



West Coast Sailors

Official Organ of the Sailors' Union of the Pacific

Volume LXIV No. 10 583

SAN FRANCISCO, CALIFORNIA

Friday, October 19, 2001

Coast Guard tightens rules for vessel arrivals in U.S.

The U.S. Coast Guard has announced that effective October 4, it will require a 96-hour Advance Notice of Arrival, complete with detailed information on crew, passengers and cargo, for any vessels arriving at U.S. ports. The new temporary rule is in effect until June 15, 2002.

The Arrival Notice must include a listing of all persons on board (crew and passengers), with date of birth, nationality, and passport number (or mariner's document number). For crew members, the position or duties on the vessel must be included. The Notice must include the vessel name, country of registry, call sign, official number, the registered owner of the vessel, the operator, the name of the classification society, a general description of the cargo, date of departure from last port and that port's name, the name and telephone number of a 24-hour point of contact for each U.S. port included in the Notice, and the location or po-

sition of vessel when the Notice was submitted. If the vessel is certified under the ISM Code, the Notice must include the date of issuance of the company's Document of Compliance, the date of issuance of the Vessels Safety Management Certificate, and the name of the Flag Administration or recognized organization that issued the documents.

For vessels carrying certain dangerous cargoes, the Notice must also include the name, amount and stowage location of each dangerous cargo carried and the operational condition of equipment required by 33 CFR Sec. 164.35. The definition of certain dangerous cargo has been amended. It now means generally any explosive materials, oxidizing materials, blasting agents, spontaneously combustible products in excess of 60 metric tons per vessel, poison-inhalation hazard products in bulk

SEE COAST GUARD RULES
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Candidates declare for biennial SUP election

Fourteen Sailors' Union members have declared their candidacy for the upcoming biennial election of Union officers by accepting the nomi-

nations made at the September coastwise meetings.

The Committee on Elections/Candidates met at Headquarters on October 15, to verify the eligibility of those accepting the nomination and to select an Impartial Balloting Agent to conduct the election as required by the SUP Constitution.

All positions mandated by the SUP Constitution, with the exception of the Branch Agent's jobs at Seattle, Wilmington and Honolulu, are contested.

The Committee's report is on page 5 and is subject to membership approval at the November coastwise meetings.

The secret mail balloting for SUP officers for the 2000-2002 term and referenda on proposed Constitutional amendments and Shipping Rule changes will begin on December 1, 2001, and continue through January 31, 2002.

Port and maritime security measures high on Congressional agenda

Pending legislation includes criminal background checks for "security-sensitive" maritime workers

In the aftermath of the events of September 11, Congress is beginning the legislative process to increase security in the nation's ports and maritime borders.

The Port and Maritime Security Act of 2001 (S.1214) introduced by Senator Ernest Hollings (D-SC), Chairman of the Commerce, Science and Transportation Committee and Senator Bob Graham (D-FL) would direct the Secretary of Transportation to establish a Port Security Task Force to help coordinate programs to enhance the security and safety of U.S. seaports against crime and terrorism.

As the West Coast Sailors went to press, it obtained a working draft of the legislation dated October 11. Contained in the draft are provisions that could directly affect American mariners. The bill contains provisions for a criminal background check, going back ten years, for those employed in "security-sensitive" jobs before an individual is hired. If an individual has been convicted of the following, he/she is not eligible for "security-sensitive" employment: murder, assault with intent to murder, espionage, sedition, treason, rape, kidnapping, unlawful possession, sale, distribution or manufacturer of an explosive or weapon, extortion, armed or felony unarmed robbery, distribution of, or intent to distribute a controlled substance; a felony involving a threat; a felony involving willful destruction of property, importation of manufacturing a controlled substance; burglary, theft, dishonesty fraud or misrepresentation, possession or distribution of stolen property, aggravated assault, bribery, illegal possession of a controlled substance punishable by a maximum term of the imprisonment of more

than one year or any other crime the Secretary of Transportation determines indicates a propensity for placing contraband aboard a vessel in return for money.

These provision were not in the bill when it was first introduced in July of this year.

"Covered employers" in this provision of the bill are defined as ocean carrier, foreign ocean carrier, port authority, marine terminal operator, or ocean shipping intermediary. The

term also includes any other employer engaged in a business that directly affects port and maritime security specified by the Secretary of Transportation.

SUP President Gunnar Lundeberg said, "The Union will seek further clarification on this matter."

Other provisions of the bill directs the Commandant of the Coast Guard to develop stan-

See Security Bill

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Senate hearings on security

In a hearing on October 11, before the Senate Committee on Commerce, Science and Transportation's Subcommittee on Oceans, Atmosphere and Fisheries, Admiral James Loy, Commandant of the U.S. Coast Guard briefed senators on its Maritime Homeland Security strategy.

Those key elements are:

- Develop effective awareness of all activities that can effect the maritime security of the United States and its citizens;
- Integrate activities of multiple agencies into a single unified maritime effort through inter-agency command centers and coordination procedures;
- Ensure agile and scalable security measures for personnel, vessel, facility, and cargo;
- Employ interoperable, multi-agency forces consistent with their core competencies to conduct coordinated maritime security operations;
- Conduct layered maritime security operations with the aim of extending the borders, deterring, disrupting, and intercepting threats across the maritime domain; and
- Leverage international cooperation and participation to share intelligence and conduct maritime security activities to the benefit of all.

In questioning by Subcommittee Chairman John Kerry (D-

MA), Admiral Loy stated that of the 351 U.S. seaports, approximately 50 are more sensitive to the need for heightened security. Without specifically naming the ports in questions, Loy said they include oil and liquefied natural gas terminals, nuclear power plants, Navy bases or have a high concentration of people such as cruise ships.

Loy said there was a need for the development of the concept of Maritime Domain Awareness in cooperation with members of the National Security Council. When Senator Kerry asked the Admiral to explain the concept, Loy responded by noting that such a domain would not stop at the 3, 12, or even 24-mile offshore markers. "I would want to know where a vessel is going to depart from and when coming to the United States." He also urged Congress to grant the Coast Guard improved access to crew lists for inbound vessels and to data on criminals and potential terrorists compiled by the Immigration and Naturalization Service, the State Department and the Customs Service. In this regard, Loy told the panel, "I want to know if the third mate has a drug record."

Admiral Loy said the Coast Guard is seeking detailed information on the vessel itself and her cargo. "I want to see the manifest," he asserted.



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SUP Honor Roll

Voluntary contributions from the membership to the following funds:

Organization/ General Fund

Neil Burkhardt	30.00
Erik Finnerman	50.00
Gunnar Lundeberg	50.00
Leo Moore	20.00
Chester Sherry	5.00
David Sylstra	20.00

West Coast Sailors

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Anthony Figueroa	30.00
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George Pope	20.00
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Robert Vandermeij	5.00
Colin Walker	10.00
Richard Wilson	25.00
John Winterling	100.00

Wall of Honor

(San Pedro Merchant Marine Memorial)

Gene Castano	10.00
Richard Cummings	140.00
James Cunningham	50.00
Jim Cunningham, in memory of Admo diAmbrosio	50.00
Reuben Ingram	50.00
James Minster	20.00

Dues-Paying Pensioners

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John Battles	Book #5512
Roy R. Camerio	Book #4577
Richard Cummings	Book #4666
Knud Jensen	Book #3940
John Jewett	Book #4291
Tony Jones	Book #4305
Alfred Kerns	Book #3167
Kaj E. Kristensen	Book #3120
Gunnar Larsen	Book #3516
Peter Paul Liptay	Book #3725
Joseph Napier	Book #2299
Frank Parks	Book #3798
John Perez	Book #3810
Charles Rafael	Book #3141
Ralph Senter	Book #7323
Kai Sorensen	Book #7479
William Tice	Book #3239
Charles H. Wall	Book #3420



Final Departures

Lewis J. Hazzard, Book No. 5762. Born in Hawaii in 1926. Joined SUP in 1954. Died in San Leandro, California, August 22, 2001. (Pensioner)

William J. Cope, Book No. 3983. Born in Arizona in 1921. Joined SUP in 1943. Died in California, September 8, 2001. (Pensioner)

Joseph Dudley Harris, Book No. 5780. Born in Idaho in 1926. Joined SUP in 1952. Died in Idaho, September 7, 2001. (Pensioner)

Edward P. Schlechter, Book No. 7024. Born in Oregon 1928. Joined SUP in 1947. Died in Salem, Oregon, September 13, 2001. (Pensioner)

Richard F. Young, Book No. 1967. Born in California in 1924. Joined SUP in 1944. Died in California, September 18, 2001. (Pensioner)

Bobby Jean Southard, Book No. 7454. Born in Missouri in 1940. Joined SUP in 1959. Died in Torrence, California, September 18, 2001. (Pensioner)

SUP Meetings

These are the dates for the regularly scheduled SUP meetings in 2001:

	Hdqs.	Branch
November	13*	19
December	10	17

*Tuesday

SUP Halls close for holidays in November

All SUP Halls will be closed Monday, November 12, in observance of Veterans' Day and Thursday, November 22, for Thanksgiving; both contract holidays.

TO ALL MEMBERS

Make sure your current address is on file at Headquarters.

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I certify that all information furnished on this form is true and complete. I understand that anyone who furnishes false or misleading information on this form or who omits material or information requested on the form may be subject to criminal sanctions (including fines and imprisonment) and/or civil sanctions (including civil penalties).

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PS Form 3526, October 1999 (Reverse)

Economic impact of attacks grows nationwide: aviation workers hit hard

The economic impact of September 11 is growing, with announced layoffs nationwide climbing to now more than 413,000.

In New York City, alone, an estimated 108,500 jobs will have been lost within a month of the September 11 terrorist attacks, according to the *Fiscal Policy Institute*.

Nationwide, announced layoffs include 134,587 in the transportation sector, 119,700 in services, hospitality and tourism and 142,924 in manufacturing and aerospace.

In an effort to aid the tens of thousands of pilots, flight attendants, cleaners, security guards, baggage handlers, caterers, and mechanics who face the financial crisis of unemployment, lost pensions and lost health care for themselves, their spouses and their children, was stymied in Congress this month.

While Congress appropriated \$15 billion to bail-out the airline industry, there was no relief for American workers.

On October 11, relief legislation introduced by Senator Jean Carnahan (D-MO) was blocked by a filibuster by 44 Republicans.

In response to the Senate vote, AFL-CIO President John Sweeney stated:

“And so it is especially shameful that the White House, which lobbied furiously against relief, and 44 Republican United States Senators would undermine majority support and turn our nation’s back on aviation workers whose jobs and livelihoods were directly destroyed by the attacks.

These workers should not be asked to bear the burden of the attacks. As a nation, we are dealing, rightfully, with public health and airline safety. We are blockading the Capitol to protect Congress. We defended the airline companies with an extraordinarily swift \$15 billion bailout action. How can we justify failing to defend the living victims of this attack?

The situation is urgent. Since September 11, layoffs of more than 140,000 aviation workers have been announced. And while Congress stalls, nearly 80,000 of those workers are already out of work – suddenly forced to confront a very different economic future, one with mortgage payments but no jobs, one with little or no health care for themselves and their families.

Some have suggested that relief for these workers should wait to be included in an overall economic stimulus package that *may* be enacted next month – even though a bipartisan agreement around such a package is looking less, not more, likely.

And even if the President’s plan is enacted as proposed, it will be wholly inadequate to meet the needs of aviation workers. Despite rhetoric to the contrary, the President’s plan calls for spending virtually no new money on benefits for unemployed workers and their families. It provides limited emergency unemployment benefits for workers in a limited number of states. It contemplates providing health care coverage to unemployed adults through two programs that are not adequate to the task, and at the expense of denying coverage to poor children. On the other hand, the President’s program will lavish rich new tax breaks on corporations and speed up tax cuts for individuals. Altogether, the President’s tax cut proposals will cost nine times as much as proposed spending on workers and their families.

