



West Coast Sailors

Official Organ of the Sailors' Union of the Pacific

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SAN FRANCISCO, CALIFORNIA

Friday, November 22, 2002

Flag-of-convenience tanker sinks off Spanish coast

Vast oil pollution in the Atlantic Ocean

A flag-of-convenience rustbucket carrying 77,000 tons of viscous fuel oil broke in two and sank on November 19, 130 miles northwest of the Spanish province of Galicia spilling an estimated two million gallons of oil.

The *Prestige*, a 26-year-old single-hull Japanese-built tanker, was owned by a Liberian-registered firm, registered in the Bahamas, chartered by a Swiss-based Russian oil trader and managed by Greeks.

The 791-foot ship was enroute from Latvia to Singapore when she encountered a storm off the Spanish coast on November 13, when her hull began to give way. Spanish officials ordered the disabled vessel towed farther out to sea in hopes of protecting the coast. As it began breaking up, salvage crews had abandon attempts to keep her afloat. The tanker was carrying twice as much oil as the *Exxon Valdez* which ran aground in Alaska in 1989.

Prior to her sinking, the captain of the *Prestige*, Apostulus Maguras, was arrested after the Harbor Master Authority at La Coruna charged him with causing "ecological crime" and "disobeying civil authorities." As the *West Coast Sailor* goes to press, Captain Maguras is still in jail and has not posted the \$3 million bail imposed by the judge.

The oil spill already has caused

havoc on Spain's normally pristine Galician coast, with thick dark sludge washing up on beaches, thousands of birds and fish caked in oil, and the region's fishing industry—known for its lobster—brought to a halt, with all fishing prohibited. The northern part of the area is being dubbed "the coast of death."

The *Prestige* sank in waters 11,880 feet deep with 90% of her cargo still onboard. Whether her tanks ruptured when she hit the bottom is unknown.

The disaster prompted calls for speedy reform of Europe's shipping laws. French President Jacques Chirac stated: "I am horrified by the inability of those in charge, politically, nationally and particularly at European level, to take action to stem the laxity which permits these ships fit only for the dustbin to carry on. Now we must urgently take draconian measures, both severe and serious, even if they harm the interests of certain companies whose interests are not worth defending."

Single-hulled tankers are to be outlawed in Europe—but not for another 13 years to give ship-owners time to make money.

The *Prestige* was classed as seaworthy by the American Bureau of Shipping and was last subjected to a full port state control in Rotterdam in September 1999.

Maritime Transportation Security Act passes Congress; President will sign

Statute requires additional mariner identification and background checks

Sweeping legislation aimed at improving security at U.S. seaports and preventing terrorist acts was approved by Congress on November 14 and is expected to be signed by President Bush.

The Maritime Transportation Security Act of 2002 is a combination and synthesis of measures adopted separately by the Senate and House: The Port and Maritime Security Act of 2001 (S.1214) and the Maritime Transportation Antiterrorism Act of 2002 (H.R.3983).

The Senate passed its version of the port security measure in December 2001, and the House approved its version in June. But a compromise measure emerged only recently from conference committee where it was stalled for almost five months by Republicans opposed to a proposed new cargo user fee intended to pay the costs of the port security provision.

Because the user fee provision was eliminated in conference, the bill gives the Bush Administration six months to devise a plan to fund the legislation's mandates.

For merchant mariners and other port maritime workers, the legislation calls for the issuance of Transportation Security Cards.

Specifically, no person will be allowed to enter secure areas of a vessel unless he or she possesses a Transportation Security Card issued by the U.S. Coast Guard or is accompanied by someone who has such a card. Cards would be issued unless the individual is determined to pose a security risk. Transportation Security Cards would be required of the following:

- (a) an individual allowed unescorted access to a secure area designated in a vessel or facility security plan;
- (b) an individual issued a license, certificate of registry, or merchant mariners document by the U.S. Coast Guard;
- (c) a vessel pilot;
- (d) an individual engaged on a towing vessel that pushes, pulls, or hauls alongside a tank vessel;
- (e) an individual with security sensitive information; and other individuals engaged in port security duties.

A Transportation Security Card may only be denied to one of the above individuals if the Secretary of Transportation determines that the individual has been convicted within the previous seven years of a felony that either presents a terrorism secu-

rity risk or causes a severe transportation security impact; has been released from incarceration within the preceding five years for such an offense; may be denied admission to the United States or removed from the United States under the Immigration and Nationality Act; or otherwise poses a terrorism security risk to the United States.

Crew members on vessels calling at U.S. ports will be required to carry and present on demand an identification credential acceptable to the U.S. Coast Guard. It is anticipated that a mariner's identification card issued under standards being developed by the International Labor Organization (ILO) would meet this requirement. If an international agreement providing for a uniform, comprehensive, international system of identification for mariners is not negotiated within 24 months following passage of this measure, the Secretary is to present to Congress a draft bill that would establish a uniform, comprehensive system of identification for seafarers.

The Immigration and Naturalization Service (INS) is currently issuing "detain on board" orders to large numbers of foreign crewmembers. It is unclear whether these crewmembers will become ineligible for Transportation Security Cards. Since "detain on board" orders have been issued for some senior shipboard personnel, such as chief engineers, this may present practical problems for ship operations. The Card issuance program would, though, include provisions for waiver and for appeal.

The legislation leaves unanswered the relationship between domestic and international requirements. It appears that mariners involved in international trade will be required to have at least two such credentials: a Transportation Security Card issued by the U.S. Coast Guard and a seafarer's identification card issued by the mariner's home country or by the flag state under guidelines established by

Maritime Transportation
cont'd. on Page 9

ILWU and PMA continue bargaining

As the *West Coast Sailors* went to press, the International Longshore Warehouse Union and the Pacific Maritime Association continue to negotiate in San Francisco for a new collective bargaining agreement with the assistance of the Federal Mediation and Conciliation Service.

Over the course of the last month, the Union has agreed in principle to a tentative framework for introducing new technology on the waterfront while retaining control of marine clerical work even as that work is being automated. ILWU sources indicated that other issues under discussion are wages, pen-

sions and the coastwise arbitration system.

Since the Taft-Hartley Act was imposed on October 16, the PMA claimed that the ILWU was deliberately slowing up work on the docks in defiance of the injunction. However, on November 13, the Department of Justice stated that federal prosecutors weren't able to determine "that either party has engaged in improper conduct of sufficient scope or effect as to warrant a recommendation" for the imposition of penalties.

ILWU spokesman Steve Stallone announced that the Union feels "vindicated. They obviously

failed to show anything. They never had any evidence because what they tried to say was just unsupported." The Department noted that the backlog of vessels waiting to be unloaded has noticeably diminished and was no longer at "crisis" levels.

Lindsay McLaughlin, Washington, D.C. legislative director for the ILWU, predicated in an address on November 18 to the National Industrial Transportation League—the nation's largest group—that "the two sides will come together and sign agreement before the 80-day cooling off period on the Taft-Hartley Act ends" on December 27.



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SUP Quarterly Finance Committee Report

SUP QUARTERLY FINANCE COMMITTEE REPORT FOR THE QUARTER ENDED SEPTEMBER 30, 2002

The Quarterly Finance Committee, duly authorized to act by the regular meeting at Headquarters on October 14, 2002, hereby submits the following report:

SUMMARY OF CASH AND INVESTMENTS

General Fund	\$1,071,036.97*
Political Fund	\$1,262.69
Strike Fund	\$1,293,730.99
Total Cash and Investments 3rd Qtr 2002	\$2,366,030.65

*\$4,869.00 held for Wall of Honor not included
\$16,600.00 paid 2/4/00 to AMMV for memorial

GENERAL FUND

Income:	
Dues, Initiation, Assessments	\$96,362.00
Interest	52,409.99
Donations - <i>West Coast Sailors</i>	1,692.00
Tanker & Joint Committee, Hiring Hall	135,566.78
Advertising & Promotion	559.08
Miscellaneous Reimbursements, Fines	215.00
Reimbursed Administrative Expenses	17,050.79
Reimbursed Field Expense	341.56
Contributions - General Fund	1,586.00
Total Income:	\$305,783.20
Expenses:	
Auto & Travel	\$1,569.45
Rent	10,947.14
Postage, Printing & Office	6,249.71
Telephone & Telegraph	5,531.08
<i>West Coast Sailors</i> Publishing Expense	3,511.62
Per Capita	8,675.50
Salaries & Payroll Taxes	170,519.15
Office Workers Pension	4,384.47
Insurance	25,451.73
Field Expense	715.51
Committee & Neg., Conference & Conv.	8,436.73
Investment Expense	1,450.96
Officials' Pension	734.85
Flowers	612.28
Advertising & Promotion	353.66
Legal & Accounting	2,875.40
Contributions	500.00
Subscription	2,254.17

Total Expense: \$254,773.41

BUILDING CORPORATION

Income:	
Assessments	\$2,508.00
Interest & Principle on Mortgage Notes	6,235.62
Rents	68,022.04
Total Income:	\$76,765.66
Expense:	
Building Services & Utilities	\$20,539.72
Repairs & Maintenance	50,958.56
Salaries & Payroll Taxes	15,578.40
Legal Expense	19,523.65
Pension	101.43
Office Expense	133.46
Insurance	33,776.88
Total Expense:	\$140,612.10

POLITICAL FUND

Income:	
Contributions	\$2,803.00
Interest .....	.77
Total Income	\$2,803.77
Expense:	
Contributions	\$2,500.00
Office Expense	36.00
Total Expense:	\$2,536.00
Net Income	\$(12,568.88)
1st Quarter	(22,018.88)
2nd Quarters	30,395.33

/s/Anthony Huertas	/s/Allen Gonzalez
/s/Sonny Cooper	/s/Arthur Thanash
/s/John Morell	/s/Terrance O'Neill
/s/Steve Crute	

ACTION BY THE MEMBERSHIP November 12, 2002. M/S/C—That we concur in the report of the SUP Quarterly Finance Committee and, as per past practice, publish in the West Coast Sailors. Carried unanimously.

Toilet trips spark security alert in Paris

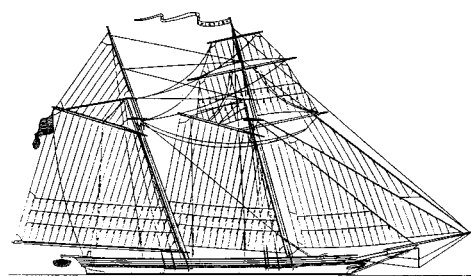
The *Bangkok Post* reported that three men who carried strange looking documents onto a plane headed from Paris to Hong Kong, and then took turns locking themselves in the toilets before takeoff, caused a terrorism alert that got them thrown off the craft on November 12.

The three men, sailors returning to their homes in the central Pacific nation of Kiribati after a long spell at sea, had aroused the suspicion of staff on their Cathay Pacific flight when documents they were carrying appeared to relate to the September 11, 2001, terror attacks in the United States, officials at Charles de Gaulle airport said.

The men then further aroused suspicion when they each visited the plane's

toilets even before the plane took off.

Police then discovered that the documents carried by the men in fact contained pornographic material. Despite the explanation, the plane's captain refused to let the men travel on his flight.



Singapore steps up ship escorts

Singapore has stepped up random escort operations for merchant vessels in the Singapore Straits as part of its moves to increase maritime security in the wake of September 11. "The RSN (Republic of Singapore Navy)...conducts random escort operations for high value merchant vessel," the Ministry of Defense said October 31.

"High value" ships include LNG and LPG carriers, crude oil tankers and cruise ships. Security measures have also been enhanced to protect vessels stationary along the Straits and in Singapore territorial waters, the statement added. Joint exercises are held with the Police Coast Guard (PCG) to test maritime security measure sand systems already in place. The Maritime and Port Authority operates round-the-clock surveillance and a Vessel Traffic Information System or VTIS to monitor and provide information to ships transiting the Straits.

