



West Coast Sailors

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583

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Friday, January 25, 2008

U.S. Jones Act attacked by World Trade Organization

Major maritime nations drilled the United States at a World Trade Organization (WTO) forum last month over the continued exemption of the Jones Act (Merchant Marine Act of 1920) from global rules.

The Japanese delegation told a session of the WTO's ruling General Council that the exemption "is a serious deviation" from the fundamental principle of the global trade oversight body. "The exemption was established by one member and has been maintained for years. We have concerns that the continuation of this exemption undermines the credibility of the WTO rules as a whole," Japan's deputy WTO representative Kuni Sato told delegates.

The Norwegian delegation also expressed frustration. "This is an important issue for Norway as the waiver in essence makes it impossible to sell ships to the United States," it said. The Jones Act which affects both shipbuilding and maritime services stipulates that the transport of cargo between U.S. ports must be carried by ships that are U.S.-built, registered, owned and crewed by U.S. citizens.

Hong Kong delegates said the continuation of the exemption more than 10 years after the establishment of the WTO "remains a systemic concern."

The European Union delegation also registered its strong objection to the exemption of the Jones Act. "The prevailing situation has negative economic consequences for the EU's shipbuilding industry by closing the U.S. market for ships, certain segments of which, for example passenger ferries, are of interest to EU shipbuilders."

In response to the barrage of criticisms, the American delegation countered that the provisions being questioned are an integral part of the global rules. It said that as long as the legislation has not been modified to reduce its conformity with the WTO norms, "the U.S. legislation remains exempt. That is the situation with respect to the U.S. legislation today. It remains in force, and its conformity with Part II of the General Agreement on Trade and Tariffs (GATT) 1994 has not decreased. This provision was agreed to by all members and is a central part of the Uruguay Round results," the U.S. stated.

The United States also responded to written questions on a host of issues submitted by Japan before of the proceedings. One raised was that the United States did not have a specific quantitative thresh-

old or criteria for shipbuilding, or maintenance capacity, for national security. Japan expressed its concerns that the absence of such criteria may allow the United States "to make arbitrary decisions and that the exemption would be permitted forever." However, the United States emphasized these are "qualitative and not quantitative assessments" made by the U.S. Department of Defense, in conjunction with the Department of Homeland Security, and other relevant security agencies.

"As the nature of the threats has changed over the years, the assessment of the level of security needed is constantly being examined and refined," the U.S. delegation responded.

SUP-contracted company awarded two Military Sealift Command vessels

Patriot Contract Services was notified by the U.S. Navy's Military Sealift Command late last month that it was successful in its bid to operate two Special Mission Ships — *USNS Hayes* and *USNS Waters*. The SUP will provide sailors for both vessels.

The *Hayes* is a 247-foot-long acoustic research ship operated for the Naval Sea Systems Command (NAVSEA). The mission of the *Hayes* is to transport, deploy and retrieve acoustic arrays, to conduct acoustic surveys in support of the Navy's submarine noise reduction program, and to perform acoustic testing. The catamaran design of the vessel provides a stable platform with a large deck. The design also permits installation of a center-line well with access to sheltered water between the hulls.

The *Hayes* was built at Seattle's Todd



USNS Hayes (T-AG 195)

Shipyards in 1969-1970, but was transferred to the Maritime Administration in 1984, and laid-up in the James River reserve fleet. After five years work in two shipyards, the *Hayes* was converted to an acoustic research ship in 1992. When underway she was a crew of 19 plus seven Navy personnel and 30 scientists.

The *USNS Waters* is a 457-foot-long navigation research/missile range instrumentation ship that supports submarine-system testing and provides ballistic missile flight test support services. The *Waters* was built by Avondale Shipyard as an oceanographic research ship and delivered to the Navy in 1993. She was converted in 1998 by Norfolk Shipbuilding and Drydock to perform her present duties. This vessel has a crew of 32 and 59 military and scientific personnel.

For more information on the award of these vessels, see the SUP President's Report on page 9.



USNS Waters (T-AGS 45)

Customs proposes new rules for foreign cruiseships

Accusing foreign-flag cruiseships of evading U.S. maritime law, the Department of Homeland Security's Customs and Border Protection Division at the request of the Maritime Administration, has proposed new rules to stop violations of the Passenger Vessel Services Act (PVSA).