Aviation workers can’t wait for a response from Congress next month or next year. They need an affirmative response to their personal crises right now. Anything less is certain affirmation of the intent to serve the working men and women who are the backbone of our country last and least at the table of economic recovery.”

Economic Stimulus: AFL-CIO Plan

In the wake of the September 11 attacks, the nation’s economy needs a stimulus plan that will work for all Americans, not just a few. The AFL-CIO is proposing a stimulus package that provides significant federal help for working families hurt by the crisis through better unemployment benefits covering more unemployed workers; federal financial assistance to maintain health coverage; access to job training and retraining; a raise in the minimum wage; and tax rebates for low- and moderate-income families. The plan also calls for a needed boost in spending to aid struggling state and local governments and to invest in rebuilding the nation’s roads, bridges and schools and in meeting domestic security needs. The union movement’s plan represents a fairer alternative to President George W. Bush’s plan to stimulate the economy. The Bush administration responded to pressure from far right Republican members of Congress by offering far more in tax breaks to the wealthy and corporations than assistance to working families who need help the most. A new AFL-CIO study of Bush’s plan shows it offers four times more in tax cut benefits—mostly for corporations and the wealthy—than real help to workers and their families. It takes \$11 billion from the State Children’s Health Insurance Program (S-CHIP) designed to provide health coverage for poor children. For the full AFL-CIO analysis, including a look at the tax cut portion of Bush’s plan, visit www.aflcio.org/news/2001/1011_bushoutline.htm.

Bush announces pick for Maritime Administrator

President Bush on September 21, announced his intention to nominate Captain William G. Schubert to be the next Administrator of the Maritime Administration.

After graduating from the U.S. Merchant Marine Academy, Captain Schubert sailed with Reynolds Metals Company from 1974 to 1984 then worked as Master and United Kingdom Installation Manager at three offshore drilling platforms.

In 1986, Schubert began a ten-year tour at MarAd, first as Special Advisor to the Administrator. From 1990 through 1995, he served as MarAd’s Regional Representative for the Southwestern United States in Houston, Texas. By the time he departed MarAd, Schubert had accumulated over a decade of experience at the agency he stands poised to lead.

Schubert is currently president of International Trade and Transportation, Inc., a marine consulting firm in Pinehurst, Texas.

MarAd advisory to shipping issued

On September 21, the Maritime Administration issued the following advisory to operators of U.S.-flag and effective U.S.-controlled vessels and other maritime interests.:

The threat to maritime vessels is likely to increase as various extremist groups anticipate U.S. retaliation for the September 11 attacks. This includes the entire spectrum of threats —from civil unrest/demonstrations that may not be able to be contained by port security, especially in ports of countries with sizeable radical Islamic communities, to attacks similar to what the maritime community saw with the *USS Cole* last year. While we have no specific threat information against U.S. commercial shipping, ships are urged to review their security procedures and discuss with local port authorities what security measures are in place to protect ships at anchor or pierside from surface threats, threats from land, or underwater threats.

Cruise ships and U.S. merchant vessels should be on a heightened state of alert, and should closely monitor the national imagery and mapping agency’s (NIMA) broadcast warnings.

Commencing immediately all U.S.-flag ships required by regulation to file AMVER position reports and operating in the North Arabian Sea, Gulf of Oman, Persian Gulf, Gulf of Aden, Red Sea and the Suez Canal shall file AMVER reports every 24 hours vice every 48 hours.

This increase in position reporting is a precautionary measure due to the current situation. The change is directed by the maritime administrator in accordance with 46 CFR Part 307.11. **This is not to be construed as a war zone declaration.** All U.S.-flag operators with ships in the affected areas are requested to forward this advisory to their ships by the most expedient means. This advisory will subsequently be published in the weekly notice to mariners and MarAd worldwide web site.

Protection zones for U.S. naval vessels established

The U.S. Coast Guard has established Protection Zones for a distance of 500 yards around all U.S. naval vessels in navigable waters of the United States. Vessels are to proceed at a “no-wake” speed when within a Protection Zone. Non-military vessels are not allowed to enter within 100 yards of a U.S. naval vessel, whether underway or moored, unless authorized by an official

patrol. The patrol may be either USCG or USN. A U.S. naval vessel is any vessel owned, operated, chartered, or leased by the U.S. Navy and any vessel under the operational control of the U.S. Navy or a Unified Commander. These protection zones will remain in effect through June 15, 2002 and are subject to change without prior notice.

Hawaiian Islands subject to security zones

The Coast Guard is establishing security zones in designated waters adjacent to the islands of Oahu, Maui, Hawaii, and Kauai, Hawaii, for a period of six-months. These security zones are necessary to protect personnel vessels, and facilities from acts of sabotage or other subversive acts, accidents, or other causes of a similar nature during operations and

will extend from the surface of the water to the ocean floor. The activation and deactivation of these six-month security zones will be announced by Broadcast Notice to Mariners as required. When the zones are activated, entry into these zones is prohibited unless authorized by the U.S. Coast Guard Captain of the Port Honolulu, Hawaii.

Son of former MEBA president killed in WTC attack

Stephen Ward, the 33-year-old son of former MEBA President Gordon Ward, was killed in the terrorist attacks on the World Trade Center on September 11. Since August, Ward had been working for Cantor Fitzgerald on the 101st floor of the North Tower.

COAST GUARD RULES

Continued from Page 1

packaging, highway route controlled quantity radioactive material, controlled shipments of fissile material, bulk cargoes listed in either Table 1 of 46 CFR Part 153 or Table 4 of 46 CFR 154, butylene oxide in bulk, chlorine in bulk, or elemental phosphorous in bulk. The exact definition of ‘certain dangerous cargo’ is contained in the regulation.

The Notice must be submitted at least 96 hours before arrival at the first U.S. port. For vessels on voyages of less than 96 hours, the Notice must be submitted prior to departure from the last foreign port but not less than 24 hours before arrival. Changes are to be submitted as soon as practicable but no less than 24 hours before arrival. Changes to the arrival or departure time of less than six hours need not be reported.

Advance Notices of Departure are required vessels departing ports or places in the United States that are carrying ‘certain dangerous cargo.’ The Departure Notice required is basically the same as the Arrival Notice required from such vessels, with obvious changes to reflect the port and time of departure and the port and estimated time of arrival for the destination.

In addition, beginning October 15, ships reporting under the new rules will send the required information to the Coast Guard’s new National Vessel Movement Center. A Coast Guard spokesman said that reports to the Center will streamline the notification process and the longer notice will allow the Coast Guard and other U.S. law enforcement agencies more time to review the information and plan for ship arrival.

Sailors' Union of the Pacific/ Training Resources Ltd Schedule of Course Offerings for 2001

STCW 95 Basic Training

This course is mandatory under international law for those planning to continue going to sea after February 1, 2002

- Basic Fire Fighting
- Basic First Aid
- Personal Survival
- Personal Safety and Social Responsibility

Oct. 22-26	Nov. 12-16	Dec. 10-14	Jan 22-26
Oct. 29-Nov. 2	Nov. 26-30	Dec. 17-21	Jan 28.-Feb. 1
Nov. 5-9	Dec. 3-7	Jan. 7-11	

LMSR Vessel Training (MSC approved)

Oct. 23-Nov. 2	Nov. 27-Dec. 7	Jan. 8-18
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Small Arms Training (MSC approved)

Nov. 5-7	Dec. 10-12	Jan. 22-24
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Survival Craft (Lifeboatman)

Oct. 29-Nov. 1	Nov. 26-29	Dec. 17-20	Jan. 22-25
Nov. 12-15	Dec. 10-13	Jan. 7-10	Jan. 28-31
		Jan. 14-17	

Training Information and Enrollment

Contacts

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E-mail: daveconnolly@msn.com

Welfare Notes

October 2001

Active members

Since January 2000, members who reside outside of areas covered by one of the available HMOs have been able to sign up for Healthnet FlexNet. The premium cost of providing coverage through the FlexNet program was scheduled to almost double on October 1, 2001. After evaluating the options available, the Welfare Plan elected to change those covered with FlexNet to HealthNet's PPO (preferred provider organization) plan. This change was effective on October 1, 2001. Those participants who are involved with this new plan should have already received a letter from the Welfare office explaining this new enrollment. You should be receiving new identification cards, benefit summaries and PPO provider directories for your area from HealthNet. You will not be required to complete new enrollment cards and there was no lapse in your coverage. If you have any questions, please feel free to contact the Welfare Plan, or you may contact HealthNet directly at member services at 1-800-522-0088

Pensioners

As winter approaches it is time for annual flu shots. Last winter resulted in severe shortages with the influenza (flu) vaccine delayed because the manufactures could not process it fast enough to meet the demand. The U.S. Centers for Disease Control and Prevention (CDC) indicate that this winter that there will also be a delay in delivering the vaccines. If you have not done so, you should call your doctor or health provider now and make arrangements to get immunized. Those that are high risks should get immunized as soon as possible. Kaiser Foundation defines high risks as those aged 65 or older and adults with a chronic disease such as diabetes, heart or lung disease, cancer, or alcoholism. Even if you are not at high risk, you should plan to get your flu shot. It is not too late to get your shot during flu season.

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

IMPORTANT!

Get your STCW '95

NO TRAINING, NO JOB AFTER FEB. 1, 2002

ATTENTION ALL MEMBERS

In a effort to update our records, please complete the form below and return it to:

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Sailors' Union of the Pacific
450 Harrison St.
San Francisco CA 94105

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Last Name: _____ First Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Email Address: _____

SSN: _____

Active Member Pensioner

Security Bill . . .

continued from page 1

dards and procedures for conducting seaport vulnerability assessments and directs the Commandant and the Maritime Administration to jointly initiate a rulemaking proceeding to prescribe regulations to protect the public from threats of crime or terrorism originating from vessels in maritime transportation originating or terminating in a U.S. port.

The bill provides for the establishment of local port security committees at each U.S. seaport that includes state and local government officials and maritime industry and labor representatives. It requires each port authority and marine terminal authority for which a port security vulnerability has been done to establish, subject to the approval of the Captain of the Port, a Maritime Security Program.

The bill further would establish a training program to certify and train public and private sector seaport security personnel, develop seaport security standards that will serve as a benchmark for the review of port security plans and develop new port security technologies to help screen cargoes that enter U.S. ports.

S. 1214 would amend the Merchant Ma-

rine Act of 1936 to authorize the Secretary of Transportation to make loan guarantees and provide grants for seaport security infrastructure improvements for eligible U.S. seaports.

In addition to Hollings and Graham, S. 1214 is cosponsored by Senator John Breaux (D-LA), Richard Durbin (D-IL), John Kerry (D-MA), Zeil Miller (D-GA), Bill Nelson (R-FL), Paul Sarbanes (D-PA) and Ron Wyden (D-OR).

On October 3, Representative Corrine Brown (R-FL) introduced identical legislation (H.R. 3013) in the House. In a letter to her colleagues urging support of the measure, Representative Brown stated, "We have all learned about the vulnerabilities of our airports to terrorism. It is time to ensure that our seaports are also secure. Each day, thousands of containers move through our nation's ports, along with millions of gallons of hazardous materials. As Secretary Rumsfeld said recently, the next attack could come on a ship. It is time to secure our seaport borders while ensuring that the needs of commerce are met." Brown's bill has been referred to the House Armed Service's Committee.