West Coast Sailors

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SUP Meetings

These are the dates for the regularly scheduled SUP meetings in 2002 and 2003:

	Hdqs.	Branch
December	9	16
January	13	21*
February	10	18*
March	10	17
April	14	21
May	12	19
June	9	16
July	14	21
August	11	18
September	8	15
October	14	20
November	10	17

*Tuesday

Final Departures

Chester Mikulski, Book No. 6302. Born in New Jersey in 1921. Joined SUP in 1943. Died in Beverly Hills, Florida, October 22, 2002. (Pensioner)

Raymond K. Yim, Book No. 0153. Born in Hawaii in 1922. Joined SUP in 1943. Died in San Francisco, California, October 23, 2002. (Pensioner)

Leonard Cohen, Book No. 4713. Born in New York in 1927. Joined SUP in 1951. Died in Seattle, Washington, October 27, 2002, (Pensioner)

Ronald E. Jussila, Book No. 15335. Born in Oregon in 1934. Joined SUP in 1967. Died in Long Beach, Washington, October 31, 2002. (Pensioner)

Frank E. Lipskis, Book No. 3649. Born in Illinois in 1922. Joined SUP in 1945. Died in Sealevel, North Carolina, November 6, 2002. (Pensioner)

Lance Marlow, Book No. 2672. Born in Argentina in 1927. Joined SUP in 1947. Died in Truckee, California, October 04, 2002. (Pensioner)

Samuel Yates, Book No. 245. Born in Hawaii in 1926. Joined SUP in 1952. Died in Hilo, Hawaii, November 06, 2002. (Pensioner)

Dean Gille, Book No. 2956. Born in Washington in 1928. Joined SUP in 1952. Died in San Pedro, California, October 20, 2002. (Pensioner)

Navy's ocean transportation leader promoted to three-star admiral

Vice Admiral David L. Brewer III, USN, became the U.S. Navy's newest three-star admiral when he was promoted Oct. 23, 2002, by Chief of Naval Operations Admiral Vern Clark at ceremonies on the historic Washington Navy Yard in Washington, DC. Brewer is the commander of the Navy's Military Sealift Command, the command responsible for the Navy's 120 noncombatant ships operating worldwide. Brewer becomes one of only 32 officers that hold the Navy's second highest rank.



Chief of Naval Operations Adm. Vern Clark, USN, reads the official Department of Defense order authorizing the promotion of Vice Adm. David L. Brewer III, USN, Commander, Military Sealift Command, to his current rank during a ceremony held Oct. 23 at the Washington Navy Yard Chapel. (Photo by Barry Lake)

Homeland bill passes Congress

The Senate on November 19 passed legislation creating a new cabinet-level Department of Homeland Security that backers hope will make Americans safer from terrorist attacks.

The final 90-9 vote was anticlimactic after six months of debate over the size and powers of what will initially be a 170,000-employee Cabinet department with a budget of \$38 billion.

It will pull together 22 agencies now scattered across the government, including the Border Patrol, much of the Immigration and Naturalization Service, the Customs Service, the Coast Guard, the Secret Service and the new Transportation Security Administration.

Democrats attempted to amend the measure to strip the bill of special-interest provision to protect pharisaic companies against lawsuits, to allow companies that have moved overseas to receive contracts from the new department and to steer an agricultural research center to Texas A&M University. Their efforts were not successful.

The House passed a similar bill in early

November and President Bush, who has pushed for its passage for months, is expected to sign the measure.

Civil libertarians warned that the bill taken in context with already broadened surveillance powers and new database technology, represented an unprecedented threat to personal privacy.

The new Homeland Security Department "is going to datamine hundreds of millions of records of Americans to figure out who may or may not be a terrorist threat," said Jerry Berman, executive director of the Center for Democracy and Technology, a Washington, D.C., lobbying group.

The bill authorizes the new department to use computers to analyze information from intelligence, law enforcement, other government agencies and even private companies to troll for patterns that reveal terrorist plots.

"Those may be legitimate inquiries," Berman said. "But the bill does not contain enough protection for citizens whose purchases, travel and other information may be cataloged in the database," he said.

Maersk seeks MarAd approval to operate more Maritime Security Program vessels

U.S. Ship Management calls move an attempt to "hijack" MSP by "contractual slight of hand"

Maersk Line, Ltd. (MLL) asked the Maritime Administration on November 7, to rule on its eligibility to operate fifteen Maritime Security Program (MSP) vessels currently operated by United States Ship Management (USSM).

MLL operates four MSP vessels but claims that there is a provision in the contract between USSM and MLL that enables MLL to operate the ships directly. MLL further claims that the arrangement between the two companies "has proven unworkable, resulting in inefficiencies, duplicative management arrangements and added costs."

USSM was started in 1996 when the A.P. Moller Group, Maersk's Danish parent, purchased the international operations of Sea Land Services, Inc. and Sea Land's fifteen MSP vessels were transferred to USSM. MLL is a "documentation citizen" under U.S. law while USSM is a Section 2 citizen as defined by the Shipping Act of 1916.

When MSP was enacted in 1996, MarAd made an exception to the Section 2 citizenship requirement for Maersk. All other MSP operators must be Section 2 citizens. For example, SUP-contracted American Ship Management is a Section 2 citizen and operates nine MSP vessels for APL Ltd., a wholly-owned subsidiary of Singapore-based Neptune Orient Lines.

Quick to respond to Maersk's announcement, Joseph Keegan, president and chief executive office, released the following statement: "Maersk Lines Limited, having spent the past two-and-one-half years in a futile effort to convince the Congress to adopt special purpose legislation that would allow a foreign controlled company to hijack the Maritime Security Program, has now apparently claimed that they were only fooling and that the legislation isn't really necessary. Maersk apparently thinks that they have some contractual slight of hand that would allow them to take this unprecedented action at this time. They are clearly mistaken."

MLL's and USSM's position on MSP and the citizenship issue were reported on in the July issue of the *West Coast Sailors* when both companies testified before the Special House Oversight Panel on the Merchant Marine.

New Customs rule requires 24-hour notice before cargo loaded in U.S.-bound ships at foreign ports

The U.S. Customs Service announced on October 30 a final rule that will require carriers and non-vessel-operating common carriers (NVOCCs) to file cargo manifests 24 hours before cargo is loaded in U.S.-bound vessels at foreign ports. The intent is to enhance Maritime Security in the wake of September 11.

The effective date for the new rule is December 2, 2002, but customs is allowing a 60-day period beyond that date—until January 31, 2003—before it begins enforcement action against noncomplying carriers.

Required information:

- Shipper's and consignee's complete names and addresses.
- Precise description of cargo, including weight and piece count.
- Port where the cargo is loaded.
- Last foreign port before the vessel departs for the U.S.
- Vessel name, number, country of documentation, Standard Carrier Alpha Code (SACC), and voyage number.
- Scheduled date of arrival at first U.S. port.
- First foreign port where the carrier takes possession of cargo.
- Hazardous material code.
- Container number.
- Container seal number - serial number of last seal applied when the container is loaded.

Customs' responses to comments include these examples:

- 24-hour notice required for:
 - Shipments from the Virgin Islands but not Alaska, Hawaii or Puerto Rico.
 - U.S. government or military shipments.
 - Short voyages.
 - Freight remaining on board, FROB, cargo aboard a vessel calling at a U.S. port but consigned to a foreign port later in the voyage.
 - For "to order, shipments that are sold in transit, Customs will require the name of the owner of the goods, or the owner's representative.
- Bulk vessels are exempt, breakbulk carriers will be exempted on a case-by-case basis.
- Ships relaying containers between foreign ports, but not calling at U.S. ports, are exempt.

Filing through the Automated Manifest System:

- NVOCCs must have a standard international carrier bond.
- NVOCCs that use AMS will be treated as carriers.
- The carrier or NVOCC that has access to AMS must use the system.
- The AMS "second notify party" field will be used to notify a carrier when an NVO files data.
- AMS in the future will provide confirmations so containers may be loaded. Until then, no container is loaded until the 24-hour period ends.
- Each shipment in a container must have its bill of filed individually

Cargo data:

- Information must be complete, or AMS will reject it.
- Vessel operators must include the NVOCCs on its manifest
- Carriers and NVOCCs must provide "precise" cargo descriptions. Harmonized tariff numbers are encouraged. Generic descriptions such as "freight all kinds" or "general cargo are not acceptable, nor are generic description such as "chemicals" or "foodstuffs."

Confidentiality:

- Data filed 24 hours in advance of loading will be released until the ship files its not complete manifest on arrival at a U.S. port.
- NVOCCs that do not use AMS must file cargo data through the ocean carrier.

Liability:

- Carriers or NVOCCs that use AMS are liable for any errors, omissions or untimely information.
- Carriers and NVOCCs must communicate with each other about containers that are left behind when a ship sails.
- If a vessel operator does not load an NVOCCs container after it files the ship's manifest, the NVOCC is obligated to amend its information to Customs.
- If a carrier lands an NVOCC container at the wrong port, the NVOCC will not be held liable if it has filed its cargo declaration correctly and on time.

Customs intends further rule-making to:

- Expand the number of parties who may file biennial confidentiality certificates on behalf of shippers.
- Outline procedures for reporting and correcting manifest discrepancies.

"Rustbucket" designation awarded to foreign-flag reefer ship

A Paris-based organization that tracks substandard ships worldwide has named yet another vessel a rustbucket.

The *Ramaz*, A Togo-registered 1962-built, 1,324 dwt reefer, ownership unknown, was detained in Las Palmas in October following a port state control inspection.

It had previously been anchored off Mauritania and had proceeded to the Canary Islands for repair. Initially denied permission to enter Las Palmas, it was only allowed in after the master pleaded a shortage of bunkers and water.

Inspectors found no papers or documents of any kind on board. The master claimed they were with the agent, but it turned out the ship had no agent. The owner could not be traced.

On the bridge, only telephone, GPS, magnetic compass and gyrocompass was operational. Power came courtesy of a generator designed for shore application, which was placed on deck and fuelled by diesel from containers.

Steering could only be carried out from a position in the steering gear room. Extreme corrosion was evident, while the cargo gear, mooring arrangements and anchoring devices were in poor condition. The vessel was not under class and the crew had no certification whatsoever. The ship is still being detained.

To see what she looks like, visit www.paris.mou.org on the internet.

SUP Honor Roll

Voluntary contributions from the membership to the following funds:

Organization/ General Fund

*In lieu of dues increase.

Anonymous	15.00
Richard Cahill	20.00
Rex Daniels	40.00
John Drolla	50.00
Mike Duvall	20.00
Ed Kane	20.00
Alberto Laurel	10.00
Juan Magana	20.00*
Ramon Morales	40.00
Terrance O'Neill	20.00*
John Perez	25.00
Steve Ross	20.00*
Edward Sexton	25.00
Edward Suguitan	50.00
John Svane	40.00
Remoni Tufono	10.00
Eric Weintraub	5.00

West Coast Sailors

Anonymous	15.00
Ove Akesson	25.00
Gerald Allen	25.00
Pat and John Balderson in memory of Harry Dowell	20.00
Elda and Robert Brien in memory of Harry Dowell	20.00
Tom Curran	40.00
Rex Daniels	25.00
Jerome Dominguez	10.00
Thor Erikson	20.00
Ted Filipaw	200.00
Herman Hallman	50.00
Stanley Lane	20.00
Hans Lilledahl	20.00
Bob Loschi	25.00
Diosadado Mateo	20.00
Robert Morgan	10.00
Sven Ottersten	50.00
Michael Perry	2.00
John Perez	25.00
Milburn Pond	10.00
Charles Regal	25.00
Charles Schroeder	10.00
Edward Sexton	25.00
Richard Walsh	15.00

Dues-Paying Pensioners

Archie Aki	Book #3791	Gunnar Larsen	Book #3516
John Battles	Book #5512	Orson Larsen	Book #4095
Roy R. Camerio	Book #4577	Charles Mohun	Book #6449
Duane Hewitt	Book #5748	Joseph Napier	Book #2299
Knud Jensen	Book #3940	Frank Parks	Book #3798
John Jewett	Book #4291	John Perez	Book #3810
Tony Jones	Book #4305	Charles Rafael	Book #3141
Alfred Kerns	Book #3167	Ralph Senter	Book #7323
Kaj E. Kristensen	Book #3120	Kai Sorensen	Book #7479
Eli Lalich	Book #4062	Charles H. Wall	Book #3420

Wall of Honor

(San Pedro Merchant
Marine Memorial)

Mike Arceo	10.00
Archie Bickford	20.00
Jackie Davis in memory of Dean Gille	2500.00
Vern Haik	5.00
Philip Howell	50.00
Alberto Laurel	20.00
Vince O'Halloran	50.00
Milburn Pond	10.00
Whitey Secrest	20.00

Political Fund

Anonymous	3.00
Dennis Belmonte	100.00
Archie Bickford	20.00
Mike Boyle	45.00
Dave Connolly	25.00
Robert Darcy	20.00
Mike ElMobdy, Jr.	20.00
Steve Everson	10.00
Ted Filipaw	200.00
John Gabourel	20.00
Daniel Gonzales	100.00
Dennis Howard	20.00
Knud Jensen	20.00
Mark Lafayette	50.00
Brian Leprevost	20.00
Gunnar Lundeberg	30.00
Gerald Marshall	10.00
John McNeill in memory of Jim Juth and Vince Solar .	25.00
Pat Minici	15.00
Joseph Napier	40.00
Vince O'Halloran	100.00
Milburn Pond	50.00
Paul Purugganan	50.00
Edward Sexton	25.00
Jack Stasko	20.00
Edward Suguitan	20.00
Richard Tracey	20.00
John Winterling	100.00
Brian Yost	50.00

Support the SUP Political Fund

Kiwis pick woman to lead maritime union

The New Zealand Merchant Guild Service last month announced the appointment of Helen McAra as general-secretary of the organization which represents harbor pilots, ship deck officers and port operations staff.