The PVSA, enacted in 1886, provides that no foreign vessel shall transport passengers be-

tween ports in the United States, either directly or by way of a foreign port, under a penalty of \$300 for each passenger so transported and landed. The intent of the PVSA as with all other American cabotage laws — including the Jones Act — is to provide a "legal structure that guarantees a coastwise monopoly to American shipping and thereby promotes the development of the American merchant marine."

The Maritime Administration contends that the U.S.-flag passenger vessels operated by Norwegian Cruise Lines (NCL) in Hawai'i are suffering economic hardship because foreign-flag vessels are calling Hawai'i by gimmicking the PVSA. As an example, Royal Caribbean Cruise Lines advertises "West Coast Hawai'i cruises" but its

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SUP Honor Roll

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James K. Larsen	Book #4055		

Letter to the editor

Too bad I can't vote on the dues increase. Remind all it takes money to keep this great Union on top. If they lose, we ALL lose.

I retired in 1969 and receive far less than what they will now receive and I'm thankful for that. Just remember one thing, the Sailors' Union never pulled you off ships for a strike but kept negotiations going until a new contract was signed and everything was retroactive back to the end of the last contract.

Thank you.

Larry Kusman, Book #3071 Retired

Mass migrant murder in Gulf of Aden

While Coalition warships monitoring smuggling routes barely disappeared over the horizon, at least 114 people were murdered by human traffickers in the Gulf of Aden over the weekend of January 19, a spokesman for the United Nations High Commissioner for Refugees (UNHCR) has revealed.

Traffickers smuggling Somali migrants across the Gulf of Aden were approaching the Yemeni coastline when they saw lights ashore. Fearing capture by Yemen's coast guard, they ordered passengers to jump overboard. "Those who resisted were beaten with sticks and stabbed," a UNHCR spokesman said. A large wave then caused the boat to capsize, killing everyone still onboard.

The mass murder was later followed by the drowning of 10 women and two children when their boat, which was experiencing engine trouble, capsized. The migrants had been part of a larger group of 29 Somalis who had been at sea for four days. The survivors reported that another four children had died in front of their parents from exposure and a lack of food and water.

The survivors said they were fleeing instability and artillery fire in Somalia. They paid \$150 each for passage. This year's Gulf of Aden migrant toll so far stands at 2,452 people arriving in Yemen with 157 missing or dead. Coalition maritime forces have recently held patrols along with Yemeni coast guards, of the smuggling routes across the Gulf.

Foreign-flagged ferry released in Ireland after Romanian crew is paid back wages

The ro-ro ferry *Celtic Star*, a chartered vessel operating on the Dublin-Liverpool service of Seatruck Ferries, resumed sailing this month following a period of detention. Irish maritime authorities detained the ship to force payment of wages due to nine members of the crew.

The Greek-registered 11,086 gross ton ro-ro is owned by Jay Maritime of Piraeus. Seatruck paid arrears totalling \$38,000 to nine Romanian crew members before Christmas and they returned home. However, the ship remained under detention at the request of the International Transport Workers' Federation because another five Ukrainian crew members claimed they were too scared to claim back pay.

Final Departures

Thomas O'Dell, Book No. 2456. Born in Nebraska in 1939. Joined SUP in 1968. Died in Wahoo, Nebraska, December 11, 2007. (Pensioner)

Russell Huffman, Book No. 368. Born in Missouri in 1916. Joined SUP in 1944. Died in Roseburg, Oregon, December 9, 2007. (Pensioner)

George Foster, Book No. 1487. Born in Washington in 1911. Joined SUP in 1934. Died in Lynnwood, Washington, December 26, 2007. (Pensioner)

Edward Sexton, Book No. 7398. Born in the Philippines in 1925. Joined SUP in 1948. Died in Waupaca, Wisconsin, December 21, 2007. (Pensioner)

Raynold Koskela, Book No. 2881. Born in North Dakota in 1923. Joined SUP in 1943. Died in California, December 28, 2007. (Pensioner)

SUP Meetings

These are the dates for the regularly scheduled SUP meetings in 2008:

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

*Tuesday

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“Mr. Wang” jailed as LNG spy in Korea

A Chinese shipbuilding superintendent has been sentenced to a year-and-a-half in jail for espionage. The mole, named only as a Mr. Wang, was convicted of passing “prohibited” information on LNG (Liquid Natural Gas) ship designs to an unknown Western classification society.