Officer shortage threatens Italy's merchant fleet's future

Paolo Clerici, president of the Italian shipowners' association, Confitarma, has expressed concern that an officer shortage could jeopardize the future of the Italian merchant fleet. "We predict a continuous shortfall of 2,500 Italian officers until 2005," he said. One of the reasons, he cited for the shortage, was the lack of appeal of seagoing jobs compared to those ashore. It presented a threat to the fleet because although the county's international register frees owners to hire foreign seamen, it obliges them to employ Italian officers only.

U.S. cruiseship bill introduced in the House

Representatives Neil Abercrombie (D-HI) and Wayne Gilchrest (R-MD) last month introduced legislation in the House that would kick-start the American domestic cruiseship industry.

The United States Cruise Vessel Act (H.R. 2901) is identical to S.127 which was placed in the legislative hopper last May by Senator John McCain (R-AZ). S.127 was reported out of the Senate Committee on Commerce, Science and Transportation on July 27 and is awaiting full Senate action.

On October 4, the following letter was sent to all members of the House of Representatives urging support of H.R. 2901:

Dear Representative:

On behalf of our coalition of maritime, port, and travel and tourism organizations, we are writing to express our strong support for H.R. 2901, the United States Cruise Vessel Act introduced by Congressmen Neil Abercrombie and Wayne Gilchrest, and to ask that you cosponsor this critically important maritime and tourism policy initiative.

We support H.R. 2901 because it will put Americans to work in a variety of strategically important industries - at -no cost to the United States government. The size of our nation's commercial merchant marine will be increased through the reflagging of large, modern cruise vessels under the United States-flag, and these vessels will create significant new employment opportunities for American merchant mariners, attracting and retaining the manpower needed by the Department of Defense in time of war or other international emergency.

Equally important, the provisions in H.R. 2901 will help ensure that America's mobilization base of ship construction and repair facilities and their workers will be kept active through the modernization, maintenance and construction of cruise vessels. We believe that it is essential especially in this uncertain and dangerous time for our nation that all components of America's maritime industry, our nation's fourth arm of defense, be given the opportunity to expand their activities.

Finally, this legislation will give American companies and American workers the first realistic opportunity to acquire, operate and build large, modern cruise vessels for operation outside Hawaii. This

will, in turn, give many American ports and port regions on all coasts a new opportunity to compete for, attract and benefit from cruise vessel activity. By moving quickly to enact H.R. 2901, Congress can create an important stimulus for the travel and hospitality industries throughout the country, as American vacation and business travelers are given new, heretofore unavailable cruise options on United States-flag vessels traveling exclusively between American ports.

H.R. 2901 is modeled after the so-called Hawaii Pilot Project legislation enacted by Congress in 1997. As such, the American people are guaranteed that the cruise vessels reflagged under R.R. 2901 will operate in compliance with United States safety, labor, environmental, and other laws and regulations, and that tax revenues will be generated for the Federal government and state and local taxing authorities. Like the Hawaii statute, H.R. 2901 further ensures that the critically important principles embodied in our nation's domestic shipping statutes that we strongly support will be preserved as H.R. 2901 will result in a domestic cruise vessel fleet comprised of large, modern cruise vessels built in the United States and operated under the United States-flag.

We again ask that you cosponsor this important legislation and work with us for the speedy enactment of H.R. 2901. Sincerely, Cruising America Coalition
John Bowers, President, International Longshoremen's Association

Captain Timothy A. Brown, President, International Organization of Masters, Mates & Pilots

Henry Disley, President & Secretary Treasurer, Marine Firemen's Union

J. Gary Droubay, President and CEO, Goldbelt (Juneau, Alaska)

Frank Poti, President, Cascade General Shipyard, Inc. (Portland, Oregon)

Clyde J. Hart, Jr., Vice President-Government Affairs, American Bus Association
James Henry, President, Transportation Institute

Gunnar Lundeberg, President & Secretary Treasurer, Sailors' Union of the Pacific

Larry O'Toole, President, National Marine Engineers' Beneficial Association

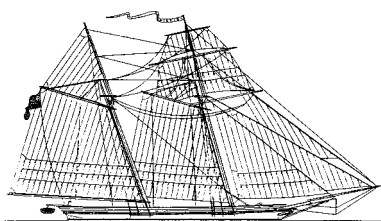
C. James Patti, President, Maritime Institute for Research and Industrial Development

Michael Sacco, President, Seafarers International Union of North America

James Spinosa, President, International Longshore and Warehouse Union

Gloria Cataneo Tosi, President, American Maritime Congress

Albert Wallack, President, Voyager Holdings, Inc. (New York)



SAILORS' UNION OF THE PACIFIC

COMMITTEE ON ELECTION 2001-2002

In accordance with the SUP Constitution, Article XII: Nomination, Election and Term of Officers, the Committee on Election convened at 0900 on October 15, 2001, at Headquarters.

The Committee is charged with "...preparing the ballot" and selecting an Impartial Balloting Agent for membership approval.

The Committee recommends that Sequoia Voting Systems (former Sequoia Pacific Systems) be used again for this election. Sequoia has handled the balloting for the past several elections without any problems.

Sequoia will print, mail and count the ballots in accordance with the SUP Constitution. The approximate cost will be \$7,700.

Also, the Committee has the duty to verify the eligibility of candidates for office. In accordance with Sections 3, 4, and 5 of Article XII, all candidates duly nominated (as per Section 2 and published in the September 21, 2001 edition of the *West Coast Sailors*), who had returned acceptance letters (as per Section 5) were found eligible. Wayne Burgess submitted an acceptance letter dated October 6, 2001. However, he had not been properly nominated beforehand as per Article XII Section 2. Therefore, the Committee found him to be ineligible and disqualified him from the ballot.

The following candidates will appear on the ballot:

President/Secretary-Treasurer

Mike Bailey
Gunnar Lundeberg

Vice President/

Assistant Secretary-Treasurer

Dave Connolly
William Henneberry

San Francisco Business Agent

William Berger
Paul Calais

Seattle Branch Agent

Vince O'Halloran

Wilmington Branch Agent

Mark Hurley

Honolulu Branch Agent

Mike Duvall

SUP Building

Corporation Trustees

William Berger
Paul Calais
Norman Christianson

Robin Colonas

Dave Connolly

Colin Dewey

Gunnar Lundeberg

Terrance O'Neill

Bruce Smith

(Five to be elected)

SIU Convention Delegates

William Berger

Paul Calais

Robin Colonas

Dave Connolly

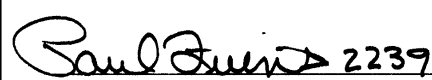
Colin Dewey


Gunnar Lundeberg

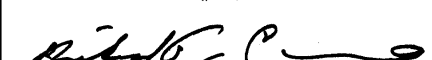
Terrance O'Neill

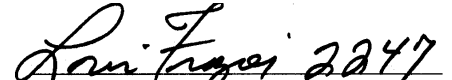
(Four to be elected)

Fraternally,


Paul Fuentes, Chairman #2239


Liam Casement #18325


Richard Cummings #4666


Louis Frazier #2247


Arthur Thanash #3249

The membership will vote on the Committee's report at the November coastwise meetings.

West Coast Sailors

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ESU Office Assignments

For the month of November, Kevin Conroy will be in the Baytown office and John Straley will be in the Benicia office.

ESU NEWS

OCTOBER 2001

Official Publication of the Exxon Seamen's Union

ESU OFFICE ELECTIONS UNDERWAY

With the mailing out of the ballots in early October the ESU office elections became officially underway. Up for election this fall are two primary Board of Governors' positions, all three Department Trustee positions and seven Ships Representative positions. The voting period will be for approximately two months or until December 13th when the ballots are due at the American Arbitration Association office in New York. The winners will be announced to the ESU Baytown office the following day, December 14th and will be communicated to the fleet immediately afterwards.

In the primary Board of Governors races, AB Rowan Mallet and incumbent AB John Straley are running for the position of Vice President and in the Secretary/Treasurer position being vacated by Kevin Conroy there are three candidates, (in alphabetical order) AB Rudy Benevides, AB Leo DeCastro and Fleet Chef Reid Decker.

The Department Trustee positions have Pat Campbell running unopposed for the Deck Department Trustee position that was formerly held by Rick Baur. QMED Chester Bell and Pumpman Bill Davis are running for the Engine Department spot vacated by Charlie Pollard, and Ships Cook Adam Anderson is running opposite incumbent Fleet Chef Gerard (Gerry) Nelson for the Steward Department position.

Of the seven Ship Representative spots that are up for election only the *S/R Charleston* and the *S/R American Progress* have races not involving unopposed candidates. The *S/R Charleston* race involves AB Odley Banks, Pumpman Bob Knight and Pumpman Jeff Straley and on the *S/R American Progress* both MS James Schettler and MS Alan Squire are running for Ship's Rep. AB Joe Graca on the *S/R Benicia*, AB Mark Myser on the *S/R Galveston*, QMED Danny Jones on the *S/R Hinchinbrook* and Pumpman Jack Patterson on the *S/R Long Beach* are all running unopposed for their respective positions. The *S/R Galena Bay* had no candidates come forward for election. As per the ESU Constitution and By Laws the Executive Board may now appoint a permanent Ship's Representative to that vessel. Anyone interested in that spot should notify the ESU both by telephone and in writing as soon as possible.

Ballots were addressed individually to each eligible voter and should be arriving about the time this edition of the ESU News is released. Remember, an eligible voter is one whom has been a member in good standing at least 90 days prior to the start of the election.

The ESU thanks all the candidates involved for their support and willingness to serve the membership.

ESU Sailors Restricted to Vessels

In the wake of the tragic events of September 11, there have been numerous new security measures implemented by the United States Coast Guard, local Port Authorities and individual security departments at various terminals. These measures have in some instances restricted ESU members aboard ship from being granted shore leave and on other occasions to even be denied access to the dock to so much as make a phone call. The ESU has, and is actively attempting to minimize any inconveniences that are being experienced by our members.

In a meeting between the ESU Executive Board and the upper management of SeaRiver the Union expressed this concern and inquired of the Company what their position was in respect to these personnel restrictions. Management explained that in situations where vessel and personnel restrictions have been issued by appropriate government agencies the Company is required to adhere to those restrictions. However, the Company did go on to say that they have had some success in having terminal restrictions lifted or at least modified to allow crewmembers to enter and exit terminal gates to and from shore leave, particularly at ExxonMobil refineries. Additionally, management conceded that they have not been as successful gaining concessions from non-ExxonMobil facilities, but that they are in communication with those facilities in an attempt to allow SeaRiver vessels to operate on a more normal routine in areas such as shore leave, crew changes and vessel storing and bunkering.

As this edition of the ESU News/West Coast Sailors prepares for press, and since the discussions with SeaRiver management, various law enforcement agencies, including the FBI and the Attorney General of the United States have requested that America be on high alert. The U.S. government believes that there may be attempts at retaliation due to the U.S. military actions that commenced on Sunday, Oct. 7, 2001. The Union is aware that these increased concerns will translate into more security regulations being imposed. Although, the ESU is not able

to fully ascertain at this time how extensive those security measures will be and to what extent they will impact members.

These are truly unusual and uncertain times the rank and file has experienced since the terrorist attacks. The membership has conducted themselves in a professional manner and cooperated with all the imposed restrictions in a most patriotic and conciliatory fashion. Nonetheless, the Union views many of the hardships that these restrictions have caused members as possibly illegal as well as unnecessary and unfair. The Executive Board cannot condone the singling out of American seamen to be restricted to their work places, essentially for 24 hours a day and without compensation. The Union is not aware of any other group of American workers that are being treated in this manner.

The Executive Board requests that members submit overtime for restrictions imposed on them that they consider appropriate. If overtime payment is denied, provide a copy of the disputed overtime to the Ship Representative. The Representatives are being asked by the Board to collect all disputed overtime and forward those documents to the ESU Baytown office. Additionally, the Ship Rep. should include a detailed summary noting the date, port and times of the imposed restriction as well as any conversations that the Representative may have with shipboard management concerning each restriction.