McAra is the first woman appointed as a general-secretary of a maritime Union anywhere in the world.

McAra's personal and professional qualifications impressed the five-man interview panel, comprised of three members of the Guild's executive board and two staff representatives.

While working with the Canterbury, New Zealand branch of the Ice Cream Workers, Meatworkers and Distribution Unions, McAra earned a law degree in 1994 at Canterbury University.

What particularly appealed to the interview panel, however was that as well as her trade union and legal background, she'd played a voluntary legal assistance role, helping 102 Russian seamen manning five trawlers stranded at Lyttelton in 1997 when the company employing them went into liquidation.

McAra married one of the Russian seamen, Arthur Udovenko, chief mate in the fishing boat *Orlovka*. She and Udovenko,

now a New Zealand citizen, have two preschool children.

Although McAra has never gone to sea, her trade union roots run deep as her father Bill was General Secretary of the New Zealand (Shipworkers) Carpenters and Joiners Union from 1946 to 1949.

McAra succeeds John McLeod, a former purser, who was appointed General-Secretary in 1987 after holding several other Union jobs. He was largely responsible for introducing classic picket-line trade union tactics as anathema to their status as "an officer and a gentleman." During his 29 years with the guild, McLeod won the confidence of most of his members by being available for them round-the-clock. Uppermost in his mind was job security and retention.

While McLeod was with the guild, New Zealand harbor pilots struck twice, once in 1974 and again in Wellington in 1986 for 28 days.

McLeod stated that he takes special satisfaction from the fact his pilots are now better paid than his average ship's master. He also points with pride to being instrumental in securing cadet berths for New Zealanders with Maersk Sea Land and P&O Nedlloyd.

Negligence, equipment trouble caused fatal ammo ship fire

An investigation shows equipment problems and a crewman's negligence caused a fatal fire aboard an ammunition cargo ship in July 2001.

The accident happened when flames leapt through the engine room of the m/v *SSG Edward A. Carter Junior*, which was docked on the Cape Fear River.

By the time the fire was contained, two crew members were dead.

A report released Thursday by the Coast Guard says oil spilled in the engine room when an engineer didn't monitor its transfer. It's not known what ignited the oil.

The report also blamed failures with the ship's firefighting systems.

The Coast Guard is considering administrative action against the ship's master, chief engineer, chief mate and second assistant engineer. It also is contemplating penalties against the vessel's owner for problems with the fuel oil overflow alarm.

Shock tactic to keep high-seas robbers at bay

A maritime security firm has devised an electrical fence to deter pirates as they try to board ships. A 9,000-volt electric fence to zap pirates and other intruders as they try to board ships.

As a suspected terrorist attack on a French oil tanker in Yemen raises safety concerns on the high seas, Rotterdam-based Secure-Marine says its new device can ward off modern-day buccaneers, who often arrive at night aboard motorboats and scale vessels by rope.

Beefing up onboard security may persuade insurers to lower premiums for ships headed to places like Indonesia. Its waters were declared a war-risk zone by insurers last week, according to Regional Container Lines, Thailand's largest shipping line.

"If it's effective and if there is the take-up, then it could be reflected in rates," said Jonathan Ranger, principal officer at Lloyd's marine insurance syndicate Watkins in Singapore. At the same time, though, "an electric fence is unlikely to stop a determined terrorist."

Global pirate attacks rose from 253 in the first nine months of 2000, the International Maritime Bureau said.

Secure-Ship is modelled on the electrified fences that enclose military installations. It strings wires from poles that poke from a vessel's deck and "can stop anyone from trying to board a ship—pirate or terrorist," said Raphael Kahn, director of the Dutch security company.

The cost varies from ship to ship. Buyers can expect to pay about 20,000 euros (\$34,000) to fit a vessel less than 150 meters long, Mr Kahn said.

The system has drawbacks: its high-voltage current means it cannot be used on oil tankers like the *Limburg*, the French ship attacked off Yemen, or liquefied natural gas carriers and other vessels carrying flammable cargoes. It offers no protection against suicide squads like those who used an explosives-packed boat to attack the USS *Cole* off Aden in October 2000. It may also endanger crews.

That does not deter Secure-Marine, which hopes to win its first order from Rotterdam-based Jumbo Shipping to protect a fleet of 11 ships that transport heavy parts for power stations and oil rigs across the globe.

Jumbo is testing the system for six months on one of its vessels, the 7,500-ton *Fairlift*, said Bert de Wolff, the company's marketing and communications director. Its ships traverse the Straits of Malacca, between Indonesia and Malaysia.

"Our ships trade worldwide and one of the risk areas is the Malacca Strait and there's no way that we can circumvent that," Mr. de Wolff said. "Hopefully, it will reassure not only the crew but the families of the seafarers who have read the stories about piracy in the newspapers and are understandably worried."

Companies that offer maritime security services applaud the invention. "I can imagine if you get a belt like that it can spoil your entire afternoon," said Chris Austen, managing partner of London-based Underwater Security Consultants, which offers anti-terrorist and piracy protection for clients such as submarine cable installers.

New World cuts Pacific capacity

The New World Alliance (APL, Hyundai Merchant Marine and MOL) will suspend its PSV service on the transPacific route from next month to reduce capacity during the slack season. An alliance spokesman said the suspension of the service, provided with five MOL-operated 4,000-TEU ships, had nothing to do with the recent problems at U.S. West Coast ports. The move will reduce the number of transPacific loops operated by the alliance to seven. After the suspension, Kobe will be covered in westbound sailings by the alliance's PSV service, which will skip Oakland and instead call at Seattle and Vancouver, now covered by the PSV service. Some of the MOL-operated vessels for the PSV service will be assigned to the Asia-North America east coast-Europe service to replace vessels of 2,800-3,400 TEU.

Oregon awarded \$25 million to remove *New Carissa* stern

A jury in Coquille, Oregon, this month found the owners of the foreign-flagged *New Carissa* guilty of negligent trespass for allowing the vessel to run aground off Coos Bay in February 1999, and awarded the state of Oregon \$25 million to remove the shipwreck's 1,500-ton stern.

The *New Carissa* was owned by Green Atlas Shipping of Panama and operated by TMM Company of Japan. Taiheiyo Kaiun Company of Japan owns both companies. In its finding, the jury declared all three companies guilty.

The ruling could influence the outcome of the federal government's effort to collect still-untallied compensation from the *New Carissa*'s owners for environmental damage. And it may affect the outcome of a \$97 million lawsuit the ship's owners have filed against the U.S. government, claiming that navigation charts were defective and in part to blame for the ship's running aground.

In closing arguments, the state's attorney, William Wheatley, had said the ship wrecked because of the captain's negligence. Captain Benjamin Margado's biggest mistake, Wheatley said, was anchoring when rough weather was forecast.

The Coos Bay Bar Pilots radioed to the *New Carissa* that they couldn't get to the ship because of the weather. Wheatley said Margado anchored the vessel and waited to cross the bar at the mouth of Coos Bay when he should have steamed out to sea, a safer alternative in such weather.

Wheatley also said Margado failed to lower enough chain with the anchor. When the ship rose on the 20-foot swells that night, the anchor lifted from the bottom, throwing the ship off position. Margado failed to use tow anchors as recommended in the ship's manual, he said, and several pieces of equipment to track the ship's drift were turned off. Roman Silberfeld, attorney for owners of the *New Carissa*, disputed Wheatley's account, saying the crew picked up the ship's drift right away.

The stern has been struck in position since 1999, when the *New Carissa* broke in half during a dramatic, and failed, salvage operation in which the ship was fire-bombed in an effort to burn off more than 400,000 gallons of heavy bunker fuels. Roughly 70,000 gallons of that fuel leaked, sully sensitive coastline.

While the bow ultimately was towed to sea and sunk by a U.S. Navy torpedo, the engine-heavy stern corkscrewed into the sand and refused to budge.

Some civil leaders in Coos Bay and North Bend as early as 1999 floated the idea of leaving the stern in place as a potential tourist attraction.

Meanwhile, the ship's owners, pounded by a protracted salvage effort with spiraling costs, argued the stern should be left in place to rust. They continue to say it poses no risk to the environment and, more pointedly, would pose unreasonable risk to salvors attempting to move or dismantle it in the rugged surf zone.

Asian flag-of-convenience shipowners balk at mariner wage increases

The Asian Seafarers Employers' Group (ASEG) meeting in Singapore this month expressed "deep concern" over the International Transport Workers' Federation's (ITF) "unilateral decision" in establishing a minimum wage scale for mariners employed in flag-of-convenience vessels.

The ITF minimum monthly wage scale is set to reach \$1,400 in 2004. The minimum wage was \$1,200 in 2000 and has been increased yearly in \$50 increments.

The ASEG said that it "strongly supports the movement among some Asian seafarers unions to review such a benchmark to reflect local and current living standards of Asian seafarers."

Italian's strike to protest lack of government support for cabotage

Italian mariners, represented by the UGL-Transporti, protesting the lack of government action to support seafarers in the cabotage fleet struck on November 19.

The strike has shutdown all maritime links to Italy's islands and also affects tug crews and some ships in the international trades.

Union leader Dino Russo said that "the government does not listen to private shipowners, who are threatening to flag-out all of the cabotage fleet, and ignores their legitimate requests for support."

Bush administration attacks federal workers—proposes to privatize 850,000 jobs

The Bush administration announced this month that it would place as many as 850,000 government jobs—nearly half the federal civilian work force—up for competition from private contractors in coming years.

Officials said the intent was to save money by ensuring the lowest cost for many routine duties like mowing the lawns, picking up trash, making eyeglasses, and printing paychecks. But the sweeping policy change, which could potentially lead to the shift of many thousands of jobs to the private sector, and the loss of others, infuriated union leaders, who are already fighting the White House over labor management rules in the new Homeland security Department.

They attacked the move as part of a broader effort by the White House to wipe out government jobs, take back Civil Service protections and advance an ideological agenda of cutting the bureaucracy.

Bobby L. Harnage, Sr., the president of the American Federal of Government Employees, a union representing 600,000 federal workers, said Mr. Bush had "declared all-out war on federal employees."

"This administration is selling the federal government at bargain basement prices to their corporate friends, who then make campaign contributions back," Mr. Harnage said. "This is not about saving money, it's about moving money to the private sector."

Chevron Arizona in South Carolina



Gang breaking for coffee in the *Chevron Arizona* in Charleston. The vessel will be renamed *Arizona Voyager*. From left: Will Williamson, John Svane, bosun, Joe Mateo, Jeremy Meads, Thor Erikson, delegate, and Anton Seravaseiyer.