Judging from the sheer volume of information transferred as evidenced by a reliable maritime news source, damage was described as “substantial”.

The 38-year-old Wang is believed to have transferred sensitive “core technologies,” involving LNG shipbuilding processes and cargo tank manufacture. It emerged during the trial that he had been in cahoots with another shadowy figure identified only as Mr. X. Mr. X worked as a classification inspector for LNG carriers built by Korean shipyards. Wang was apprehended on November 5, a day before leaving for China.

Container rates must rise says APL chief

Container rates in the transPacific trade must rise in 2008, or tonnage recently pulled from the route will not be replaced, warned APL chief executive Ron Widdows on January 14.

Speaking to the Container Transport Investment Conference in New York, he said: “Supply and demand is not really relevant in 2008, and if the U.S. economy is not faring well, that will not be relevant. There is a very different dynamic taking place now,” argued Widdows, who is also chairman of the Transpacific Stabilization Agreement. “The bunker surcharge will be significantly higher going forward, because it must be higher. If rates do not come up to the required level, then the ships simply aren’t coming back.” Some ships would be placed in the intra-Asia market and others in Asia-to-Europe, instead of returning to the transpacific, which has been a money-loser for carriers in 2006-07.

But Widdows is optimistic that shippers will pay up, noting that carriers have already convinced some customers to pay higher bunker surcharges on a voluntary basis. “Bunker costs are bringing about a fundamental change in the way we do business,” he explained. The amount of carriers’ uncovered bunker costs in the past year within the transpacific trade alone was “enormous,” he added.

Global pirate attacks soared in ‘07

The number of pirate reported attacks worldwide jumped 10 percent in 2007 with a sharp upsurge of attacks in Somalia and Nigeria. The International Maritime Bureau’s (IMB) annual piracy report said that 263 attacks were reported to its Piracy Reporting Center in Kuala Lumpur in 2007, compared to 239 in the previous year. It is the first time since 2003 that the number of piracy attacks worldwide has risen. The number of hi-jackings increased to 18 from 14 a year earlier, with 292 crew members taken hostage, and 63 crew kidnapped with a ransom demanded.

“The significant increase in the numbers can be directly attributed to the increase in the incidents in Nigeria and Somalia. These two countries account for 42 and 31 of the 2007 figures respectively compared with 12 and ten attacks in 2006,” said Potengal Mukundan, director of the IMB. The failed state of Somalia saw a sharp rise in attacks as pirates ventured as much as 200 nautical miles from the coast to attack passing merchant ships. During the year, 11 vessels were hijacked with 154 hostages taken.

“The recent intervention of the international community and the coalition forces may prove to be the only way forward in curbing the enthusiasm of the pirates who have until now shown complete disregard for the law,” the annual report said. The head of the Piracy Reporting Center, Noel Choong, added that the situation was improving since the coalition naval forces entered Somali waters.

While Nigeria had a lower number of attacks than Somalia last year, Captain Choong believes the situation in Nigeria is more serious since incidents continue unabated as merchant shipping gets caught in crossfire between the government and rebel “political” movements. “The attacks and kidnappings are all being justified under the umbrella of political change. From the shipping industry’s point of view, this is nothing short of being criminal,” the report stated.

Industry says Hawai’i growth at risk without better harbors

The Hawai’i state Department of Transportation and 12 of Hawai’i’s major harbor users will ask the Legislature for at least \$800 million to get nearly 20 years of work on the Islands’ neglected harbors completed in the next five to six years. At stake, they say, is nothing less than the future of Hawai’i’s economic growth.

Eighty percent of everything consumed in the state is imported — and 98 percent of everything imported arrives by ship. Simply put, if goods can’t make their way quickly through the harbors, the whole economy backs up.

While the improvements may be necessary, they won’t come cheap. The tab for the \$800 million to \$900 million worth of improvements — the bulk of which will probably come through some form of bonds — will ultimately be paid by every consumer. “It is a huge ticket item,” said State Representative Kirk Caldwell, the House Majority Leader and a member of the House Transportation Committee. “It would increase the fees for those who use our harbors, who in turn would pass on the costs to the people who use their services, who in turn will pass it on to the consumers in our state.”