This information will be of great importance to the Union in preparing grievances. At this time the ESU has not fully evaluated the likelihood of this overtime dispute being successfully decided in the members favor. But it is critical that accurate information first be gathered and then reviewed by the Executive Board and if necessary, legal council to decide the best course of action in gaining just compensation for any unjust restrictions. Any policy that calls for the detainment or restriction of movement of American workers on American soil is a policy that must be fully reviewed and considered.

New ESU members

Please welcome to the ESU: Edward Botchway, Larry Everfield, Courtney Frierson, Michel Gomes, Carrie Hansen, Sherman Howard, Rex Jett, Russell Kopecki, Zachary Lee, Patrick Longley, Leonides Lumongsud, Roy Martinez, Joe Massey, Danilo Perez, Allen Roberts, John Singletary, Samuel Smith and Michael Stanley. ESU membership is now above 300, the first time it has been above that level in many years.

Ship reports

S/R American Progress

It was reported that the crew was restricted to the ship during a port call in Martinez, CA. The ESU Board is looking into the problem. Don Kozon acting Ship's Rep. doing a fine job.

S/R Baytown

Ship visited at Valero on October 12. Lorenzo Fontana did a good job filling-in during Lee Airriess' paid leave. No major beefs.

S/R Benicia

The vessel was visited in Benicia on October 7. Our Rep. Joe Graca reports all running smoothly.

S/R Charleston

ESU officer visited September 28 in Beaumont, TX. Mike Gore once again filling in for Chester Bell. Everything is running well.

S/R Galena Bay

Ship was scheduled to leave the yard in Portland on October 17. Lonnie Bloomquist acting Ship's Rep. Steward's Dept. reports concerns over potential problems with OT.

S/R Hinchinbrook

The ship was visited on October 7 at Ultramar in Martinez, CA. Danny Jones has returned from paid leave with Earl Doucet having filled-in admirably in his absence.

S/R Long Beach

Vessel visited at Valero in Benicia on September 30. Leo De Castro did well filling in as Temporary Ship Rep. No beefs.

S/R Mediterranean

The ship left Freemantle, Australia on October 7. Ship Rep. John Detweiler onboard. Questions raised concerning possible war risk bonus.

S/R Puget Sound

Ship's Rep. Michael Harrison has reported no new problems, but problems with the galley set-up remain.

S/R Wilmington

Union visited on September 21 at Baytown, TX. Ship Rep. Johnny Navarro onboard. Crew was busy preparing a good send-off for AB Jose Aurelio, who is making his last voyage before retirement.

Arbitration Schedule Explained

The Exxon Seamen's Union has allocated an exceptional amount of time, effort and money the last couple of months preparing and participating in numerous arbitration hearings. The Union is presently arbitrating the cases mentioned below in the state of New Jersey and has retained Mr. David Grossman, a labor attorney, as our legal counsel. As part of the agreement that was ratified on August 15th language, which restricted the Union to taking grievances to arbitration only in the State of New Jersey, was removed from our Contract. Previous to the ratification however, the Union had committed to a number of arbitrations in New Jersey and we are now fulfilling those obligations.

The arbitration hearing in regard to Grievance #1998-02, the demotion of Marcos Clotter was held on August 14th with Marcos present and Jerry Patterson also in attendance for the Union. This grievance pertained to what the Union deemed a wrongful demotion of Mr. Clotter from Pumpman to QMED/Oiler. The Company had justified this demotion in part as a result of a warning letter that Marcos had previously received. As reported earlier this year, the Union contested the issuance of that warning letter and the arbitrator ruled in favor of the Union's position in the matter. The final decision on this case is expected at any time.

Continued on next page

ESU News

Arbitration continued

Jerry Patterson also attended a hearing on August 15th to represent the Union in the matter of Grievance #2000-09. This grievance involved the Company's failure to allow brother Phil Spinaio a "step-up" position that could have been accomplished, as had been the practice on other occasions, by a simple rail-to-rail transfer of personnel. The Union viewed this refusal to transfer as not only unfair treatment of our member but also argued that it was a violation of the seniority language found within our Agreement. The arbitrator's ruling on this matter is not expected for 6 to 8 weeks.

On October 2nd an arbitration hearing was conducted in the matter of Grievance #1999-02, in which the Union charged the Company with contract violations concerning the denial of launch service to the crew of the *S/R Mediterranean* in Trieste, Italy. Pumpman John Munich unselfishly participated in the hearing as a witness for the Union and represented the membership admirably in giving more than an hour and a half of testimony, much of which was in cross-examination by the Company lawyer. John's attendance at the hearing was made possible only as a result of a great effort on his part. He should be commended by the membership for his contribution. Thomas Thompson was also present at this hearing to represent the ESU. A decision by the arbitrator could easily take 90 days in this case.

Again on October 10, 2001 the Union, represented by Thomas Thompson and witness Nelson Coleman attended a hearing in Newark, New Jersey on the matter of Grievance #2000-04. In this grievance the Union asserted that the Company wrongfully issued Mr. Coleman a warning letter for failing to contact Fleet Manning for assignment. Of particular concern to the Union was the later termination of Mr. Coleman's employment in which the Company cited the warning letter as a contributing factor in the decision to fire him when they alleged that Nelson had subsequently committed another infraction of their rules. After the arbitration had convened, our legal counsel advised, that he believed it unwise to continue with the hearing. Both the Union and Mr. Coleman agreed and the Union notified the Company attorney that the Union was withdrawing the grievance. It is important to point out that Mr. Coleman still has other legal avenues available to him to gain justice.

The decision by the Union to seek arbitration in a matter is based on numerous considerations, but paramount to the decision making process is the legal opinion of the attorney the Union retains. After the Union provides the attorney all pertinent information the attorney provides the Union with his or her opinion. The ESU Board then takes this opinion and conducts a Board vote to reach a decision as to whether to request arbitration or not.

After a decision to arbitrate has been affirmed by the Union's Executive Board notification is given to the Company. The Union then instructs our lawyer to make arrangements in conjunction with the Company lawyers to notify the American Arbitration Association to schedule an arbitration hearing and assign an arbitrator. The scheduling of a hearing can quite often take a considerable amount of time due to various reasons including

the availability an arbitrator and the ability of both the Company and Union to reach agreement on a date acceptable to both parties.

As the mutually agreed on date of the hearing grows near the Union then begins preparations for the hearing. The Union must then complete the gathering and organizing of information and documentation that may be necessary and provide it to our attorney. Any witnesses that the Union believes may be needed at the hearing must be contacted and arrangements made to have them available on the day of arbitration. Additionally, the Union in most cases must make accommodations for the Union's witnesses and the Executive Board member representing the Union to meet with our attorney the day prior to the hearing. At this meeting the attorney again reviews the facts of the case and interviews the individuals that may be called upon to testify.

The Arbitrator's decision is typically not known for two to three months. Transcripts of the proceedings are first prepared and provided to the attorneys for both parties as well as the arbitrator. After transcripts have been provided, the attorneys are then allowed ample time to prepare summary briefs of their arguments and these summaries are then presented to the arbitrator. Only after the arbitrator has received the transcripts and briefs does he or she begin deliberation with aid of all evidence that was presented at the hearing. A decision is then announced at a time of the arbitrator's choosing.

Expenses incurred by the Union are considerable. The Union is contractually obligated to share in half the costs of the arbitration. This includes not only the arbitrator but also the cost of the court reporter present at the hearing. The Union also bears responsibility for the costs associated with travel and lodging of the Board Member representing the ESU and travel, lodging and meals of any witnesses the Union decides to have present at the hearing. Moreover, all legal costs involving the Union attorney are paid for by the Union. These legal costs not only include the services of the attorney at the hearing but his or her time spent in administrative duties in preparation for the hearing, including contacting of the AAA and communicating with the Company legal counsel and the preparing and submitting of the summary brief. Some of the other associated legal fees include the attorneys hourly fee for the pre-hearing interview and fees that the Union accepts in the initial stages of the process, when the Union requests that the attorney review, research and submit an opinion as to possibly arbitrating the grievance.

Members should make note of the fact that any decision to arbitrate or not arbitrate a grievance is not based on the expense of the arbitration process. Decisions are based solely on the merits of the grievance in respect to the probability of a favorable decision being rendered on the Union behalf in cases of contractual arguments and/or in regard to wrongdoings that members have been subjected to. This Executive Board is of the belief that regardless of the expense borne by the ESU, failure to arbitrate due solely to financial concerns is equivalent to non-representation. Arbitration often is the only viable avenue existing to resolve grievances that otherwise would not be resolved.

Maintenance and Cure

Maintenance and cure is a seaman's remedy that has been around for centuries. Sea codes of the middle ages in the Mediterranean and later in England set out rules for the payment of injured and sick mariners. This was quite on the cutting edge, since in the 1100s there was no workman's compensation. Maintenance and cure as we know it today was refined by the British through hundreds of years of naval activity. It is a product of custom, admiralty courts and hundreds of cases, not specific statutes.

Maintenance and cure is a right of a seaman to be compensated while recovering from an illness or injury suffered while working in the service of a ship. It is paid by the shipowner and has nothing to do with the fault either of the vessel or of the crewmember. It is called a right by contract, but it does not have to be written. It is an implied contract by law. Each time a seaman steps on a ship, he becomes eligible for maintenance and cure benefits.

Maintenance has two parts. The first is called unearned wages. An injured or ill crewmember receives his full pay until the end of the voyage or end of his articles, if he is not fit for duty for the period. The second part is a daily payment as long as the seaman is under doctor's care. It is supposed to represent the worth of a seaman's room and board that he receives while on his ship, that he now must pay on his own while recuperating. It has nothing to do with wages. Bargaining agreements and contracts have modified some of these old maritime rights, but they cannot do away with them altogether.

Cure is simply one's reasonable medical bills needed to get well. Both maintenance and cure are paid until the patient reaches maximum medical cure. This does not mean until he is "cured" as we understand the term today. It is until the doctors say there is nothing else to be done for the patient. After that point, no benefits are payable, and none are due for pain control where there is no prospect of improvement. Pre-existing conditions are covered with a few exceptions. If a seaman hides a previous injury or illness, such as on a physical history sheet, and he injures or takes ill in the same body part, he forfeits his maintenance and cure rights. Injuries caused by willful misbehavior, such as drinking or fighting, are also not covered. Because these rights are governed by case law, there are variations interpreting the rights and exceptions among the Federal courts throughout the country and the few state courts who hear admiralty cases.

An important note. These rights do not last forever. There is a federal maritime statute of limitations that now applies to all injuries in the service of the ship. Although there seems to be a gray area questioning whether maintenance and cure are

covered by this law, it is safe to say they are covered. You have three years from the date of the injury or illness to file a claim in a court of law or all rights are lost. There are a few exceptions, but they are rare and very technical.

Maintenance and cure rights were designed to be easy and efficient, almost automatic for humanitarian reasons. Courts have used old language like "all doubts as to entitlement to maintenance and cure are to be resolved in favor of the seaman". This does not mean that vessel companies always pay it. This has been especially true in the last 10 years after the U.S. Supreme Court ruled that punitive damages were no longer allowed under maritime law, stating that it was an error in interpreting maritime law from the 1960s. These are damages in addition to those for one's harm in the form of a fine to punish the wrongdoer and encourage him not to repeat the same action. An exception exists for hazardous materials, which is part of recent environmental law. When punitive damages were available for failure to pay maintenance and cure without just cause (termed arbitrary and capricious by the courts), vessel owners were usually prompt about payment. Although rarely assessed, the threat was enough. Unfortunately, litigation is becoming more common. An award of attorney's fees is still available but likewise rare, along with compensation for aggravation of one's injury for willfully withholding payment of maintenance and cure. In the past, collective bargaining agreements have been held to modify the traditional maritime rights of maintenance and cure, such as a daily rate of \$8 per day as being fairly bargained for, a left over from the forties. Recently, several Northwest courts have refused to enforce fishermen contracts that were blatantly unfair with no union involvement. One eastern federal court has applied the same reasoning to a bargaining agreement as infringing on traditional maritime rights of the seamen. This is a changing area that deserves watching.