China snakehead ring smashed

Chinese police have arrested 42 people, including employees of several unnamed international shipping companies, who helped smuggle illegal immigrants to Japan between 1998 and 2000, the *China Daily* has reported. The operation was exposed in November 2000 when 17 stowaways on a Chinese ship were detained by coastguards at a Japanese port, triggering a joint investigation. Subsequent enquiries revealed the massive extent of the smuggling ring, involving about 100 employees of six international companies. According to the newspaper, snakehead (people-smuggler) and triad leader Chen Whenshu started the operation 1998. Investigations indicated that in the two years that the operation lasted, about 730 people were smuggled into Japan from ports in Guangdong, Fujian, Zhejiang, Jiangsu and Liaoning provinces and the cities of Shanghai and Tianjin. Chen is said to have arranged nine vessels to ship illegals to Japan by generously rewarding the shipping company employees. Chinese police said it was the biggest people-smuggling ring uncovered since the PRC was founded in 1949.

World containership fleet breaks through 3,000 vessel barrier

Lloyd's List reports that the world's containership fleet has hit the big time. Just 40 years after Sea-Land built the first ever boxships, the fleet has broken through the 3,000 barrier. This puts container shipping almost on a par with tankers which now make up a 3,400-strong fleet of ships. The bulk carrier fleet remains well ahead, with a fleet number 5,400 units. But the containership fleet is growing fast, and will hit the 4,000 mark by 2005 at the present rate of acceleration.

Korean engineer guilty of oil pollution

Duk Jo Jeong, the engineer of a cargo ship which transported automobiles between Japan and the United States, pleaded guilty to making a false statement to the United States Coast Guard concerning the disposal of waste oil from the *Cygnus*, a car carrier ship, the Justice Department announced on October 25.

The plea agreement, filed in U.S. District Court in Portland, Oregon, states that Jeong, a first assistant engineer of the *Cygnus*, was responsible for overseeing all of the operations of the engine room, including the disposal of waste oil.

Under MARPOL, the governing marine pollution treaty, ocean-going ships are prohibited from dumping oil into the ocean, and are required to maintain an oil record book which records all transfers, disposal, and discharge of oil aboard the vessel.

On April 10, 2002, U.S. government authorities, acting on a tip from a former crew member, executed a search warrant aboard the *Cygnus*. During the search, they found the flexible hose which the *Cygnus*' crew used to bypass the oil/water separator, a device designed to prevent the discharge of oil into the ocean. In addition, they found fresh paint on the ship's overboard valve intended to conceal the fact that the bypass hose had been disconnected and hidden before the *Cygnus* arrived in Portland. When the overboard valve was dismantled during the search, it was found to be contaminated with oil.

When Jeong was asked whether the bypass hose found on the *Cygnus* was

used to dump waste oil in the ocean, he stated that the incinerator was used. At the plea change hearing, Jeong admitted that his response was false, and that the engine room crew instead discharged waste oil in the ocean.

The *Cygnus* is a 623-foot car carrier owned by Feng Li Maritime Corporation and operated by Fujitrans Corporation. The vessel was under charter to ToyoFuji Shipping, Co., Ltd., a company jointly owned by Toyota Motor Co., Toyota Shipping Company, Ltd., and Fujitrans Corporation. It is used to transport Toyota and Lexus automobiles from Japan to the United States.

Jeong was immediately sentenced to two years of probation by Judge Garr M. King; he will then be deported to Korea. Judge King noted that Jeong, a Korean national, had already been involuntarily detained in Portland for six months during the pendency of his case.

A co-defendant, Chief Engineer Pyeong Gab Jeong pled guilty on July 25, 2002, to making false entries in the oil record book of the *Cygnus*.

The investigation was conducted by the United States Coast Guard, the Environmental Protection Agency, the Federal Bureau of Investigation and the Washington State Department of Ecology. The prosecution was conducted by the United States Attorney's Office for the District of Oregon and the Environmental Crimes Section of the United States Department of Justice.

ESU Office Assignments

For the month of December, Jerry Patterson will be in the Baytown office and Thomas Thompson will remain in the Benicia office.

ESU NEWS

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Labor Board defers charges

In an update to the Unfair Labor Practice (ULP) charge that the ESU brought against SeaRiver Maritime, reported in these pages last month, the National Labor Relations Board (NLRB) has issued a notice to both parties that the NLRB is declining to issue a complaint. The Union had charged that SeaRiver breached the June 5, 2002 grievance settlement in regard to the use of Maintenance Seamen in assisting Stewards Department personnel on board vessels that have not been sufficiently modified to accommodate a true two-man Stewards Department. The Union contends that a subsequent company communication to fleet officers contradicted the terms of the MOU.

The Executive Board had filed the ULP in hopes of gaining an expeditious resolution to this matter. Mr. Robert H. Miller, Regional Director for the NLRB wrote, in part; "...I am declining to issue a complaint on the instant charge based on my determination that further proceedings on the charge should be administratively deferred for arbitration." Mr. Miller further comments that; "The parties are bound by a collective bargaining agreement that provides final and binding arbitration."

Compliance with the MOU has; in general, with the exception of aboard the *S/R Hinchinbrook*, not been an issue. The Union remains optimistic that a resolution of this matter can still be reached with management short of pursuing relief through a lengthy and expensive grievance/arbitration process.

Earthquake impacts tanker operations in Valdez

An earthquake measuring 7.9 rocked Alaska early on the afternoon of Sunday November 3, 2002 affecting loading operations at the Alyeska Marine Terminal in Valdez, AK. The Alyeska Pipeline Service Company reports that the trans-Alaska pipeline's Earthquake Monitoring System responded to the quake and immediately began the process that would automatically shutdown the pipeline. No ruptures or loss of oil was reported as a result of the earthquake, but some support structures for the pipeline were damaged, necessitating repairs and resulting in the start-up of pumping operations being delayed until November 7, with tanker loading operations resuming on the 8th of November.

The quake, centered southeast of the Denali National Forest, 90 miles south of Fairbanks and 60 miles from the trans-Alaska Pipeline was felt throughout much of Alaska. Incredibly, effects of the seismic occurrence could be felt some 3,000 miles away in Louisiana, where witnesses reported ripples on lakes, boats rocking on their moorings and water being sloshed out of pools. A spokesman at the U.S Geological Survey's office in Pasadena, CA stated, "The earthquake was the most severe in the United States since the 1906 quake that destroyed San Francisco.

Larger earthquakes have hit Alaska since, but in each case the epicenter was offshore."

Members reported that at the time that the earthquake hit, the *S/R Bristol Bay* was loading at the terminal. The ship continued loading without incident and was then delayed departing Valdez due to severe weather in the Gulf of Alaska. No other vessels began loading operations for almost four days. Unusually low reserves at the time necessitated shippers having to wait for the pipeline to reach normal flow rates before loading operations could resume.

As a result of the shutdown, tanker traffic experienced a logjam that took days to untangle, causing significant delays for all ANS shippers. Specific information involving ANS tanker movements are understandably, for security reasons, not made available by either the U.S Coast Guard or Alyeska officials. The pipeline accounts for 17% of the nation's oil production. The trans-Alaska pipeline delivered to the Marine Terminal its first shipment of North Slope crude oil in June of 1977. The first tanker to be loaded at the Valdez, AK. Marine Terminal was the ARCO Juneau on August 1, 1977. Since that time, approximately 17,000 tankers have been loaded at the terminal.

Ship reports

S/R American Progress

Executive Board visits on October 29 and November 15 at the Valero Dock in Benicia, CA. Previous issue concerning travel concerns when being relieved in Hawaii are still being pursued by Union shoreside. Representative Chuck Bell recently returned from paid leave. Steward Department concerns addressed and resolved.

S/R Baytown

Union visit conducted November 17 at the Chevron Long Wharf in Richmond, CA. Ship Representative Mark Myser on board and reporting in regularly. Vessel completed TAPS end of October. Crew has suffered through more than its share of rough seas on the ANS run, but spirits are high.

S/R Bristol Bay

Vessel boarded by ESU Officer on October 25th while at the Valero Dock, Benicia, CA. No major beefs have been reported. Ship Representative position to be filled by general election (See article: Election Updates).

S/R Charleston

Board visit conducted Nov 7th while vessel was loading at the ExxonMobil docks in Baytown, TX. Ships Representative Bob Knight on board. Travel issue involving member traveling to paid leave being required to switch carriers in mid-transit being worked by the Executive Board. Ship continues on Gulf gas run.

S/R Galena Bay

ESU Officer boarded the vessel November 9th while at the Valero dock in Benicia, CA. Ship Representative Will Ackley on paid leave. Stewards Department Trustee Gerard Nelson on board. Will has ran unopposed for the Executive Board Officers position as Engine Trustee. Levy Ponce ran unopposed to replace will as Ship Representative. Levy is on board but scheduled to be discharged to paid leave soon. No beefs.

S/R Hinchinbrook

Union visit conducted on the 4th of November at the Richmond Long Wharf, Richmond, CA. James Schettler filling in admirably for regular Representative Isaac "Danny" Jones. No major issues presented. Concern about company not properly utilizing MS in assisting Chef and Cook voiced, but not a problem at present with current shipboard officers. Clarification of previous issue concerning OT cuts addressed with shoreside management and Union believes that any "misunderstanding" may have been resolved.

S/R Long Beach

Vessel boarded on the 2nd of November at Valero, Benicia, CA. Ship Representative Joe Graca went on paid leave and "tied the knot". Congratulations to Joe and the new Mrs. Graca. Charlie Pollard assumed the temporary position and reports that all is well onboard. Vessel proceeded to Portland upon completion of discharge for some structural repairs. Yard period completed without incident.

S/R Puget Sound

Board visited vessel while it was at the Valero dock in Benicia on November 5. M/S Joe Massey filing in for Ship Representative Michael Harrison. The Union thanks Joe for his contribution, ensuring continuous onboard union representation. No major concerns reported. Vessel experienced large crew change to accommodate the "Christmas Shuffle".

S/R Wilmington

Vessels visit on November 13 at ExxonMobil, Baytown, TX. John McCarthy once again stepping-up to assume the temporary Ships' Representative position for Representative Johnny Navarro while Johnny is on paid leave. Vessel continues on clean oil trade on East and Gulf Coasts. No gripes reported.

9th Circuit rules against SeaRiver Maritime

On October 31, the 9th Circuit Court of Appeals upheld a lower court decision siding with Congress and their enactment of the Oil Pollution Act of 1990 (OPA 90). The Act barred SeaRiver Maritime, Inc. from operating the *S/R Mediterranean* (formerly, the *Exxon Valdez*) in the Alaska North Slope (ANS) trade. The company argued in part, during its appeal that the OPA's provision excluding vessels that had spilled more than one million gallons of oil after March 22, 1989 from the waters of Prince William Sound is an unconstitutional bill of attainder and denies SeaRiver due process and equal protection in violation of the Fifth Amendment. The extensively publicized grounding of the *M/V Exxon Valdez* occurred on March 23, 1989, one day after the arbitrary date of exclusion set by the provisions of OPA 90.

SeaRiver argued before the court that the vessel was wrongly singled out and punished, with no reasonable basis for believing that a vessel that spilled oil in the past would spill oil in the future. The three-judge appeals panel disagreed unanimously, citing that Congress had designated Prince William Sound an "environmentally sensitive area" and in the courts ruling, Judge Richard Paez wrote "The concern that the Exxon Valdez presents an unreasonable risk to Prince William Sound is sufficient to justify the restriction on SeaRiver's use of the vessel in that area."

The *S/R Mediterranean* had been designed with one purpose in mind, the transporting of ANS crude oil from Valdez, Alaska south to U.S. West Coast ports and Panama. Built in 1986, the vessel has performed admirably and without incident in international trade for the last twelve years. The ESU and many of its members are perplexed as to the courts reasoning, and regrets, what appears to be a severe blow to hopes of the vessel returning to active service. As previously reported, the vessel was sent to lay-up in early October.

The Union has no definitive information as to what further legal avenues that SeaRiver Maritime might still pursue. Company spokesman Ray Botto has been quoted as saying that "We're disappointed with the outcome". Additionally, Mr. Botto states in regard to any possible appeal of the decision, "We're currently evaluating it and have not determined what a go-forward plan would look like".

Vote: Ballots need to be received by Dec. 12

ESU News

QMED promotion list agreement

The Union and SeaRiver management have reached an interim agreement pertaining to the placement of members who are not able to presently obtain the STCW endorsement, "rating forming part of an engineering watch" (RFPEW) on to the QMED promotion list. Individuals that have recently met all other requirements in regard to acquiring engine room endorsements with the exception of the REPEW, will be placed on the QMED promotion list by date of request as outlined in the CBA. However, no member without the STCW endorsement will be eligible for "step-up" or promotion until obtaining the RFPEW.