If fees do go up, it will be the first time in at least 12 years. Shipping tariffs — roughly \$129 for every 20-foot container heading into Honolulu and out to a Neighbor Island — haven’t changed since 1995, according to Michael Formby, deputy director of harbors for the state Department of Transportation. Hawai’i lags the Mainland in tariff rates, Formby said, so some form of tariff increase to help pay for harbor improvements is long overdue.

The exact amount of the tariff increase is still being worked out. The Transportation Department and the Hawai’i Harbor Users Group, made up of several companies that use Island harbors, will make recommendations to the Legislature.

But companies are already facing severe problems. Ameron Hawai’i, one of Hawai’i’s two major suppliers of the concrete needed for the Islands’ critical construction industry, had to move out of Honolulu Harbor’s Pier 19 to make room for Hawaii Superferry’s vessel, *Alakai*. At the same time, Ameron is running out of harbor space to store the aggregate, crushed basalt and sand needed to make concrete, said George West, Ameron Hawai’i’s vice president of operations for O’ahu.

Harbor users have long worried about the limited space and lack of improvements on every island, especially Maui and O’ahu. Their concerns only grew as Hawai’i came out of the economic bad

times of the late 1990s and saw an explosion in interisland shipping and the rapid growth of Hawai’i’s cruiseline business. “These adjustments should have been made years ago,” said State Representative Joe Souki, D-8th (Wailuku, Waihe’e, Waiehu), chairman of the House Transportation Committee. “It’s much overdue. I’ve been pushing it for years.”

In 2005, Matson Navigation Company, Horizon-Lines, Young Brothers/Hawaiian Tug & Barge, Norwegian Cruise Line, McCabe, Hamilton & Renny Co. Ltd. and Hawaii Stevedores Inc. organized all of the major harbor users into the Hawai’i Harbor Users Group, known as HHUGS, said Matson senior vice president Gary North, who chairs the group. The key rule was that all of the group’s recommendations had to be unanimous among the users.

“We’re all in sync relative to moving forward to make sure that the lack of development doesn’t impede the growth of this economy,” North said. “This is the first time that we’ve all been together. And we have to stay together to move this thing forward.”

HHUGS commissioned a study in 2005 that concluded Honolulu Harbor was running out of space that year for international cargo and will run out of space for domestic cargo in 2010. Among its more urgent recommendations, the study advocates developing a terminal at Kapalama Military Reservation at an estimated cost of at least \$300 million, developing the west harbor at Kahului for more than \$150 million and building a new pier at Kalaeloa Harbor for \$50 million. Thirteen less urgent short-term projects for harbors on all islands add up to another \$110 million to \$125 million, in addition to several long-term projects costing millions of dollars more.

“The harbor capacity situation on Maui is considered the most critical of all the Neighbor Islands,” according to the study by Mercator Transport Group of Bellevue, Washington. “... When major service disruptions occur, which could be sometime in the next several years if timely improvements are not made, the impact on the economic life of the island will likely be significant. “These impacts may include shortages of gasoline and/or higher costs, a lack of coal and fuel oil for power generation; loss of off-island markets due to the inability to get local products to market in a timely and efficient manner, disruption in the supply of construction material and resulting impact to the construction sector, shortages of basic necessities and the loss of cruise ship calls.”

Justice Department investigates Port of Seattle

The Port of Seattle’s contracting practices are to be investigated by the U.S. Department of Justice, after a recent unfavorable audit of port accounting procedures involving construction projects. The audit claimed inadequate procedures left the port vulnerable to “fraud, waste and abuse” and that, as a result, \$97.2 million was wasted during 2004-2007.

The investigation became public knowledge on January 7, when a letter from U.S. Attorney Jeffrey Sullivan to Washington State Auditor Brian Sontage was released. In the letter, Sullivan said his office would work with other “federal law enforcement agencies” during the investigation and asked that the identity of individuals interviewed during the auditing process not be revealed. In their report, the auditors had complained that some port employees altered audit evidence, impeded access to information and in some cases were uncooperative.

In an open letter also released on January 7, port CEO Tay Yoshitani disputed the auditor’s claim that the port wasted \$97.2 million of taxpayer’s money and said it had now established an internal team to find ways to better centralize procurement. He added that a task force had been set up to look into changing a Port Commission resolution that assigned major construction decisions to port staff rather than to Port Commission members.