The basics of the maritime rights of maintenance and cure are fairly simple. The complications lie in the many differing situations that can occur on a vessel, and the fact the source of the law and traditional history is in the admiralty cases of the past hundred years. Its purpose was originally to provide humanitarian services to those in the dangerous work at sea, and the purpose is still as valid today.

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This author of this article is Gregory N. Bilyeu, an attorney with an office in Mount Vernon, Washington. He has focused on maritime law since 1980, representing injured mariners from the Bearing Sea to the Gulf of Mexico to the East Coast. He is a member in good standing of both the Washington and Louisiana Bar Associations and Federal and State Courts.

EXXON SEAMEN'S UNION

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Affiliated with the Sailors' Union of the Pacific

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Vice President John Straley

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Recording Secretary Thomas Thompson III

Deck Trustee Ulrich Baur

Engine Trustee Charlie Pollard

Steward Trustee Gerard Nelson



SUP President's Report

October 9, 2001

SHIP BREAKOUT

Due to the ongoing military response to the terrorist attacks of September 11, all SUP members should be on alert for the possible breakout of Ready Reserve Force vessels and the upgrading of more of the LMSRs to Full Operating Status. Given the nature of the conflict, it is likely that the U.S. Merchant Marine will again play a vital role.

Needless to say the officers and members of the Sailors' Union of the Pacific are committed to full and complete support of the nation's armed forces.

All hands should be aware of heightened security measures aboard ship and at marine terminals. American Ship Management informed the Union that photo identification is required to enter APL's terminals here and abroad, while seamen's papers (U.S. Merchant Mariner's Document) are required to enter Matson's Sand Island Terminal in Honolulu.

MARITIME SECURITY PROGRAM

The Maritime Security Act of 1996, which established the Maritime Security Program (MSP), requires that companies that hold MSP operating agreements must be U.S. citizens as defined by Section 2 of the Shipping Act of 1916. Foreign companies or companies that are "documented citizens" —those with less than 100% American ownership— are prohibited from being MSP participants. This requirement is in the statute to ensure that the availability of a U.S.-flag commercial fleet to meet the nation's national security needs would never be in doubt. Hence APL's U.S.-flag vessels are operated by American Ship Management which has MSP operating agreements with the Maritime Administration. The same applies to Maersk Sealand. Its U.S.-flag vessels in MSP are operated by United States Ship Management, a U.S.-citizen company.

The SUP and MFOW have been informed by reliable sources that Copenhagen-based Maersk, and APL, owned by Singapore-based Neptune Orient Lines, are lobbying in Washington to have the MSP citizenship requirement modified so that they can operate MSP vessels directly or through "documented citizen" operators.

If this proposal were to actually pass Congress and be signed into law by the President, it would seriously weaken the intent of the Act to provide for a fleet of U.S.-flag vessels, crewed by U.S.-citizens in the international trades. If the Act were to be effectively crippled, there would be little motivation for Congress to re-authorize the legislation when it expires on September 30, 2005. If the Act is not re-authorized, this nation's foreign commerce will be exclusively carried in foreign-flag ships, with U.S.-citizen/sailors sitting on the beach. Will keep a weather-eye on this maneuver.

MATSON NAVIGATION COMPANY

The unlicensed and licensed unions met with Matson on September 28, to continue discussions on the company's fleet replacement proposal reported for the past two months.

In attendance for the Unions were MFOW President Whitey Disley; SIU-A&G/NMU West Coast Vice President Nick Marrone; MM&P Pacific Coast Vice President Don Marcus; MEBA Executive Vice President Bud Jacque; ARA West Coast Representative Carl Young; SUP Vice President Dave Connolly and your secretary. Matson was represented by Captain Jack Sullivan, Director of Vessel Operations and Offshore Labor Relations and Tom Percival, Senior Manager Labor Relations and Vessel Operations.

Matson's position was essentially the same taken in previous meetings: that in order for the company to commit to purchasing new vessels, including two under construction at Kvaerner Philadelphia Shipyard, the Unions would have to make concessions in the form of

an 11.7% reduction in total costs of combined wages by job. The proposal includes the elimination of the radio operator's job.

The company reiterated that operating costs needed to be cut to justify the return on the investment to Alexander & Baldwin's stockholders.

Sullivan stated that if the two Kvaerner diesel-powered ships were purchased, two C-8 type vessels would probably be sold for scrap, with the third being held in reserve idle status. He added that the C-8's which Matson bought from APL several years ago — *Chief Gadao* (ex-President Grant, ex-Golden Bear, Ewa (ex-President Tyler, ex-Japan Bear) and *Lihue* (ex-President Hoover, ex-Thomas E. Cuffe)— were built in 1971 are costly to operate and maintain and are near the end of their useful lifespan.

The Kvaerner ships on the other hand would have a smaller crew, reduced maintenance and repair costs and would be more fuel efficient. If these vessels were purchased, they would likely go into service in the later part of 2003 or early 2004.

In addition to the Kvaerner ships, Sullivan disclosed that Matson had solicited bids from five shipyards to construct four vessels designed by Matson. He added that the company was "highly unlikely to build at this time," but given the overall age of the fleet, a vessel replacement program would have to commence at some point in time.

It should be noted that, the *Pacific Maritime Magazine* in its September issue published an article stating that, "Matson Navigation is inviting tenders from domestic shipyards for the construction of two 2,500 teu "open hatch" container ships. The new vessels will be 771 feet long, with a 108-foot Panamax beam, and will have a service speed of around 22.5 knots. The bids, to include options for a further two vessels, are expected during September, with a firm order placed by the middle of next year."

Although some of the Unions present indicated they might be willing to make concessions, the SUP and MFOW made no commitments as it is our belief that there is no compelling reason to do so. Anticipate further meetings on Matson's proposal.

In a related matter, Sullivan indicated that due to the world-wide economic slowdown which has hit Hawaii particularly hard, there is a distinct possibility that the island service could be reduced by one or two vessels.

FOREIGN VOYAGES: SIGN-ON, PAY-OFF

It has come to the attention of the SUP and MFOW that ASM and Matson vessels in the foreign trades are not following the law and past practice regarding sign-on and pay-off.

For the information of the membership, foreign articles are broken upon arrival at the first port in the continental United States which is normally the pay-off port if the vessel arrives at Seattle, Oakland or Los Angeles.

For example, when a Matson C-9 or ASM C-10/J-10 arrives from a foreign voyage at Terminal Island, the articles are broken and the pay-off shall occur in port as per Section 8 of the General Rules. Crew members shall not pay off at sea prior to arrival or sign foreign articles for the next voyage. Under the current schedule, the C-9's, C-10's, and J-10's, make a coastwise voyage from Los Angeles to Oakland. Foreign articles shall be signed by crew members prior to departing Oakland.

The same procedure applies to ASM C-11's arriving from a foreign voyage to Seattle. Articles are broken upon arrival and the vessel is paid off in port. During the transit from Seattle to Los Angeles, the vessel is on coastwise articles. Foreign articles shall be signed by crew members prior to departing Los Angeles.

All hands are directed to comply with this procedure.

DOT DRUG AND ALCOHOL BACKGROUND CHECKS

As reported for the last two months, the Department

of Transportation has implemented a draconian and invasive new rule which mandates that an employer obtain a seamen's written consent so that the employer can request information regarding drug and alcohol from previous employers who have hired the mariner in the previous two years.

All of organized maritime labor and most employers are opposed to this measure.

In late September, representative Frank LoBiondo (R-NJ), chairman of the House Transportation and Infrastructure Committee's Coast Guard and Marine Transportation Sub-Committee indicated he is pursuing an exemption for mariner background checks by suspending 49 CFR Part 40.25 and reverting to existing U.S. Coast Guard rules.

The SUP and MFOW have gone on record stating that we will not comply until this issue is finally resolved.

Will keep the membership informed on further developments on this issue.

IRS RULES ON PROPOSED PENSIONER BENEFIT

After almost a year reviewing the proposal to convert the \$13 million derived from the sale of the parking lot adjacent to Headquarters into a housing benefit for eligible pensioners, the Internal Revenue Service issued a negative ruling on September 21.

In a letter to the SUP Welfare Plan, Terrell M. Berkovsky IRS Manager, Exempt Organization Technical Group 2, stated that the benefit proposed is not legal under the IRS Code and would jeopardize the Plan's tax exempt status.

Mr. Berkovsky's letter specifically states that the proposed benefit (initiated by then Vice President and Welfare Plan Trustee Duane Hewitt and your secretary in 1998, prior to the sale of the lot) is not legal as the Code "does not include any benefit that is similar to a pension or annuity payable at the time of mandatory or voluntary retirement."

For the membership's information, the denial letter follows:

September 21, 2001 — Washington, D.C.

Employer Identification Number: 94-1243666

Dear Sir or Madam:

This is in reply to your letter of December 12, 2000, concerning whether the provision of housing assistance in the form of monthly supplements to your retired members will adversely affect your tax exempt status as an organization described in section 501(c)(9) of the Internal Revenue Code.

You have been recognized as exempt from federal income tax as an organization described in section 501(c)(9) of the Internal Revenue Code.

You were established by the Sailors' Union of the Pacific and the Pacific Maritime Association pursuant to a collective bargaining agreement. You currently provide various welfare benefits to your members and their dependents. The benefits you provide include "maintenance and care when they [the members] are, by reason of age or other infirmity, no longer able to maintain themselves; and a suitable place to stay when they are away from their home port..." The information you have submitted indicates that when you adopted the agreement you contemplated building, purchasing, leasing or otherwise acquiring a building or buildings to be maintained for the described purposes. You were able to provide housing for your members in certain areas. However, because of the cost of establishing such a site you were unable to provide these benefits to your members in the San Francisco area.

You now propose to provide a new benefit, a monthly housing supplement which is to be paid in cash. This benefit is to be available to all members who are currently receiving a regular pension, all members who are receiving a mandatory deferred vested pension; all members who are receiving a Chevron pension and who were dues paying members when employed; and all future retirees who are not active members and who qualify under a five-year vesting rule as of the end of fiscal

President's Report continued

year 1999 (July 21, 2000). You have represented that section 302(c) of the Labor Management Relations Act of 1947, 61 Stat. 136, as amended, 29 U.S.C. 188(c) (11979), permits collective bargaining over the establishment of a trust fund to provide financial assistance for employee housing. (Hereinafter this statute shall be referred to as the LMRA.)

You have requested a ruling on whether the provision of housing assistance in the form of monthly housing supplements to retired members will jeopardize your status as an organization described in section 501(c)(9) of the Code.

Section 501(c)(9) of the Code provides for the exemption from federal income tax of voluntary employees' beneficiary associations providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents or designated beneficiaries if no part of the net earnings of such association inures (other than through such payments) to the benefit of any private shareholder or individual.

Section 1.501(c)(9)-3(a) of the Income Tax Regulations provides in part that a voluntary employees' beneficiary association is not operated for the purpose of providing life, sick, accident, or other benefits unless substantially all of its operations are in furtherance of the provision of such benefits. Furthermore, an organization is not described in this section if it systematically and knowingly provides benefits (of more than a de minimis amount) that are not permitted benefits under of this section of the Code.

