total Registered "B"	68
Total Registered "C"	10
Total Registered "D"	10