As earlier reported, the Coast Guard in July of this year clarified the requirements for the RFPEW, in this clarification letter it became evident that in practicality, members would now have to participate in a Coast Guard "accepted" course to garner the endorsement. The SeaRiver Training Department has submitted for approval of an in-house course with the USCG and is awaiting their response. Assuming that approval is granted for the in-house course, individuals upon completion of the course will have six

(6) months to submit to the company evidence of having the endorsement. Failure to do so will result in an individual being removed from the promotion list. An individual removed from the list would be allowed placement back on the list after presenting evidence of having obtained the STCW mandated endorsement. However, placement would be at the bottom of the promotion list.

This exception to established contract language was initiated by the Union so that members would not be unfairly excluded from placement on the promotion list due to the inability of individuals, through no fault of their own, to get the RFPEW. The Union is pleased that this agreement could be reached with management. It is not clear at this time how long this exception will be in effect, with availability of the approved course to the membership being the overriding factor. The Executive Board will continue to monitor this issue and when it is apparent that a "level playing field" has been established for the acquisition of this endorsement, will no doubt move to have this exception cancelled.

Satellite television arrives

The acquisition and installation of satellite television systems is well underway throughout the entire fleet. At press time, at least seven (7) SeaRiver vessels have reported completion of the project and successful start-up of service. Installation is being accomplished through a joint coordination of tasks shared by SeaRiver's in-house electronic support group, contractors and shipboard personnel.

Programming is provided by DishNetwork. "America's Top 100", as well as "Starz Super Pak" was chosen as the entertainment package. Enhancements to these packages are being considered, in particular, a 'Network Package with PBS', in an effort to provide a broader mix of news and entertainment.

West Coast crews report that due to system limitations, service is interrupted approximately thirty (30) hours after departure from the Straights of San Juan de Fuca in route to Valdez and reception does not resume until approximately the same time on the return trip to the Straights. Moreover, due to the mountainous topography south of the Valdez, AK loading terminal, no signal can be received at the loading berths. East coast vessels are reporting much better service, with virtually no interruption of services on their traditional transits of the Gulf of Mexico and the eastern seaboard. A number of technical problems have been experienced in the initial start-up period of this project, necessitating continued troubleshooting and modifications to the systems. The Union is aware that there are ongoing tests being done onboard vessels to improve reception on the ANS run and remain optimistic that service can and will be improved. As reported in the July 2002 issue of the ESU News, installation of this equipment aboard company owned tank vessels in domestic trade was initiated as a way to recognize the ocean fleets outstanding overall safety performance in the year 2001 and the continued industry leading benchmarks being set into the year 2002. Additionally, at the time of SeaRiver's announcement that they would embark on this ambitious project, the ESU Executive Board was informed that the "Safety Lottery" safety recognition program would be terminated, but that other types of safety performance recognitions would be considered above and beyond the installation of satellite televisions.

State tax withholdings not allowed

Recently, an issue has come to the attention of the ESU concerning members, on a voluntary basis, requesting that SeaRiver Maritime, Inc. withhold applicable state income tax from the individual members pay checks. Additionally, the Union has learned that the company has been, in an effort to accommodate these members, honoring their requests. After an Executive Board request that the company investigate the legalities of this withholding, a determination by the company has been made that such a deduction, under federal law is not permissible.

Title 46 U.S.C. Section 11108(a) states as follows:

Withholding. - Wages due or accruing to a Master or Seaman on a vessel in the foreign, coastwise, intercoastal, interstate, or noncontiguous trade or an individual employed on a fishing vessel or any fish processing vessel may not be withheld under the tax laws of a State or political subdivision of a State. However,

the section does not prohibit withholding wages of a seaman on a vessel in the coastwise trade between ports in the same States if the withholdings is under a voluntary agreement between the seamen and the employer of the seamen.

This law, though clearly allowing seamen to request voluntary withholdings of taxes when engaged in coastwise trade between ports in the same state, makes no such allowance for seamen that are employed in SeaRiver's oceangoing tanker fleet. Clearly, ESU members are involved in one or more of the trades excluded from voluntary state tax withholdings, including; foreign, coastwise, interstate and noncontiguous.

In an October 28, 2002 communication to the Executive Board, the company has confirmed that the payroll department will be removing the tax withholdings where applicable, and the employees affected will be fully refunded.



Pictured are the first participants in the newly developed ADO course: From left: Pete DeWilde, Alan Roberts, Walfredo Domapias, John Moses, Pat Campbell, Charles Hartman, Rex Jett and Joe Brito.

Inaugural deck course a success

The first Advanced Deck Operations (ADO) course was held in Vallejo, CA with participants traveling in on Sunday, October 20, and training starting on the 21st and continuing through the 27th. Some segments of the course were conducted at the California Maritime campus, as well as on board the *S/R Bristol Bay*. The course focused on areas of training such as introduction to ARPA, basic ship handling, watch standing, deck emergency response procedures, cargo handling, pollution and prevention, basics of inert gas systems and tank entering and cleaning procedures.

Deck Trustee Pat Campbell, as a member of the Joint Union/Management Training Committee was instrumental in the development of the course and attended the inaugural course. Pat reports that a tremendous amount of information is presented in the allotted amount of time. Members offering feedback to the Union have been

highly complimentary of this new course. Instructors were: Nils Knutstad, Sam Turkington and John Hooper.

The Union is very encouraged with the critiques received involving this course and believes that it will continue to evolve into an even more comprehensive and beneficial training tool for members in the future. More classes will be scheduled for the year 2003. This schedule is still being developed and the Union encourages members to, if possible, attend one of the future courses. The Union and SeaRiver management has been in discussions concerning other training courses for both the Engine and Stewards Departments and will update members when more details are available.

Deck members in attendance at the ADO course were; Jose Brito, Patrick Campbell, Peter DeWilde, Walfredo Domapias, Charles Hartman, Rex Jett, John Moses and Danilo Perez

Election updates

The voting period for election of Union officials continues and will end at the close of the business day, December 12, 2002. All ballots have been sent and should have been received by all ESU members eligible to vote. Positions on the ballot are for the offices of President and Ship Representative's for the *S/R Baytown* and *S/R Wilmington*. Running unopposed were Thomas Thompson; Recording Secretary, William Ackley; Engine Trustee and for Ship Representative positions Levy Ponce; *S/R Galena Bay* and Frank O'Malia; *S/R Mediterranean*.

Extra ballots are available aboard ship or can be obtained by calling either ESU office. As of November 13, 142 ballots had been received by the American Arbitration Association. Ballots will be counted on December 13, and the ESU office, Baytown, Texas, will announce the results of the election immediately. The Union is hopeful that significantly more ballots are cast before the end of the voting period.

The nomination period to fill the vacancy for a Ship Representative to serve aboard the *S/R Bristol Bay*, as previously announced, will end November 23, 2002. At press time, three (3) candidates have fulfilled the necessary requirements to become eligible candidates. They are: James Ham, Doug O'Neil and Tim Williams. This vacancy occurred with the unexpected resignation of the John Valle from the ESU.

Ballots for this special election should be mailed by the first of December. The Union will update the membership as to the exact dates of the voting period when they become known.

The ESU News is written and edited by the Exxon Seamen's Union.

EXXON SEAMEN'S UNION

Founded March 28, 1941

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Deck Trustee Patrick Campbell

Engine Trustee Chester Bell

Steward Trustee Gerard Nelson

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

Schedule of Course Offerings for 2002

STCW 95 Basic Safety Training

• Basic Fire Fighting	• Basic First Aid		
• Personal Survival	• Personal Safety and Social Responsibility		
Dec 2-6	Jan 27-31	Mar 10-14	Apr 21-15
Dec 9-13	Feb 10-14	Mar 24-28	May 5-9
Jan 6-10	Feb 24-28	Apr 7-11	May 19-23
			June 9-13

Small Arms Training (MSC approved)

Dec 9-11	Mar 24-26	Jun 30-Jul 2	Nov 3-5
Jan 20-22	Apr 21-23	Aug 25-27	Nov 17-19
Mar 3-5	May 26-28	Sep 29-Oct 1	Dec 15-17

LMSR Vessel Training (MSC approved)

Nov 26-Dec 6	Mar 11-21	June 17-27	Sep 16-26
Jan 7-17	Apr 8-18	July 22-Aug 1	Oct 21-31
Feb 18-28	May 13-23	Aug 12-22	

Survival Craft (Lifeboatman)

Dec 9-12	Apr 1-4	Jul 29-Aug 1	Nov 18-21
Jan 21-24	Apr 22-25	Sep 30-Oct 3	Dec 16-19
Feb 25-28	Jun 3-6	Oct 28-31	

Training Information and Enrollment

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Marlinspike class aboard the s/s Lane Victory: From left Duane Nash, Eli Wegger, Red Bell, Wally Stephens, Keith Miller, George Jackson (instructor), John Fernandez and Tom Larkin.

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

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450 Harrison Street
San Francisco CA 94105



Welfare Notes

November 2002

CLAIMS AND APPEALS PROCEDURES

The SUP Welfare Plan provides the following benefits for active and retired members and their dependents that are eligible for them: death and burial benefits, hospital, medical, and surgical benefits, dental benefits, vision care benefits, prescription drug benefits, hearing aid benefits, temporary disability benefit, training benefits, alcohol/substance abuse benefit, and rehabilitation benefit.

The SUP Welfare Plan will pay benefits to the eligible employee, pensioner or dependent. If a claim is denied, the Plan participant has the right to appeal the claim. The procedures for filing a claim or appealing the denial vary according to the benefit. If your claim is denied in whole or in part, the Plan Office will notify you of such in writing. The notice will explain in detail the reasons for denial with special reference to Plan provisions upon which the denial is based, a description of any information or material necessary to perfect the claim and why such is necessary an explanation of the right to petition for review.

To file an appeal of a denied claim, you must file a request for review within 60 days of your receipt of the denial notice. An appeal must be in writing and should state in clear and concise terms the reason or reasons for disputing the denial. This letter should also be accompanied by any pertinent documentation not already furnished to the Welfare Plan. Your appeal will then be presented and discussed by the Board of Trustees at their next quarterly meeting. You will be advised of the Trustees decision in writing as soon as practical. The decision for review from the Trustees will be in writing and will include a specific reason for the decision with specific references to the pertinent provisions of the Plan on which the decision is based.

Active members, retirees, and dependents of the Plan who may have questions on the appeals procedure are encouraged to call or write the Welfare Plan for more detailed information.

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

AFL-CIO poll reveals economic woes, distrust of big business and strong support for unions

With fewer good-paying jobs available, health care costs skyrocketing and retirement security weakening, workers are expressing a dramatic drop in confidence in corporations. At the same time, according to a recent AFL-CIO survey, workers' support for unions has surged in the wake of corporate scandals such as those at Enron Corp., WorldCom and Arthur Andersen, which cost employees their jobs, pensions, savings and benefits while CEOs walked away with millions of dollars.

The survey of 900 adults conducted by Peter D. Hart Research Associates for the AFL-CIO shows significant changes in public opinion over the past year. Only 38 percent of those polled say they are satisfied with the economy today, down from 63 percent last year. And job security is dropping. Today, by a two-to-one margin, the public says it's less secure than in January 2001.

For the first time since 1984, when the AFL-CIO began tracking workers' attitudes toward union representation, more nonunion workers say they would vote "yes" than "no" in a representation election in their workplace.

Half (50 percent) say they would support a union, compared with 43 percent who say they would not, with support for unions strongest among younger workers, blue-collar workers and people of color. In a similar poll for the AFL-CIO last year, 42 percent said they would vote "yes" and 51 percent said they would vote "no."

Workers also overwhelmingly disagree with President George W. Bush's plan to

eliminate collective bargaining rights in the proposed federal Department of Homeland Security, with 74 percent saying these employees should have the same union rights as other federal employees.

At the same time, it's no surprise scandals have caused public confidence in Big Business to drop significantly, says AFL-CIO Secretary-Treasurer Richard Trumka. Some 39 percent of respondents say they view corporations negatively—the highest negative rating for corporations in the nine years of Hart surveys for the federation—and 30 percent view them positively. This is the reverse of last year when 42 percent viewed corporations positively, compared with 25 percent viewing them negatively.