New rules for foreign cruiseships *continued from page 1*

foreign-flag vessels *Radiance of the Seas* and *Serenade of the Seas* recently called at Ensenada, Mexico for one hour (between 1:00 A.M. and 2:00 A.M.) enroute from Hawai’i to Los Angeles.

It is the contention of MarAd and Customs that this practice has resulted in unfair competition to NCL. MarAd cites the fact that the three NCL vessels in the Hawai’i trade (*Pride of Aloha*, *Pride of America* and *Pride of Hawaii*) have been reduced to two, with the *Pride of Hawaii* being withdrawn from the Hawai’i trade and reflagged foreign in 2007.

To rectify the problem and maintain the integrity of the PVSA, Customs and Border Protection is proposing that cruise itineraries for non-qualified coastwise vessels which allow passengers to board at a U.S. port, call several Hawaiian ports, proceed to a foreign port or ports for a brief period, and then ultimately return to the origi-

nal U.S. port of embarkation for disembarkation are not consistent with the PVSA. Specifically, Customs interprets a voyage to be “solely to one or more coastwise ports” even when it stops at a foreign port, unless the stop at the foreign port is a legitimate object of the cruise. Customs, under the proposed interpretive rules, will presume that a stop at a foreign port is not a legitimate object of the cruise unless:

- 1) The stop lasts at least 48 hours at the foreign port; 2) The amount of time at the foreign port is more than 50% of the total amount of time at the U.S. ports of call; and 3) The passengers are permitted to go ashore temporarily at the foreign port.

Customs states that if the new interpretive rule is adopted, foreign operators who do not comply with the three criteria will be deemed to be in violation of the Passenger Vessel Services Act and fined accordingly.

In Memoriam

Final Departures of SUP members reported in 2007

Willy Andersen, Book No. 3760. Born in Denmark in 1929. Joined SUP in 1951. Died in Alameda, California, December 10, 2006. (Pensioner)

Robert Arnall, Book No. 3675. Born in Nebraska in 1925. Joined SUP in 1943. Died in Alabama, December 2, 2007. (Pensioner)

Raymond Baldwin, Book No. 5602. Born in California in 1921. Joined SUP in 1947. Died in San Jose, California, June 2, 2007. (Pensioner)

Elia Balistreri, Book No. 5618. Born in Wisconsin in 1921. Joined SUP in 1957. Died in Daly City, California, January 12, 2007. (Pensioner)

Wayne Bentley, Book No. 5671. Born in Idaho in 1934. Joined SUP in 1959. Died March 18, 2007.

James Bilk, Book No. 4852. Born in California in 1922. Joined SUP in 1943. Died in California, December 24, 2006. (Pensioner)

Leland Billington, Book No. 4567. Born in Montana in 1921. Joined SUP in 1944. Died in Kirksville, Montana, December 6, 2006. (Pensioner)

Howard Bittinger, Book No. 4954. Born in California in 1926. Joined SUP in 1943. Died in California, April 20, 2007. (Pensioner)

Joseph Carbone, Book No. 4699. Born in New York in 1922. Joined SUP in 1948. Died in New Jersey, August 20, 2007. (Pensioner)

Manuel Castanho, Book No. 4640. Born in California in 1927. Joined SUP in 1945. Died in Oakland, California, June 29, 2007. (Pensioner)

Charles Clark, Book No. 4788. Born in Hawai'i in 1931. Joined SUP in 1984. Died in Torrance, California, June 9, 2007. (Pensioner)

William Cody, Book No. 4786. Born in Colorado in 1948. Joined SUP in 1980. Died in San Francisco, California, April 16, 2007.