Section 1.501(c)(9)-3(b) of the regulations in discussing the term life benefits provides that the term 'life benefit' does not include a pension, annuity or similar benefit, except that a benefit payable by reason of the death of an insured may be settled in the form of an annuity to the beneficiary in lieu of a lump-sum death benefit (whether or not the contract provides for settlement in a lump sum).

Section 1.501(c)(9)-3(d) of the regulations in discussing the term other benefits states that the term 'other benefits' includes only benefits that are similar to life, sick, or accident benefits. A benefit is similar to a life, sick, or accident benefit if: (1) It is intended to safeguard or improve the health of a member or a member's dependents, or (2) It protects against a contingency that interrupts or impairs a member's earning power.

Section 1.501(c)(9)-3(e) of the regulations in discussing the term "other benefits" provides that "[e]xcept to the extent otherwise provided in these regulations, as amended from time to time, 'other benefits' also include any benefit provided in the manner permitted by paragraphs (5) et seq. of section 302(c) of the LMRA. [In 1990 this provision was amended to authorize parties engaged in collective bargaining to bargain over the establishment and administration of trust funds to provide financial assistance for employee housing.]

Section 1.501(c)(9)-3(f) of the regulations provides that the term 'other benefits' does not include the payment of commuting expenses, such as bridge tolls or train fares, the provision of accident or homeowner's insurance benefits for damage to property, the provision of malpractice insurance, or the provision of loans to members except in times of distress (as permitted by Sec. 1.501(c)(9)-3(e)). 'Other benefits' also do not include the provision of savings facilities for members. The term 'other benefits' does not include any benefit that is similar to a pension or annuity payable at the time of mandatory or voluntary retirement, or a benefit that is similar to the benefit provided under a stock bonus or profit-sharing plan. For purposes of section 501(c)(9) and these regulations, a benefit will be considered similar to that provided under a pension, annuity, stock bonus or profit-sharing plan if it provides for deferred compensation that becomes payable by reason of the passage of time, rather than as the result of an unanticipated event. Thus, for example, supplemental unemployment benefits, which generally become payable by reason of unanticipated layoff, are not, for purposes of these regulations, considered similar to the benefit provided under a pension, annuity, stock bonus or profit-sharing plan.

The information you have submitted establishes that you intend to provide this monthly housing stipend only to your retired members. You have represented that a housing stipend is a benefit permitted by paragraphs (5) et seq. of section 302(c) of the LMRA. See section

1.501(c)(9)-3(e) of the Code which indicates that unless otherwise precluded by section 501(c)(9) the term "other benefits" includes benefits permitted by the LMRA.

Generally, the term "other benefit" when used in section 501(c)(9) of the Code refers to benefits which are intended to safeguard or improve the health of a member or protect against a contingency that interrupts or impairs a member's earning power. See section 1.501(c)(9)-3(d) of the regulations. It specifically precludes pensions, annuities or similar benefits. See section 1.501(c)(9)-3(b) of the regulations. The regulations emphasize that any benefit that becomes payable by reason of the passage of time, rather than as the result of an unanticipated event is not a permissible section 501(c)(9) benefit.

Your proposed housing stipend is a cash benefit that could be used for any purpose. It is not restricted to housing. It is available to all members regardless of their housing needs. Accordingly, it is similar in nature to a pension or deferred compensation plan and is not a permissible section 501(c)(9) benefit. Furthermore, because it is only available to retired members it is not provided by virtue of a contingency that interrupts earning power. It also is not targeted to safeguarding or improving the health of members or their dependents. Consequently, the term "other benefits" does not include the proposed supplemental housing benefit.

Accordingly, we have concluded that providing a housing stipend, as more than a de minimis part of your program, will jeopardize your status as an organization described in section 501(c)(9) of the Code.

Sincerely yours,

Terrell M. Berkovsky Manager

Exempt Organizations Technical Group 2

Although the SUP Welfare Plan will regrettably not be able to pay a "housing benefit" to pensioners, it is legally permissible to use the funds available to significantly increase the annual pensioner medical allowance and possibly include dependents.

Union trustees Dave Connolly and your secretary in conjunction with Duane Hewitt and the attorneys will review this option to gain approval from the employer trustees. It is our belief that although this will not be a monthly cash payment as originally envisioned, it will still be money that pensioners can use to substantially defray medical costs.

Will keep the membership informed.

CHEVRON SHIPPING COMPANY

This month Chevron announced its Profit Sharing/Savings Plan results for the third quarter of 2001. For every dollar a participant contributed to Profit Sharing, the company matched with \$8.63. Chevron's match was comprised of the following:

1) A participant received an allocation of Chevron stock equal to \$7.63 to a participant's Contingent Account for each dollar contributed to the Profit Sharing Member Account; and

2) A participant also received an allocation of Chevron stock equal to \$1.00 to a participant's Saving Plus Account for each dollar that contributed by a participant to the Profit Sharing Member Account.

For those SUP members participating in the Plan, Chevron's match equaled 17.26% of base wages for the third quarter.

In order to participate in the Profit Sharing/Savings Plan, one must be employed by Chevron for a year and contribute a minimum of 2% to his or her Chevron 401(k) Plan.

Participation by SUP members employed by Chevron Shipping in the Profit Sharing/Savings Plan was achieved in bargaining in 1998 and is a benefit unequalled in the maritime industry.

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As has been anticipated for some time, Chevron notified the Union last month that the *Chevron Mississippi* will go out-of-service in December due to the fact that she is a single-hull tanker and will shortly reach her drop-dead date under the provisions of the Oil Pollution Act of 1990.

Accordingly, met with Jim DeCruz, manager of the company's U.S. manning office, on September 13, to

bargain the effects of the loss of this vessel on members employed by Chevron.

Although only a few unlicensed personnel will be affected, signed a Memorandum of Understanding, subject to membership approval, which provides for severance.

The severance has two parts: an involuntary severance plan and a demotion or transfer severance plan.

Involuntary Severance Plan

The Involuntary Severance Program benefit would be paid to all surplus regular full-time SUP-represented employees who meet all the following conditions:

- Are an active employee (or on Short-Term Disability) on October 1, 2001 and has at least one year of continuous service with the Company; and
- Are notified in writing by Chevron that they are eligible; and
- Are terminated by Chevron on a date to be determined by the Company, but no later than March 31, 2002.

Formula: Two (2) weeks of base pay for every year of continuous service with the Company. A minimum of eight (8) weeks and a maximum of seventy (70) weeks of base pay apply.

Demotion or Transfer Severance Plan

The Demotion or Transfer Severance Program benefit would be paid to all surplus regular full-time SUP-represented employees who meet all the following conditions:

- Are an active employee (or on Short-Term disability) on October 1, 2001 and has at least one year of continuous service with the Company; and
- Are notified in writing by Chevron that they are eligible; and
- Are terminated by Chevron on a date to be determined by the Company, but no later than March 31, 2002.

Formula: Two (2) weeks of base pay for every year of continuous service with the Company. A minimum of eight (8) weeks and a maximum of seventy (70) weeks of base pay apply.

While severance will not mitigate the loss of the *Mississippi* and the work she provided, Chevron must be given credit for the terms of the severance plans.

Recommend membership ratification of the Memorandum of Understanding.

SAN FRANCISCO BAR PILOTS

Met with Captain Peter McIsaac, Port Agent of the San Francisco Bar Pilots, on October 1, regarding annual training for members employed by the Pilots for over six months in the use of portable defibrillators and CPR. The defibrillator training takes four hours as per State law, while CPR training is two hours.

The Pilots propose that Station Boat crews begin training at 6:00 A.M. on a change day, delaying departure for the Pilot station until noon. Crews will be paid at the overtime rate for the actual hours in training, with the exception of the on-watch operator and cook who normally turn-to at 10:00 A.M. on straight time.

The Run Boat crews and the Dispatchers will take the training on their time off and will be paid eight hours at the overtime rate. The dock bosun will train during his regularly scheduled work week.

Agreed to this proposal, pending membership ratification.

BUILDING CORPORATION

The SUP Building Corporation met at Headquarters on October 1 with all Trustees present except for Norman Christianson who was at sea.

Since the last Trustee meeting in August, Systems XIX notified the Building Corporation on September 26, that it intends to vacate the space it rents at Headquarters by November 15, which means a loss of approximately \$100,000 per year in revenue.

Frank Conway of the law firm of Lynch, Gilardi & Grummer gave an overview to the Trustees of pending legal matters:

Continued on next page

President's Report continued

The trial in the Lawson v. SUP Building Corporation (see the February, March, April, July and September issues of the *West Coast Sailors*) matter is presently set for March 4, 2002. A settlement conference is set for November 15, 2001. The June 2001 mediation was continued to give the parties more time to investigate the feasibility and cost of third floor access alternatives (installation of Article 15 elevator vs. converting the existing hoist to a vertical wheelchair lift). To date, no second mediation date has been set. We anticipate that the vacancy of Systems XIX may accelerate settlement discussions and/or pre-trial discovery in this case.

Systems XIX's departure raises the argument that the building no longer contains a "public accommodation" to which handicapped access is required, so that Mr. Lawson's claims for injunctive relief and attorneys' fees are moot. This argument, however, may be complicated by the Building Corporation's control over the timing of any replacement tenant and by Mr. Lawson's remaining personal injury claim, the Trustees agreed that further research into the strength of this argument is appropriate.

As to the availability of a replacement tenant for the third floor, it appears at the present time that the San Francisco commercial real estate market has softened considerably. No prospective tenants have been identified. The Building Corporation's realtor, Tony Crossly of Colliers International, by direction of the Trustees, will continue to solicit prospective tenants.

With respect to insurance coverage, Systems XIX's carrier, Terra Nova Insurance Company, has finally agreed to defend the Building Corporation and promised reimbursement of the Building Corporation's past defense costs which currently are in excess of \$80,000.

Terra Nova also filed a declaratory relief action seeking a court order that it has no duty under its policy to defend or indemnify the Building Corporation and Systems XIX against any liability in this case. No trial date is set in the Terra Nova Insurance Company matter. The Building Corporation has answered Terra Nova's complaint, and filed a counterclaim against Terra Nova for bad faith in refusing (from November 2000 to August 2001) to defend the Corporation from claims of physical injury, despite its decision to defend Systems XIX from the same claims.

The Building Corporation also directed Mr. Conway to file a bad faith action against its primary insurance carrier, Ulico Casualty Company, which continues to deny the Building Corporation a defense and any coverage in this case. We have learned informally that Ulico may participate in upcoming settlement discussions and contribute toward any settlement, although it continues to deny coverage in this matter.

With respect to the hoist attached to the building, Systems XIX has offered to sell it to the Building Corporation for \$50,000. Otherwise, Systems XIX intends to remove the hoist upon departure, which it appears legally entitled to do. The Trustees are currently evaluating this offer.

It appears that Systems XIX may have caused damage, beyond ordinary wear and tear, to certain areas of the building, including the roof membrane and third floor and basement bathrooms. The Building Corporation has retained a contractor to perform a thorough inspection of all areas of the building occupied by Systems XIX for the purpose of documenting and estimating the repair cost of any damage.

SUP ELECTION

As per Article XII of the SUP Constitution, all members nominated for elective office at the September coastwise meetings and who desire to become candidates for the 2002-2004 term of office shall have their acceptance in the office of the Committee on Candidates at Headquarters (450 Harrison Street, San Francisco, CA 94105) prior to midnight, October 14, 2001.

The acceptance shall be by letter which shall be dated and shall contain the following: (a) The name of the candidate; (b) His/her home address and mailing address; (c) His/her membership number; and (d) The title of the office or other position sought, including the name of the Port in the event the position sought is that of Branch Agent or Business Agent.

No one may be a candidate for more than one office with the exception of the position of Trustee of the SUP Building Corporation, and delegate to the SIUNA Convention.