Corporate reform—the goal of the union movement's "No More Business As Usual" campaign—is a high priority among America's workers, the survey revealed. By a two-to-one margin, respondents say government is too concerned with the interests of Big Business and wealthy special interests. A large majority (71 percent) say they would be more likely to vote for a political candidate who took the position that employees should be protected in employer bankruptcy and have the same protections as CEOs (69 percent).

Says Tim Leahy, secretary-treasurer of the Chicago Federation of Labor: "Our mission right now is to educate and energize our members to vote this November and help elect candidates who will enact corporate reform that really works."

-James B. Parks

Maritime Transportation Security Act *cont'd. from Page 1*

the ILO. It is unclear whether the Coast Guard will fully accept the ILO card as meeting U.S. domestic requirements.

Other provisions of the statute include the following:

Vulnerability assessments — Requires facility and vessel vulnerability assessments to be done by the Coast Guard. The vessel vulnerability assessments will be limited, under this provision, to identification of vessel types that pose a high risk of being involved in a transportation security incident. The term 'transportation security incident' is defined in the Act as a security incident resulting in a significant loss of life, environmental damage, transportation system disruption, or economic disruption in a particular area.

Similar to oil spill response plans under the Oil Pollution Plan of 1990 (OPA 90), the Secretary of the Department in which the Coast Guard is operating has been tasked with preparing a National Maritime Transportation Security Plan and Area plans for each Captain of the Port (COTP) Zone. Commercial vessels and facilities that the Coast Guard believes may be involved in a transportation security incident will be required to prepare and submit to the Coast Guard security plans for deterring a transportation security incident to the maximum extent feasible. The vessel and facility plans must be consistent with the National and Area plans; identify the qualified individual having full authority to implement security actions; identify and ensure by contract or other means approved by the Secretary the availability of security measures necessary to deter to the maximum extent practicable a transportation security incident; and describe the training, drills, and security actions of persons on the vessel or facility to be carried out under the plan.

The plan must include provisions for establishing and maintaining physical security, passenger and cargo security, and personnel security; controlling access to secure areas of the vessel or facility; procedural security policies; communications systems; and other security systems. Unlike the OPA 90 situation, the vessel and facility plans are not limited to solely relying upon private resources, but the full extent of public resources in vessel and facility security plans is not yet clear. The Coast Guard must promulgate its regulations for vessel and facility security plans by April 1, 2003. The vessel and facility security plans must be submitted to the Coast Guard within one year after the Coast Guard promulgates its regulations. Vessels and facilities will be allowed to operate under unapproved plans for up to one year, if they certify they have taken various measures. This will provide the Coast Guard with time to review and approve the plans.

Advisory Committees — Maritime Security Advisory Committees would be established at the national and area level to advise, consult with, report to, and make recommendations to the Secretary on matters related to maritime security. Most U.S. ports already have port security committees which perform this function, but this legislation makes these committees official.

Automatic Identification System — The Coast Guard is authorized to require installation and operation of automatic identification systems (AIS) on self-propelled commercial vessels of 65 feet length and longer, vessels carrying more than a specified number of passengers for hire, towing vessels of more than 26 feet in length and 600 horsepower, and any other vessel determined appropriate. Implementation dates are subject to Coast Guard rulemaking, but will probably be earlier than those currently contemplated by the IMO.

International Intermodal Transportation Security — The Secretary, in consultation with the Transportation Security Oversight Board, is directed to establish a program to evaluate and certify secure systems of international intermodal transportation. The program would include establishing standards and procedures for screening and evaluating cargo prior to loading in a foreign port for shipment to the United States either directly or via a foreign port; establish standards and procedures for securing cargo and monitoring security while in transit; develop performance standards to enhance the physical security of shipping containers, including locks and seals; establish standards and procedures for allowing the U.S. Government to ensure and validate compliance with the program; and any other measures the Secretary considers necessary.

Civil Penalties — Civil penalties of up to \$25,000 could be imposed for violation of the maritime security statutes or regulations.

Expedited Rulemaking — The Secretary would be authorized to promulgate interim final regulations implementing the maritime security statutes without having to comply with the usual provisions of the Administrative Procedures Act, such as advance notice and comment. Final regulations, though, would have to meet the usual requirements.

Extension of Seaward Jurisdiction — The Espionage Act of 1917 (which first established a port security program for the United States) would be amended to extend jurisdiction out to 12 nautical miles from the baseline from which the U.S. territorial sea is measured. A civil penalty of up to \$25,000 could be imposed for violation of the Espionage Act or regulations promulgated thereunder.

Sea Marshals — The Coast Guard's Sea Marshal program would be codified and consideration would be given to utilizing other persons, including U.S. merchant marine personnel, to assist the Coast Guard in performance of certain duties under the Ports and Waterways Safety Act.

Transmittal of Information to Customs Service — The Customs Service is now authorized to require that information pertaining to cargo to be brought into the United States or to be sent from the United States be provided to the agency through an electronic data interchange system prior to the arrival or departure of the cargo. Carriers must notify the U.S. Customs Service of any cargo tendered to the carrier for transportation that is not properly documented and that has remained in the marine terminal for more than 48 hours after delivery.

Grants — The maritime security grant program would be made permanent (subject, of course, to funding). Grants would be administered by the Maritime Administrator and available to port authorities, facility operators, and state and local agencies required to provide security services or funds to implement provisions of Area Maritime Security Plans or facility security plans. Costs that could be funded under

these grants include conducting vulnerability assessments, acquiring and operating security equipment, and costs associated with correction of Coast Guard-identified security shortfalls. Funding levels for the grant program have not been resolved.

Foreign Port Assessments — The Secretary has been tasked with assessing the effectiveness of antiterrorism measures maintained at foreign ports from which vessels depart on voyages to the United States or that otherwise present a security risk to international maritime commerce. Factors to be considered in the assessment include screening and security measures in place at the port, licensing or certification of compliance with appropriate security standards (which would appear to mean standards developed by IMO), and the security management program of the port. If the Secretary finds that a foreign port does not maintain effective antiterrorism measures, the Secretary is to notify the country of the finding and recommend steps to improve the antiterrorism measures at the port. The Secretary may also prescribe conditions of entry into the United States for any vessel arriving from that port or carrying any cargo or passengers originating from or transshipped through that port. The conditions of entry could be imposed 90 days after the foreign government has been notified of the finding that the port does not maintain effective antiterrorism measures (unless the Secretary finds that such measures have been adequately improved). The conditions of entry could be imposed immediately if the Secretary determines that the threat is severe.

Maritime Security Professional Training — The Secretary of Transportation is directed to develop standards and curriculum to allow training and certification of maritime security professionals.

Cargo Identification and Container Performance Standards — The Secretary of the department in which the Coast Guard is operating has been directed to develop an antiterrorism cargo identification, tracking, and screening system for containerized cargo shipped to and from the United States. The Secretary is also charged with developing performance standards to enhance physical security of shipping containers, including standards for seals and locks.

Report on Foreign-Flag Vessels — The Secretary of the Department in which the Coast Guard is operating is directed to provide Congress with a report on foreign-flag vessels calling at U.S. ports. The report is to include a list of those nations whose registered flag vessels appear as Priority III or higher on the USCG Boarding Priority Matrix; that have presented, or whose flag vessels have presented, false, intentionally incomplete, or fraudulent information to the United States concerning passenger or crew manifests, crew identity or qualifications, or registration or classification of their flag vessels; whose vessel registration or classification procedures have been found by the Secretary to be noncompliant with international classifications or do not exercise adequate controls over safety and security concerns; or whose laws or regulations are not sufficient to allow tracking of ownership and registration histories of registered flag vessels.

Lame-duck Congress fails to extend unemployment insurance benefits

Congress has left millions of American in the lurch by failing to extend unemployment benefits.

Congress originally passed the Temporary Extended Unemployment Compensation Program in March as part of the stimulus package to rejuvenate the nation's flagging economy and cushion the blow to workers who lost their jobs following September 11.

The program gave laid-off workers an extra 13 weeks of unemployment checks after 26 weeks of benefits that come from the state. For states with particularly high unemployment, the program provided 26 weeks of additional benefits. The benefits were set to expire December 28 un-

less Congress continued the program.

House Republicans had pushed for a shorter extension so lawmakers could reassess the nation's unemployment situation in January to see if the extra benefits were still needed.

House Republicans also questioned the cost of the Senate version of the bill. The Senate bill, which would have helped 2.1 million people, has an estimated price tag of \$4.9 billion. The House bill, which would aid 800,000 people, would cost about \$900 million.

"What a New Year's shocker it will be for people who are struck in an economy that is not creating jobs," said Senator Barbara Boxer (D-CA).

Department of Transportation reports U.S. ports handled 1.2B tons of cargo in 2002

Almost 1.2 billion tons of waterborne foreign trade moved through seaports in the United States in 2000, according to Maritime Trade & Transportation 2002 report this month by the U.S. Department of Transportation.

"Maritime Trade & Transportation 2002 confirms the critical role that the Maritime Transportation System plays in our nation's economy," U.S. Secretary of Transportation Norman Y. Mineta said. "The maritime transportation system is one of the nation's vital links, with about 90 percent of our overseas international trade tonnage and a significant portion of domestic trade carried by water."

The report notes significant regional differences in U.S. waterborne foreign trade:

— The Far West-California, Oregon and Washington-ranks first in container traffic because of the heavy use of containers in trade with Asia.

— The Southwest-Texas-ranks first for tanker traffic because of the use of tankers in trade with Latin America.

— The Southeast-Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Virginia-ranks first for dry-bulk traffic because of heavy dry bulk trade with Asia, Europe, the Mediterranean and Latin America.

— Great Lakes maritime trade is primarily dry bulk and generates more than \$4.3 billion in total personal income.



SUP President's Report

November 12, 2002

JONES ACT

As reported in the October issue of the *West Coast Sailors*, the U.S. Customs Service, kowtowing to foreign-flag interests, briefly waived the Merchant Marine Act of 1920 (Jones Act) on the West Coast during the Pacific Maritime Association lockout of the ILWU. Knowing that the lockout was going to occur several foreign-flag companies discharged all of their U.S.-bound cargo at the first U.S. port-of-call (primarily Los Angeles) and then after the lockout was lifted and supplanted by the Taft-Hartley injunction on October 16, reloaded the cargo on other company vessels for delivery at other West Coast ports. All this was unilaterally approved by Customs.

Maritime Administrator Captain William Schubert, upon being apprised of this breach of American cabotage reacted swiftly and decisively in ordering the Customs Service to cease and desist.

However, those who sought to destroy this pillar of American merchant marine policy, continued during the month to seek waivers. The National Industrial Transportation League (NITL) on October 23 wrote to Custom's Commissioner Robert Bonner requesting that the Agency again waive the Jones Act for 90 days to permit foreign-flag vessels to operate the coastwise trade to alleviate port congestion. The Japanese government also asked Customs to grant a blanket waiver to allow Japanese vessels to shuttle stranded containers up and down the coast.

In response the SUP sent the following letter to Commissioner Bonner on October 25:

Dear Commissioner Bonner:

We understand that your office is currently considering another temporary waiver of Section 27 of the Merchant Marine Act of 1920, also known as the Jones Act, as a means of addressing West Coast port congestion. Some industry associations have contended that such a waiver would not harm the U.S.-flag commercial fleet, is appropriate under the so-called national defense exception and will protect American workers from layoffs. We dispute all of these claims, including your authority to grant such a waiver; and, in any case, we urge you to abstain from such action because of the negative impact to American workers, to the national defense, and to the Jones Act itself.

The Jones Act is the vital mainstay of U.S. maritime policy, providing direct employment for tens of thousands of Americans working for hundreds of companies that provide the nation with safe, efficient, environmentally responsible and unsubsidized waterborne transportation. Significantly, the law is presently under serious strain from foreign companies using complicated lease-financing maneuvers to evade and undermine the U.S.-ownership provisions. A waiver now, even the contemplation of a waiver, within the context of the lease-financing debate, could provide dangerous precedent for future action by foreign interests anxious to see the demise of U.S. flag shipping.