Guiseppe D'Orio, Book No. 2547. Born in Italy in 1920. Joined SUP in 1947. Died in New York, January 28, 2007. (Pensioner)

Zane Dick, Book No. 2032. Born in Washington in 1922. Joined SUP in 1942. Died in Olympia, Washington, September 2, 2007. (Pensioner)

Billy Duke, Book No. 15830. Born in Oklahoma in 1937. Joined SUP in 1968. Died in Bellingham, Washington, June 8, 2007. (Pensioner)

Norman Dyrdal, Book No. 2381. Born in Norway in 1920. Joined SUP in 1946. Died in Washington, February 8, 2007. (Pensioner)

Toivo Enroth, Book No. 1670. Born in Finland in 1917. Joined SUP in 1943. Died in Napa, California, February 20, 2007. (Pensioner)

Jack Fernandez, Book No. 1967. Born in Texas in 1912. Joined SUP in 1946. Died in El Paso, Texas, December 12, 2006. (Pensioner)

Arthur Flemming, Book No. 2204. Born in Massachusetts in 1930. Joined SUP in 1951. Died in Canoga Park, California, April 29, 2007. (Pensioner)

Joseph Gallipani, Book No. 2960. Born in New York in 1928. Joined SUP in 1959. Died in San Francisco, California, July 10, 2007. (Pensioner)

Richard Gifford, Book No. 2644. Born in Australia in 1927. Joined SUP in 1946. Died in California, August 26, 2007. (Pensioner)

Daniel Gonzales, Book No. 2885. Born in California in 1927. Joined SUP in 1953. Died in San Lorenzo, California, October 16, 2007. (Pensioner)

Ronald Gray, Book No. 2988. Born in Hawai'i in 1937. Joined SUP in 1966. Died in Hawai'i, June 14, 2007. (Pensioner)

William Grigg, Book No. 2927. Born in California in 1927. Joined SUP in 1956. Died in Coeur D'Alene, Idaho, May 23, 2007. (Pensioner)

Fred Hartford, Book No. 5761. Born in Pennsylvania in 1924. Joined SUP in 1952. Died in California, December 5, 2006. (Pensioner)

Zolen Heine, Book No. 5777. Born in Kentucky in 1922. Joined SUP in 1956. Died in Portland, Oregon, September 23, 2007. (Pensioner)

William Iversen, Book No. 338. Born in California in 1925. Joined SUP in 1944. Died in Albany, California, October 31, 2007. (Pensioner)

George Jackson, Book No. 3669. Born in Pennsylvania in 1915. Joined SUP in 1935. Died in Wilmington, California, July 7, 2007. (Pensioner)

Hans Jorgensen, Book No. 4319. Born in Denmark in 1935. Joined SUP in 1966. Died in Shoreline, Washington, November 28, 2007. (Pensioner)

Lawrence Kane, Book No. 2177. Born in Hawai'i in 1915. Joined SUP in 1935. Died in South San Francisco, California, May 19, 2007.

Dallas Keller, Book No. 2978. Born in Arkansas in 1927. Joined SUP in 1948. Died in Little River County, Arkansas, June 11, 2007. (Pensioner)

Charles Kimoto, Book No. 3135. Born in Hawai'i in 1929. Joined SUP in 1954. Died in Honolulu, Hawai'i, July 5, 2007. (Pensioner)

Andrew Kovolchik, Book No. 3055. Born in New York in 1919. Joined SUP in 1947. Died in California, October 10, 2007. (Pensioner)

Abram Levintohl, Book No. 4056. Born in Hawai'i in 1926. Joined SUP in 1945. Died in Grass Valley, California, April 9, 2007. (Pensioner)

Alfred Lillibridge, No. 18353. Born in Connecticut in 1941. Joined SUP in 2000. Died in Ismer, Turkey, September 18, 2006.

Daniel Lopez, Book No. 4084. Born in California in 1936. Joined SUP in 1956. Died in Concord, California, December 1, 2007. (Pensioner)

Hervey M. Arnold, Book No. 3512. Born in Arkansas in 1919. Joined SUP in 1946. Died in Benton, Arkansas, October 23, 2007. (Pensioner)

Glen McCulloch, Book No. 6248. Born in Montana in 1924. Joined SUP in 1949. Died in Seattle, Washington, December 13, 2006. (Pensioner)

Glen McKinney, Book No. 6358. Born in California in 1925. Joined SUP in 1948. Died in California, March 1, 2007. (Pensioner)

Leonard Millsap, Book No. 6140. Born in California in 1926. Joined SUP in 1948. Died in West Hills, California, November 12, 2007. (Pensioner)

Sadad "Richard" Miyashiro, Book No. 4975. Born in Hawai'i in 1918. Joined SUP in 1941. Died in Daly City, California, September 12, 2007. (Pensioner)