Nominees who shall fail to comply herein with shall be regarded as having declined the nomination.

The Committee on Candidates/Election Committee will turn-to at Headquarters at 9:00 A.M., Monday, October 15, to verify the eligibility of the candidates, select and recommend for membership approval an Impartial Balloting Agent and otherwise prepare the ballot. The Committee's report will be acted upon at the November coastwise meetings.

Candidates for office may request and require the Union to distribute campaign literature at the candidate's request, provided that the candidate makes such request at least five working days prior to the intended date of mailing and/or distribution and provided that the candidate pay the actual cost of mailing and/or distribution at the time of each request. The cost of mailing and/or distribution shall be at the hourly rate of Office and Professional Employees International Union (OPEIU) Local 3. Campaign literature that the candidate requests to be mailed must be ready for mailing: stamped; envelopes stuffed and sealed; or flyers stamped, folded, and sealed.

Candidates for office are entitled to submit a photograph and a statement of 100 words or less regarding Union issues for publication in a special election supplement to the *West Coast Sailors* that will be published in November. The statements and photos should be sent to the editor of the *West Coast Sailors* prior to November 7, for inclusion in the election supplement.

Each candidate may also post campaign material on a bulletin board to be set up in each SUP hall for that purpose. The candidate shall be allotted space for one legal-size page (8½" x 14") on a first-come, first-served basis.

The secret mail ballot election of officers for the 2002-2004 term and referenda on proposed Constitution Amendments and Shipping Rule changes will begin on December 1, 2001 and end on January 31, 2002.

CALIFORNIA LABOR FEDERATION

The California Labor Federation's Pre-Primary Election will be held on November 28, in Los Angeles at the Wilshire Grand Hotel.

Delegates to the convention will endorse candidates for the United States House of Representatives, Governor, Lieutenant Governor, Secretary of State, State Controller, State Treasurer, State Attorney General, Superintendent of Public Instruction, State Insurance Commissioner, the State Board of Equalization, the State Senate, the State Assembly and endorse positions on statewide ballot propositions, for the statewide primary election on March 5, 2002.

The SUP is entitled to six delegates to the convention. Recommend that Vice President Dave Connolly, Wilmington Branch Agent Mark Hurley, your secretary and three rank-and-file members elected at the October Wilmington meeting serve as delegates.

TRAINING

STCW

All hands are reminded that the deadline for full compliance with the amended international STCW (Standards of Training, Certification and Watchkeeping) convention is three-and-one-half months away.

In order to continue sailing after February 1, 2002, you must have an STCW 95 certificate.

Members who do not hold an STCW 95 certificate should enroll in one of the training sessions scheduled for this year. A complete schedule for the five-day training course will be printed in this month's *West Coast Sailors*.

Applications to attend STCW 95 classes at the SUP/Training Resources Ltd. site in San Diego are available at every SUP hall, the SUP Welfare Plan, and on the internet at www.sailors.org.

There is no cost to any SUP member who takes this necessary training: just his or her time. Tuition, transportation, lodging and subsistence expenses are borne by the SUP Welfare Plan's Training Fund. The reimbursement policy will be published in the July issue of the *West Coast Sailors*.

LMSR

Members interested in working the Large Medium Speed Roll-On/Roll-Off (LMSR) vessels operated by

Patriot Contract Services for the Military Sealift Command must take the 11-day, MSC-required training at the SUP Training Resources Ltd. site in San Diego. Those contemplating taking this training should be physically fit and have a clean record (no felonies or misdemeanor convictions for domestic violence). In addition, members desiring to take the training are required to first sign a letter of commitment agreeing to serve in these vessels for a period of at least two, four-month assignments, and/or if service is requested by the Union in order to fulfill our contractual obligations. This training is costly and will not be wasted on those who are not committed. It should also be noted that members dispatched to LMSRs are expected to complete their assignments (of at least four and up to six months).

Applications for LMSR training are available at every SUP hall and the SUP Welfare Plan. All questions regarding individual eligibility should be referred to Rich Reed, Welfare Plan Representative, or Dave Connolly, Vice-President.

QUARTERLY FINANCE COMMITTEE

In accordance with Article XVII, Section 2 of the SUP Constitution, a Quarterly Finance Committee shall be elected at today's Headquarters meeting to review the finances of the Union for the third quarter of 2001, and report back to the membership at the November coastwise meetings. In the event the committee cannot be filled today, recommend that when the quarterly audit of the Unions funds is completed, which will be in about three weeks, necessary committee members be shipped off the hiring hall deck as per past practice.

The Quarterly Finance Committee will meet at Headquarters at 9:00 A.M. on November 9.

VETERAN'S DAY

Since Veterans' Day is on a Sunday this year, it will be observed on Monday, November 12. All SUP halls will be closed and the Headquarters' meeting will be on Tuesday, November 13.

ACTION TAKEN

M/S to accept Chevron Severance Plan. Carried unanimously.

M/S to accept San Francisco Bar Pilot training proposal. Carried unanimously.

M/S to accept the President's recommendation for delegates to the California Labor Federation Convention. Carried unanimously.

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

Quarterly Finance Committee: Paul Fuentes, Dan Gonzales, Louie Frazier, Paul Calais, and Art Thanash.

Gunnar Lundeberg

Nancy Pelosi wins House Whip job

Representative Nancy Pelosi (D-San Francisco) on October 10, was elected by her fellow Democrats as House Whip, second in rank only to Minority Leader Richard Gephardt (D-MO). In fact, Pelosi becomes the country's highest-ranking woman ever in National elective office. Pelosi defeated Representative Steny Hoyer (D-MD) by a vote of 118 to 95.

The Whip's job is not only chief vote-counter for the Democratic caucus, but also as an organizer, fundraiser and campaigner. Pelosi said she will focus on "showcasing" the ideas percolating in the party and indicated that her top priority will be to give "many more Members" the opportunity to have their voices heard.

Commenting on the election, SUP President Gunnar Lundeberg said that "Nancy Pelosi is a longtime friend of the Sailors' Union and her election as Whip will be a plus."

Pelosi will succeed current Whip David Bonior (D-MI) on January 15. Bonior is running for Governor of Michigan.

Letter to the Editor

Dear Editor:

This poem is dedicated to the memory of the thousands of people who lost their lives in the Towers, in the planes, and the Pentagon. To their families, and friends, May God shed his love, and light to guide, comfort, and direct you. A special heartfelt thanks to my blue collar union brothers in the fire and police departments, doctors, nurses, steelworkers, and any and all volunteers, for the courage and sacrifice they showed before, during, and after this despicable act of hatred.

Like the phoenix from myth, we will rise from the ashes resplendent and stronger than before; One country under God, Indivisible, with Liberty, and Justice for All.

God Bless America.

J K Russell #3179
September 18, 2001

America

If you listen you can hear it
As it sweeps across the land
The sound of distant thunder
From heaven's marching band

From this nation fierce in battle
From it's enemies and foes
A true respect and trust
Of the victors might did grow

It's an army on the move once more
Dressed in crimson, white and blue
Each one has been instructed
They know just what to do

For in victory came kindness
Came the helping bother's hand
To spread the news that we had come
To lead the brotherhood of man

They've been given their assignments
Been trained for eons since
They are God's immortal soldiers
From God's special regiment

If you listen you can hear it
As it sweeps across the land
The sound of distant thunder
From heaven's marching band

From the mountains and the valleys
From across the fruited plains
From the farmers and the workers
Heavy burdened heavy strained

They are gathering down by the river
God's immortal regiment
The winds of change are coming
They are from heaven sent

In this land of milk and honey
In this melting pot of poor
Came the men of many nations
Taste of freedom was the lure

You can hear the distant thunder
As they march across the land
In this land they call America
In this land, this promise land

Passenger Vessel Services Act exemption opposed by Congressman

Representative Robert Borski (D-PA) last month delivered strong remarks on the House floor in opposition to amend the Passenger Vessel Services Act of 1886 by designating Panama as a "distant" foreign port of call. Such designation would allow foreign-flag vessels to carry passengers from one U.S. port to another, provided only that the vessels stop in Panama enroute.

Borski stated that, "Under the existing PVSA, vessels making U.S. point-to-point services must be owned, built, flagged and manned in the United States.

"This statute has served our country well over a century, ensuring a vibrant domestic passenger vessel industry that creates and preserves jobs in the United States.

"Designating Panama as a distant foreign port would create no U.S. jobs, generate no economic benefits for the U.S., and result in no new business for U.S.-

flag cruise vessels.

"Only foreign-flag —which pay no U.S. corporate income taxes, operate largely outside of U.S. laws, and employ foreign labor— would benefit from this misguided proposal.

"Such an act would also create a dangerous precedent that could have even graver implications for U.S. cargo transportation governed by the Jones Act."

SUP Member Joins Pension Ranks

One SUP member has joined the ranks of pensioners, bringing the total number of SUP members now receiving a pension to 1,042:

Martin L. Birdsell, 65, Book No. 5712, joined SUP in 1967, 15 years of seetime.

Vice President's Report

October 2001

Meal beef squared-away in LMSRs

The Union secured a major improvement in the LMSRs during the first week of October. After a series of e-mails and letters, protesting the Patriot's refusal to pay for the broken meal hour in addition to the time worked, it was finally agreed to settle the issue according to the dictates of Section 41 of the American Ship Management Offshore Agreement. The company is allowed to shift the meal hour without penalty so long as such shift adheres to the times laid out in Section 41.

Grassroots political action pays off in California

The first increase to California Unemployment Insurance was signed into law by Governor Gray Davis this month. Starting January 1, the weekly benefit will rise to \$330 from the current \$230. The benefit will increase each year up to \$450 in 2005.

The SUP worked hard to insure this victory. Members signed and returned hundreds of cards in support of the legislation. On two occasions, I discussed the importance of Unemployment Insurance for our members with lawmakers in Sacramento. In the final days, as the bill sat on the governor's desk, we made dozens of phone calls both from within the Union and through the Labor Councils. The Governor was informed that labor's support for his reelection bid would not come without his signature on that bill. Although the amount is still too low, this is an important increase to the bottom line for SUP members working for California employers.

Basic Safety Training renewal

As a follow-up to President Lundeborg's report last month, the Coast Guard has ruled that Basic Safety Training will be considered a one-time requirement for those who have one year of sea service in the five years prior to the expiration of your present STCW. This is the first ruling in favor of those who work on deck since the STCW 95 amendments were made to the original 1978 Convention. It is due in part to the combined efforts of the SUP, the IBU, and the MFOU, who jointly produced a series of proposals and recommendations that include shipboard renewal of BST. We delivered those arguments to the Coast Guard, presented and defended them at the STCW Interpretation Conference at MITAGS, in Baltimore in August, and emerged victorious. By removing a layer of red tape, this ruling will make it easier for sailors to continue to go to sea for a living. The development is also emerging because it proves efficacy of our participation and argues powerfully for our continued involvement in the rulemaking process.

East Coast trip

Accordingly, I attended the Ship Operation's Cooperative Project (SOCP) meeting in Norfolk, Virginia, on October 16 and 17, to further press for meaningful reform to make maritime law a help rather than a hinderance to the unlicensed seaman of the U.S. Merchant Marine. Will report further on the SOCP meeting in November. While in Norfolk, I made the *USNS Gilliland*, *USNS Gordon*, *USNS Yano*, and *USNS Mendonca*, with Norfolk Representative Jack Stasko. All in good shape with minor clarifications. Also made the *USNS Pillilau* in Savannah, Georgia, upon her return from Europe. Squared away all beefs to the gang's satisfaction.

Dave Connolly

California unemployment benefits to increase; workers' compensation bill vetoed

California Governor Gray Davis prompted by a massive lobbying effort by organized labor this month finally signed into law a bill that will increase state unemployment benefits for the first time in nine years. California currently ranks 48th.