The Japanese government, for example, emboldened by rumor and perceived weakness, directly asked the U.S. government to enact a blanket waiver because no adequate Jones Act tonnage exists. This point is refuted first by the statistical analysis of the Maritime Administration and second by the existence of Jones Act operators such as Matson Navigation Company who has been successfully engaged in these trades for over a hundred years.

As you know, the only legal basis for a waiver of the Jones Act is one made in the interest of the national defense. However, in his October 9, 2002 letter to you, Maritime Administrator Capt. William Schubert expressed the unequivocal opinion that present circumstances on West Coast docks do not validate a waiver made in the interest of national defense. Moreover, the ships used by the mainly foreign shipping companies requesting the waiver typically fly flags-of-convenience. This notorious system facilitates secret ownership, has been repeatedly connected to terrorist activity, and is

known to transport weapons (and possibly the terrorists that deliver them) aimed at U.S. interests.

Also, the ability of our nation to crew essential military support ships in the event of war depends on the maintenance of a reliable pool of skilled civilian mariners who find their steady employment in the Jones Act trades. Consequently, instead of assisting in the national defense, a waiver of the Jones Act would be detrimental to the interests of national defense (in terms of war readiness) and might seriously increase the risk to national security (in terms of protection from terrorism in U.S. ports.)

On jurisdiction, the authority to waive navigation and vessel inspection laws under Public Law 81-891 (64 Stat. 1120) in the interest of national defense is appropriately considered the primary domain of the Secretary of Defense and is not necessarily related to the waivers of the U.S. cabotage laws, which possess their own administrative processes.

Finally, it must be noted that West Coast port congestion is a temporary condition imposed by shipping companies on themselves. For our government to waive the Jones Act to accommodate the interests of foreign steamship companies who are also engaged in a labor dispute with an American union is outrageous enough, but to do so in the name of national defense is an opportunistic fabrication squarely opposite the facts.

/s/Gunnar Lundeborg

Similar letters of protest were also submitted by the MM&P, MEBA, IBU, American Maritime Congress, Maritime Institute for Research and Industrial Development (MIRAID), Transportation Institute and the Maritime Cabotage Task Force.

The combined effort, spearheaded by the leadership of Captain Schubert, effectively stopped any further waivers or exemptions of the Jones Act.

Will continue to closely monitor this situation as foreign-flag interests will not cease in their efforts to undermine the U.S. merchant marine.

SAN FRANCISCO BAR PILOTS

Negotiations for new collective bargaining agreements between the SUP and the San Francisco Bar Pilots resulted in agreement being reached on October 18—the day the old agreements, covering Marine Personnel and all classifications of Dispatchers, expired.

The new contracts, which are subject to membership approval, provide significant improvements in wages and working conditions.

The terms and conditions of the agreement are as follows:

Marine Personnel

- Term of Agreements: **August 16, 2002 through December 31, 2006**

• Wages and wage-related items for all (overtime, vacation pay) ratings except the unlicensed AB/Deckhand

Effective October 18, 2002 and retroactive to August 16, 2002: 6% increase

Effective January 1, 2004: 5% increase

Effective January 1, 2005: 4% increase

Effective January 1, 2006: 4% increase

• **Wage and overtime rates for River Run Boat (p/v Pittsburg) Operator shall be the same as the Run Boat (p/v Golden Gate) Operator.**

• **In addition, the Pilots agreed to pay for the cost of license insurance which is approximately \$650 per year effective January 1, 2003.**

• The wage and wage-related increases for the Unlicensed AB/Deckhand are:

Effective October 18, 2002 and retroactive to August 16, 2002: 3% increase

Effective January 1, 2004: 3% increase

Effective January 1, 2005: 3% increase

Effective January 1, 2006: 3% increase

• **Cost of Living (COLA) Increase**

A. Cost of living increases shall be made on the basis of comparing the June 2003 Consumer Price Index for All Urban Consumers, San Francisco-Oak-

land-San Jose as published by the Bureau of Labor Statistics of the U.S. Department of Commerce to the June 2002 Consumer Price Index. The percentage change shall be calculated. Any increase in this index above 5% shall be added to the base wage described in Section 1, effective January 1, 2004.

B. Subsequent Cost of living increases shall be made on the basis of comparing the June 2004 Consumer Price Index for All Urban Consumers, San Francisco-Oakland-San Jose as published by the Bureau of Labor Statistics of the U.S. Department of Commerce to the June 2003 Consumer Price Index. The percentage change shall be calculated. Any increase in this index above 5% shall be added to the base wage described in Section 1, effective January 1, 2005.

C. Subsequent Cost of living increases shall be made on the basis of comparing the June 2005 Consumer Price Index for All Urban Consumers, San Francisco-Oakland-San Jose as published by the Bureau of Labor %41 Statistics of the U.S. Department of Commerce to the June 2004 Consumer Price Index. The percentage change shall be calculated. Any increase in this index above 5% shall be added to the base wage described in Section 1, effective January 1, 2006.

The new COLA language is a major change from previous agreements providing better protection for members employed by the Pilots against inflation in that the index used is that for San Francisco-Oakland-San Jose instead of the United States City Average for Urban Wage Earners and Clerical Workers index.

• **SUP Welfare Plan: Contributions increased by \$4 per manday, per year effective January 1, 2003, through the life of the agreement to a maximum of 260 mandays per employee.**

• **Training Reimbursement: "Employees may take time off without pay or use accrued vacation days while fulfilling training requirements. Within six (6) months of completing one year of consecutive service, the employee may request reimbursement of actual days spent training with vacation days credited to the employee's vacation accrual account. The value of the vacation days will be calculated at the rate the employee was earning at the time of the training."**

• **Medical Examinations: "All marine employees in entry level or temporary assignments shall be dispatched from the SUP hiring hall. If a new employee does not have a valid Medical Card and Drug Screening Card prior to employment with the SFBP, he/she will obtain the card(s) at the expense of the SFBP. For all other employees, if there is a joint concern as to whether an employee is fit for duty, then a comprehensive physical, paid for by the SFBP, may be required as a condition of continued employment."**

• **Bereavement Leave: New language was added to cover the death of step-children and step-parents.**

• **Work Rules: There were a few minor changes to the work rules that are applicable to the Run Boat Operators and the Station Boat Operators. The dock bosun's job, which had existed solely at the Pilots discretion since 1986, became part of the recognized manning scale. Language was also negotiated that stipulates that the Union and the Pilots must mutually agree on the individual selected for the bosun's job from the licensed sailors employed by the Pilots.**

Dispatchers and Assistant/Relief Dispatchers

• **Term of Agreement: Same as the Marine Personnel**

• **Wages:**

Effective October 18, 2002 and retroactive to August 16, 2002: 7% increase

Effective January 1, 2004: 5% increase

Effective January 1, 2005: 4% increase

Effective January 1, 2006: 4% increase

In addition: "Effective January 1, 2003, when the San Francisco Bar Pilots are under contractual agreement to the United States Coast Guard (USCG) to provide Sea Marshal support service, 2% shall be

President's Report continued

added to the base wages of the Chief Dispatcher and Dispatcher. The 2% addition shall be suspended on a calendar month-by-month basis when no Sea Marshal support services are provided by SFBP to the USCG during the calendar month."

COLA Increase: Same as the Marine Personnel.

Holidays: The premium for working on a holiday was increased from \$125 to \$200.

Bereavement Leave: Same change as in the Marine Personnel Agreement.

Work Rules: Minor change regarding the carry-over of vacation into the next calendar year.

After bargaining concluded the SUP Negotiating Committee, comprised of Steve Messenger, Leo Moore, Terry O'Neill, Vice President Dave Connolly and your secretary caucused with the membership employed by the Pilots and there was an overwhelming majority consensus to approve both agreements.

Recommend general membership approval.

SUP BUILDING CORPORATION

On October 22, the Sailors' Union of the Pacific Building Corporation met at Headquarters. Trustees present were Bill Berger, Norm Christianson, Dave Connolly and your secretary. Trustee Paul Calais was not able to attend as he was at sea aboard the *Matsonia*.

Due to negotiations and other Union business this was the first Building Corporation meeting since the SUP election earlier this year. The first items of business were for the Trustees to agree in writing in accordance with the SUP Constitution "that, without the consent of the Union first obtained, no action shall be voted upon by him/her a member of the Board of Directors of the Sailors' Union of the Pacific Building Corporation other than the general management of the Union's property."

The Trustees then reviewed the business of the Corporation since the last meeting in 2001.

The waterproofing of the Headquarters building was completed in May of this year. The total cost of this project was \$309,093. Thus far the Corporation has paid \$130,909 and owes \$178,184 that is being paid in monthly installments of \$12,500.

The Lawson v. SUP Building Corporation lawsuit, brought under the Americans with Disability Act, was settled in October 2001 which was reported in the *West Coast Sailors* of that month. The total expenses for the Corporation to defend itself against the suit was \$113,639, however, Terra Nova, the insurance company for former tenant Systems XIX, reimbursed the Corporation \$55,000 as part of the overall settlement.

Legal action is still pending against Terra Nova for damage caused to the Headquarters building by Systems XIX which leased the auditorium and cafeteria levels of the building. Legal expenditures in this process are currently \$9,798.

The Building Corporation's cross-claim against Union's insurer, ULICO, in the Lawson case was settled in June of this year when ULICO reimbursed the Corporation \$82,000. This was also previously reported in the *West Coast Sailors*. This legal action cost \$39,479 in attorney's fees for a net expense of \$22,506.

Due to the construction of an apartment/condominium project adjacent to Headquarters, the Building Corporation in renting the northern-most parking spaces in the rear of the building for one year to Howard Wright Construction for \$900 per month.

Your secretary then initiated a discussion of the status of the Headquarters building in light of liability concerns surrounding the recent ADA lawsuit because of the fiduciary obligation the Trustees have to the membership. For purposes of discussion Tony Crossley, Senior Vice President of Colliers International made a presentation as to the options the Building Corporation could consider.

The first option would be for the building to remain status-quo. Under this condition significant areas of the building cannot be leased/rented because of the potential for future ADA lawsuits. Under this option the building generates between \$25,000 and \$50,000 annually in rental income from current tenants, including the income from telephone companies that installed cell-phone antennas on the roof. If nothing is done ADA liability, while reduced by limiting public access, would remain to some extent unclear.

The second option would be to extensively renovate the building areas that could be leased/rented. This work would entail installing an interior elevator serving all floors, ramping the interior and exterior steps and making all restrooms handicapped accessible. A rough estimate of accomplishing this work is approximately \$750,000 to \$1 million. In order to pay for this work, the Building Corporation would have to mortgage the building to secure a loan. Once the work was completed, the problem would be to find reliable tenants. If a reliable tenant was found, the building could generate more income than at present. However, given the depressed state of the San Francisco real estate market where an estimated 15 million of square feet of office space is currently available, the chances of finding an appropriate tenant, at least in the foreseeable future, will be difficult. The risk posed by this option would be that the loan would have to be repaid regardless of whether a tenant could be found.

The third option would be to sell the building and move to another location. In his report to the Trustees, Crossley noted that the developers of the project (New York-based Crescent Heights) adjacent to the building had expressed an interest in purchasing the property some time last year. Crossley speculated that Crescent Heights would likely use the site for residential construction by tying it in with its current project. Crossley also stated that there has been official indication by the City of San Francisco that the Headquarters building has been listed as a candidate for historical landmark status, a designation that if awarded would severely limit the renovation and development prospects for the building.

Following Crossley's presentation, there was considerable Trustee discussion. While all of the Trustees were opposed to the sale of the building, it was agreed that given the circumstances it was the fiduciary responsibility of the Trustees to be prudent, and to inform the membership of the possible value the building could have to interested buyers, and thus what benefit its sale might have for the Union.

The Headquarters building continues to generate income which subsidizes the op-

eration of the Union. However, the most compelling negative in continued ownership is the ongoing potential for liability.

As the authority of the Building Corporation is limited under the SUP Constitution to general management "without the consent of the Union first obtained" there was a motion made and carried unanimously to authorize the Corporation real estate consultant (Mr. Crossley) to receive any bids on the 450 Harrison Street property. If there are any offers made, they will be presented to the membership for its consideration.

It should be clearly understood that the intent is not to sell the building, but only for the Trustees to exercise their fiduciary due diligence and be guided by the membership.

Recommend membership concurrence with the Building Corporation's proposal.

BURGESS v. SUP

As reported in May and June, Wayne Burgess appealed his case to the United States Court of Appeals for the Ninth Circuit. Burgess' latest legal maneuver comes after Judge George H. King of the United States District Court of the Central District of California Western Division (Los Angeles) again ruled against Burgess in April and again in favor of the SUP.

On October 31, Burgess' attorney, Duke Peters, filed an opening brief with the court with the SUP's response due on November 14.

Union attorney Glenn Rothner indicates that the case could be heard as early as January but most likely by mid-2003.

THANKSGIVING

All SUP halls will be closed on Thanksgiving Day, Thursday, November 28, a holiday under all SUP agreements.

HOLIDAY BENEFIT

For the thirteenth year, the SUP and MFOW will cosponsor a holiday lunch for participants of the respective Union Welfare Plans and invited guests.

As approved by the Union and employer Trustees of both Plans, the cost of catering the lunch is prorated by the number of participants in each of the respective Welfare Plans.

In San Francisco, this year's lunch will be at MFOW Headquarters, 240 Second Street on Friday, December 20, from 11:30 A.M. to 3:00 P.M.

The schedule for the Branches is as follows:

Seattle: December 14, from 11:00 A.M. to 2:00 P.M., at the new hall 2414 SW Andover Street, Suite 105.

Wilmington: December 13, at 12:00 P.M. at the Wilmington Hall.

Honolulu: December 15, at 10:00 A.M. at the Honolulu Hall.

Norfolk: December 20, from 1:00 P.M. to 7:00 P.M., at 340 Broad Street, Portsmouth, Virginia.

ACTION TAKEN

M/S to approve the new San Francisco Bar Pilots agreements. Carried unanimously.

M/S to concur in the Building Corporation proposal to receive all bids on 450 Harrison Street property.

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

Gunnar Lundeberg

Vice President's Report

November 2002

Elections

Along with rank-and-filer Terry O'Neill, I worked the phone banks for labor candidates in the East Bay. Despite the losses in other parts of the country, most labor-backed candidates were elected in California. With the advent of campaign finance reform on November 6, 2002, state politics will become increasingly important. Urge all interested hands to participate in future campaigns.

Andrew Furuseth School of Seamanship

Romaine Dudley, a volunteer instructor, along with Sonny Cooper and Frank Portanier continue to conduct marlinspike seamanship classes at Headquarters. This unparalleled individualized instruction is free to members and given in a non-critical, non-competitive environment. Wire splicing, 12- and 8-strand splicing, rigging, knots, whippings, and hitches are among the subjects. Classes are held every Tuesday and Thursday, on meeting day Mondays, and by appointment. The practical knowledge of old-timers is one of the Union's most precious resources and these classes are the best way to access that resource. Similar instruction is underway in the Branches.

Ships Checked

In addition to the routine duties of the Front Office, fielded calls with various beefs and questions from Matson, ASM, Patriot, and Chevron ships, as well as from members employed by the San Francisco Bar Pilots and Foss Maritime Company. In an SUP-contracted military ship in Louisiana, one of our members was unjustly incarcerated in a nearby town. With the help of the bosun Allan White and others, including the best bailbondsperson in New Orleans—a woman named Classy—the Union coordinated his release. Advise all sailors to exercise extra caution in this part of the country.

Dave Connolly

Record of SUP Shipping October 2002

	Hdqs	.....	Seattle	.....	Wilm	.....	Hono	.....	Total
Bosun	3	.....	2	.....	6	.....	2	.....	13
Maint. Man	3	.....	0	.....	0	.....	0	.....	3
A.B. Dayworker	0	.....	0	.....	3	.....	0	.....	3
A.B.	27	.....	15	.....	25	.....	11	.....	78
O.S.	2	.....	0	.....	2	.....	3	.....	7
Standby	33	.....	16	.....	45	.....	9	.....	103
TOTALS	68	.....	33	.....	81	.....	25	.....	207

SUP Branch Reports

Seattle

October 21, 2002

Shipped during the period: 2 Boat-swains to 1 A-card and 1 C-card to USNS ship; 20 Able Seamen berths filled by 7 A-cards, 3 A-card returns, 1 B, 2 B to USNS, 2 C's and 3 D's to USNS. 22 standbys went to 9 A's, 8 B's, 2 C's, 1 D and 2 MFOW members

Registered during the period: 13 A cards for a total of 31; 13 B cards for a total of 32; and 8 C cards for a total of 18.

Ships checked

APL Korea clean pay-off. APL Thailand and APL Philippines were delayed in the area due to the PMA lookout. The APL Philippines was initially denied launch service but a call to U.S. Customs and then to the company cleared that up and a launch schedule was provided. The Kauai was "locked in" alongside the dock for 10 days. The Manulani, Maui, and Matsonia called here in the Puget Sound and all experienced delays and changes to routes and schedules.

The membership, both active and retired, tuned-to in a great show of solidarity for our ILWU sisters and brothers in their labor dispute with the PMA. During the ten day lockout the SUP and MFOW were the only maritime Unions to stand alongside the ILWU at the terminal gates where we were employed and this was recognized and greatly appreciated by longshore rank and file and their officers. We thank Headquarters for their literally around the clock support to our many issues and requests and to former SUP dispatcher and retired ILWU Local 19 member Bob Almer who gave us help when we asked for it. To everyone who has shown up one way or another, at the rally's, marches or picket lines, a tip of the stetson.

Vince O'Halloran
Branch Agent

New Address

Seattle Branch

2414 S.W. Andover St.
Building F, Suite 105
Seattle WA 98106

Tel: 206 467-7944
Fax: 206 467-8119

Wilmington

October 21, 2002

Shipped during the period: 5 bosuns, 25 AB, 4 AB Maints, 3 OS and 47 Standbys, for a total of 84 jobs shipped.

Registration stands at 47 A cards, 33 B cards, 9 C cards and 6 D cards.

Ships checked

President Kennedy, Ewa, Joe McDonald-delegate; Manoa, APL Singapore, Ed Sandro-delegate; Chief Gadao, Bert Genita-delegate; President Adams, Lurline Mike Soper-delegate; Mahimahi, APL Korea, Mike Einman-delegate; R.J. Pfeiffer, Singapore Sid Idris-delegate; President Polk (tied up for the duration of the lockout, thanks for support our ILWU brothers), Chevron Washington, Kingsley Baidoo-delegate; Lihue, Leo Endries-delegate; President Wilson (restricted to ship beef processing), President Truman, President Jackson.

On September 16, Keith Miller (LA Federation delegate), Steven Callahan and I attended the Los Angeles County Federation of Labor meeting. On September 19, I attended an MTD lunch/meeting. Tom Rankin, President of the California Labor Federation, spoke.

On September 23, I attended the Veteran's Memorial meeting. On September 25, we had a second marlinspike class aboard the s/s Lane Victory. On September 26, I went to the Harbor Labor Coalition meeting. At 1800, Sunday, September 29, the lockout was in effect and per Headquarters' orders, I pulled standby gangs off the President Polk. The regular crew was left aboard. They were asked not to cross the picket line and they all hung in there as did the MFOW for the ten-day lockout.

On October 6, longshoremen started working the Matson Terminal—Hawaii, Alaska and military cargo. On October 9, the lockout of ILWU by the PMA was terminated by invocation of the Taft-Hartley Act. It's the first time this act has been used in a lockout. October 10, I attended the Harbor Labor Coalition meeting. A delegate from Australia and New Zealand Maritime Unions were there in support of the ILWU. They provided many ideas and stories about maritime labor issues. On October 17, attended another Harbor Labor Coalition meeting. We're distributing plaques and checks to those who helped make the Labor Day Parade a huge success. Our hall will present these two items to Banning High for their band and drill team's participation.

A ceremony for Ross Davis was held and ashes disbursed somewhere in the mid-Pacific off the Chief Gadao. Our sympathy to Mrs. Davis and family.

Mark Hurley, Branch Agent

Honolulu

October 21, 2002

During the month of September, dispatched the following: 3 ABs, 3 AB returns, 1 OS. These jobs were filled by: 4 A members, 2 B members, and 1 C member. Also shipped 15 standby jobs filed by 3 B members, 2 C members, and 10 D registrants for a total of 22 jobs shipped.

During the month of September registered the following: 3 A members, 5 B members, 4 C members and 2 D registrants. To date registered are: 6 A members, 11 b members, 8 C members and 6 D registrants for a total of 31 registered.

Ships checked

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

On October 12, attended third generation SUP member Patrick Waisbarth's wedding. Saw many old familiar faces at this large affair.

On October 16, attended Honolulu Maritime Port Council meeting. Most of the discussion was bout turning out the democratic vote. Had a large attendance at our October 21 Branch meeting due to the appearance of Rich Reed, SUP Welfare Plan representative and Joan Steel, the Union 401(k) Plan account manager. They were kept busy before the meeting by many inquiries from member sand pensioners. Rich and I also visited the Pfeiffer, Manulani and the paint and rigging gang. Would also like to thank the

deck gang of the Manulani for coming to the meeting.

The Hawai'i Membership extends a Happy Thanksgiving greeting to all our mainland members and their families. The Honolulu SUP/MFOW annual Christmas party will be on Sunday December 15 at 10:00 A.M. held at the Honolulu Hall.

Mike Duvall
Branch Agent

Norfolk Office

October 2002

The month of October I shipped 1 Bosun, 8 ABs, and 2 OS. These jobs were filled by 4 B cards and 7 C cards. The USNS Bob Hope and USNS Fisher to FOS and now enroute to a staging area in the Persian Gulf. Rumer is all LMSR's will be activated soon. As you heard on all news stations, President Bush has a free hand to send in troops. And word on the street, "He's chompin at the bits." So please check your certificates and get them up to snuff. I visited the Chevron Arizona in Charleston S.C. Ship yard, John Svane Bosun, Thor Erikson deck delegate good gang as always in good shape. When it comes out it will be Arizona Voyager, the Chevron name is being removed from the fashion plate. All other LMSRs are undergoing dock trials, and all are in good shape.

At this time I wish all hands a Happy Thanksgiving.

Jack Stasko
SUP/MFOW Rep.

San Francisco Business Agent

November 12, 2002

Visited and paid off the following ships. Due to the lockout by PMA of longshoremen, there was a lack of activity in the harbor for the month.

Manoa— Bob Greene, delegate: Voyage pay off. Disputed time for restriction to ship not payable.

Manulani— Chuck Maringer, delegate: Coastwise, no disputes.

Matsonia— Jim Clay, delegate: Coastwise; no disputes; good shape.

Maui— John Hannan, delegate: Good shape; no disputed time.

Moku Pahu— Robert Reed, delegate: Made a voyage to Korea. Clean pay off; no disputes.

President Adams— W. DeBenedictis, delegate: Voyage pay off. Laid at anchor in the Bay a few days; no disputes.

President Jackson— Dennis Tinsley, delegate: At anchor in the Bay a few days; no disputes.

President Kennedy— Lou Frazier, delegate: Voyage paid off; no disputes.

President Truman— Laid at anchor

due to lockout by PMA. Finally went at the dock at Middle Harbor Road.

ASM Shoregang— Norman Kwak, bosun: In good shape.

Chevron Colorado— Made at Richmond Long Wharf. No problems.

Chevron Washington— Made at Richmond Long Wharf. No problems.

William Berger

Dispatcher's Report

Headquarters—Oct. 2002

Deck	
Bosun	3
Carpenter	0
MM	3
AB	27
OS	2
Standby	33
Total Deck Jobs Shipped	68
Total Deck B, C, D Shipped	12
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.	68
Total B, C, D Shipped-All Depts. ..	12
Total Registered "A"	73
Total Registered "B"	69
Total Registered "C"	10
Total Registered "D"	14

New pensioner

One SUP member has joined the rank of pensioner bringing the total number of SUP members now receiving a pension to 967:

Belfred Lomba, 82, Book No. 4011, joined SUP in 1943, 50 years of seetime.



First gang aboard the USNS Bob Hope

From left: Joe Richwagon, bosun, Eric Williams, Asad Al Rasullah, and Kelly Eggars. October 2002
Photo: Jack Stasko