Senate Bill 40 by Senator Richard Alacon (D-San Fernando Valley) will increase benefits to \$330 a week from the current \$230 on January 1, 2002. Benefits will go up each year, reaching \$450 in 2005.

"It's a victory for working Californians," said Art Pulaski, Executive Secretary-Treasurer of the California Labor Federation, AFL-CIO, which sponsored the bill and pressed the governor to sign it.

However, Governor Davis vetoed a bill (SB 71), also sponsored by labor by Senate President Pro Tem John Burton (D-San Francisco) to increase workers' compensation benefits.

"After 16 years of Republican governors, it is shameful for a Democratic governor to veto a benefit increase that would still leave California far below the national average in workers' compensation benefits," Burton said.

The veto of Burton's SB 71 marks the third time Davis has vetoed workers' compensation benefit increases. Benefits for

the majority of workplace injuries have not been increased since 1982.

"The percent of payroll employers pay in workers' compensation premiums is almost half of what it was in 1990," Burton said. "Even with the benefit increase proposed in SB 71, the percentage would still be substantially lower than what it was."

Burton noted that in addition to the \$4 billion employers have already saved since workers' compensation reform legislation in 1993, SB 71 and its companion bill AB 1176 included \$1.5-\$1.7 billion in annual cost savings for employers. With those savings, the benefit increases in SB 71 would have resulted in only a one-cent per hour per employee cost to business.

"I would hope that union officials throughout the state and nation would make it clear to the Governor how upset they are with this heartless, senseless veto of such a modest increase in workers' compensation benefits, the majority of which have not been increased for 20 years," Burton said. "I believe now the only way injured workers in this state will be able to get a benefit increase over the opposition of the employers, who seem to have the Governor's ear, is to put an initiative on the statewide ballot and pass it."

Record of SUP Shipping September 2001

	Hdqs.....	Seattle	Wilm	Hono	Total
Bosun	3	3	7	0	13
A.B. Dayworker .	0	0	7	0	7
A.B .	35	8	16	5	64
O.S.	2	2	1	1	6
Standby	37	34	95	29	195
Oiler	0	1	0	0	1
TOTALS	77	48	126	35	286

SUP Branch Reports

San Francisco Business Agent

October 9, 2001

Chief Gadao - Charles Duke, delegate: No beefs.

Kauai - Rich Cahill, delegate: Routine.

Mahimahi - Tony Montoya, delegate: Finally collected the washdown money from three trips ago. This vessel scheduled to return to the Yanton shipyard to get more work done. Projected stay is one week, and the gang will remain.

Manoa - Ivar Thorbjornsen, delegate: Nothing but problems on this one. Mostly based on company mishandling the gang on and off the ship in the Chinese shipyard. Mark Hurley has requested a port committee for these and restricted to ship issues (also in China). Basically its for Matson to take responsibility for their conduct in seeking out the most oppressive shipyard in the Pacific to have their work done while our shipyards here in the United States are forced to subsist on Navy contracts. Ship's officers who stayed aboard reported gross pollution and miserable working conditions, as well as the fact that the work was poorly performed and at least some of the vessels will have to return to the yard to get the work done properly.

Matsonia - Paul Barbour, delegate: Best ride on the Coast.

Maui - Chuck Maringer, delegate: No contractual problems.

Mokihana - Miguel Palacio, delegate: Vessel in the yard in Shanghai. Repatriation of crew took place during the middle of September, and there were a lot of problems and associated claims for subsistence.

Moku Pahu - Dave Frizzi, delegate: Problems with overtime in dispute will be taken care of when vessel arrives at Crockett later this month.

R.J. Pfeiffer - Duke Maringer, delegate: No problems.

San Francisco Bar Pilots - Peter Johnsson, delegate: Some adjustments are being required because of the need to ferry Sea Marshals to the incoming vessels, not to mention feeding and housing them when necessary. New delegate will be elected as Peter has gone back to sea.

Foss Maritime - Tom Tynan and Mike Worth co-delegates: No news is good news from this outfit. It seems they are busy moving oil. Not one beef all month!

Chevron Colorado - Dave McKeithen, delegate: Various issues taken up with the company and resolved to the gang's satisfaction. Vessel running to Canada for a few trips. Gang looking forward to the change.

Chevron Mississippi - Thor Erikson, delegate: Vessel's 1000th voyage was celebrated at the Rod and Gun Club.

Chevron Washington - Dave Mercer, delegate: The gang on here is standing increased security watches. The company is studying the various ramifications, such as safe cargo operations, and sleep requirements. Good gang and smooth operation with Kim Hoogendam, bosun.

Chevron Dock - Rick Wilson in charge: When Chevron sailors work on the dock, it's at the overtime rate. This is a benefit to Rick as he gets experienced and savvy people, and the sailors get the wages. John Svane and Robert Reed both recently did a stint at the Long Wharf.

Ready Reserve Fleet-Alameda - Danny Foster, delegate: Shipped ten extra watchstanders to these ships to increase security, otherwise routine.

ASM Shore Gang - No problems: Norman Kwak, delegate.

President Adams - Bert Genita, delegate: No beefs. Tom O'Dell showed me his SIU-PD (pension) letter; claims he's going to retire next year.

President Grant - Dick Stinson, delegate: Clarification on timely payment of dues. Your first obligation is for your union dues, after that you fund your 401k or your entertainment account or whatever else.

President Jackson - John Fernandez, delegate: Routine call, minor clarifications. Gang signed on for the Far East.

President Kennedy - Dave Berger, delegate: Ted Ochoa made the bosun's job down in Los Angeles. Clean pay-off gang signed on after some minor clarifications.

President Truman - Ernest Stimach, delegate: Happy ship.

President Wilson - Diane Ferrari, delegate: Gus Silva made the bosun's job down south. This must be a pretty good ride because you see the same people going back all the time.

Bill Henneberry



Seattle

September 17, 2001

Shipped the following during the period: 3 bosuns, 1 steady, 1 return and 1 relief, filled by A cards; 12 ABs filled by 3 A cards, 2 B cards, 5 C cards and 2 D cards. Also shipped 38 standby jobs filled by 8 A cards, 18 B cards, 3 C cards, 6 D cards and 3 MFOW members.

Registration for the period: 12 A cards for a total of 34, 4 B cards for a total of 23, and 7 C cards for a total of 20.

Ships checked

APL Singapore shipped a riding gang. *APL Korea*, *APL Thailand*, *APL Philippines* found with little or no trouble. *Kauai* and *Maui* in twice and running smoothly. Rigging loft has been busy in preparation for the spray painting gangs.

Attended the Washington State Labor Council Convention in Wenatchee where along with the Washington State Building Trades and the Washington State Maritime Trades, endorsed the AFL-CIO's position on responsible oil exploration in the Arctic National Wildlife Refuge.

I also attended the King County Labor Council meeting and the Labor Day picnic, the Puget Sound Ports Council, Maritime Trades meeting.

Mayor Paul Schell was defeated in the primary election on September 18. We will be working to elect Greg Nickels for Mayor of Seattle. Both Paul Schell and Greg Nickels have been goods friends to labor.

It appears that we will be moving the union hall again as the County has purchased both sides of the street on which

we are located for expansion of the Metro Bus yard. Mike Carr and I will attempt to locate to facilities with both bus service and ground floor access. All suggestions are welcome.

Vince O'Halloran, Branch Agent

Wilmington

September 17, 2001

Shipped the following for the period: 6 bosuns, 18 ABs, 8 AB Maint., and 107 standbys for a total of 139 shipped.

Registration stands and 45 A cards, 27 B cards, 12 C cards, and 6 D cards.

Ships checked

President Jackson, Lihue, Mokihana, Lurline, President Kennedy, Mahimahi, Ewa, APL Singapore, Chevron Washington, Manulani, President Adams, R.J. Pfeiffer, APL Korea, President Polk, President Wilson, APL Thailand.

On August 20, I attended two meetings—the Veterans' Memorial meeting and the Los Angeles County Federation of Labor. At the Harbor Labor Coalition meeting held August 30, final logistical details were worked out for the upcoming Labor Day parade. The parade was on September 3, was a huge success as there was a good turnout and many unions were represented. John Sweeney, the President of the AFL-CIO gave the keynote address at Banning Park to rally support for the Charleston 5 and stop Fast Track legislation.

The Wilmington Branch extends its condolences to all affected by the tragedy that occurred on September 11. Gunnar wants all of us to be on alert for LMSR and RRF activation. Already several members have indicated that they will crew these ships to do their part of our country.

On Friday, September 14, I went to a MTD meeting and read a letter from the Maritime Unions to President Bush offering continued support.

Recently some of our members' Z cards expired, which cost them their jobs. Check your dates, Get your STCW 95. The deadline is approaching. FYI: The Coast Guard Exam Center has moved off base to the seventh floor of the Federal Building in Long Beach.

Mark Hurley, Branch Agent

Honolulu

September 17, 2001

During the month of August, shipped the following: 1 bosun, 7 ABs, 1 AB return, and 1 OS, filled by 6 A members and 4 B members. Also shipped 21 standby jobs, filled by 2 A members, 11 B members, 6 C members and 2 registrants.

During the month of August registered 4 A members, 7 B members, 1 C member and 4 D registrants. To this date, 6 A members, 9 B members, 9 C members and 10 D registrants, are registered, for a total of 32.

Ships checked

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

September Hawaii Port Council meeting was cancelled, due to the tragic East Coast terrorism incidents.

Matson terminal chassis operations are starting to click and the ships are depart-

ing on time, although there are some minor delays due to increased port security procedures.

Hawaii tourism has taken a nose-dive and the state economy is looking bleak with many cutbacks and layoffs to unionized workers.

Mike Duvall, Branch Agent

Norfolk Office

September 2001

Shipped 3 ABs and 1 OS, filled by 3 Cs and 1 D.

Registered 1 A card, 2 C cards and 1 D registrant.

Ships checked

Last week I made the *Pilliuua* on arrival. Met with the whole gang. Bosun Joe Moniz Jr. and Larry Gatley, delegate, doing a fine job. Major food beef one day out of Beaumont, ran out of milk, plus many other contract items, as they carry Army troops. The company has to make sure that enough stores and extra cooks are aboard when in FOS.

Also paid off the *Mendonca* without a hitch. Joe Sombo, delegate: good job with the sheets. Bosun Izzy Idris brought in the ship in "bristol fashion". Rick Wadlow now delegate running the gang until new bosun Mark Hargus arrives. Happy gang, the ship is in MOD. ROS at CSX dock Newport News.

I made all ships in the area: *USNS Yano*, *USNS Gilliland*, *USNS Gordon*, all with top bosuns and good gangs.

Talked with bosun Earl Flynn Brown on the *USNS Fisher* and all is well. His ballpark figure for FOS for Sea Trials is the last week in September. The ship is in Baltimore. Heard from *Chevron Arizona* delegate in Fort Lauderdale, all is well. I told him I would make the ship the last week in September or first week in October, I want to make sure all Operation Bright Star ships get underway okay.

A reminder to newcomers: When leaving the ship, whether your time is up or an emergency, please leave your room clean and with a fresh set of linens, as a lot of time your relief might arrive in the middle of the night.

Jack Stasko, SUP Rep

Dispatcher's Report

Headquarters—Sept. 2001

Deck	
Bosun	3
Carpenter	0
MM	0
AB	35
OS	2
Standby	37
Total Deck Jobs Shipped	77
Total Deck B, C, D Shipped	24
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.	77
Total B, C, D Shipped-All Depts.	24
Total Registered "A"	80
Total Registered "B"	71
Total Registered "C"	7
Total Registered "D"	9