Andres Monsen, Jr., Book No. 5581. Born in Washington in 1925. Joined SUP in 1945. Died in California, August 6, 2007. (Pensioner)

August Nelson, Book No. 2399. Born in California in 1924. Joined SUP in 1949. Died in San Francisco, California, November 29, 2006. (Pensioner)

William O'Connor, Book No. 2408. Born in Michigan in 1925. Joined SUP in 1952. Died in San Diego, California, April 1, 2007. (Pensioner)

Hido "George" Ogawa, Book No. 1953. Born in Hawai'i in 1912. Joined SUP in 1934. Died in California, November 19, 2007. (Pensioner)

Gean Ollivier, Book No. 2414. Born in Washington in 1928. Joined SUP in 1947. Died in Beldon, California, June 20, 2007. (Pensioner)

Beverly Pepin, Book No. 3642. Born in Texas in 1923. Joined SUP in 1947. Died in Antioch, California, June 28, 2007. (Pensioner)

Vincente Platero, Book No. 3505. Born in the Philippines in 1925. Joined SUP in 1946. Died in San Gabriel, California, January 31, 2007. (Pensioner)

George Ramos, Book No. 2197. Born in California in 1913. Joined SUP in 1935. Died in Long Beach, California, January 24, 2007. (Pensioner)

Stanley Robles, Book No. 3191. Born in California in 1933. Joined SUP in 1989. Died in San Francisco, California, May 8, 2007. (Pensioner)

Jeremiah Rozell, Book No. 18933. Born in Washington in 1978. Joined SUP in 2001. Died in Sacramento, California, March 12, 2007.

Haruo Saiki, Book No. 7250. Born in Hawai'i in 1917. Joined SUP in 1952. Died in San Leandro, California, July 13, 2007. (Pensioner)

Arthur Sawyer, Book No. 6549. Born in Montana in 1918. Joined SUP in 1945. Died in Bellingham, Washington, April 30, 2007. (Pensioner)

Charles Schwab, Book No. 5388. Born in Arizona in 1923. Joined SUP in 1941. Died in Bullhead City, Arizona, November 20, 2007. (Pensioner)

William Self, Book No. 6036. Born in Alabama in 1911. Joined SUP in 1935. Died in Springville, Alabama, October 10, 2007. (Pensioner)

James Shaw, Book No. 7074. Born in Pennsylvania in 1927. Joined SUP in 1947. Died in New Jersey, December 30, 2006. (Pensioner)

John Stasko, Book No. 7430. Born in New York in 1939. Joined SUP in 1963. Died in Florida, September 18, 2007. (Pensioner)

Valentine Swegel, Book No. 7184. Born in Pennsylvania in 1926. Joined SUP in 1948. Died in Redmond, Washington, August 21, 2007. (Pensioner)

Andrew Teixeira, Book No. 3055. Born in Hawai'i in 1928. Joined SUP in 1946. Died in Tahiti, September 6, 2007. (Pensioner)

Grant Thorne, Book No. 1973. Born in Colorado in 1918. Joined SUP in 1943. Died in Terrabonne, Oregon, May 29, 2007. (Pensioner)

Stanley Tokish, Book No. 3012. Born in Pennsylvania in 1921. Joined SUP in 1945. Died in San Pedro, California, January 7, 2007. (Pensioner)

Frederick Trench, Book No. 18052. Born in New Jersey in 1917. Joined SUP in 1990. Died in Silverton, Idaho, January 3, 2007. (Pensioner)

Salamon Valentine, Book No. 853. Born in Arizona in 1927. Joined SUP in 1954. Died in Corning, California, January 24, 2007. (Pensioner)

Grover Wick, Book No. 2882. Born in California in 1922. Joined SUP in 1943. Died in Washington, October 2, 2007. (Pensioner)

Luther Wilkerson, Book No. 3350. Born in Texas in 1926. Joined SUP in 1947. Died in Kosse, Texas, January 22, 2007. (Pensioner)

Guantanamo prisoner accused of plotting to blow up ship

The U.S. military has brought charges against a Guantanamo Bay detainee of Saudi descent, accusing him of hatching an apparently unrealized plan to bomb a ship in the Middle East.

The military charges involve Ahmed Mohammed Ahmed Haza al Darbi, an alleged al Qaeda operative who is accused of planning to blow up an unspecified ship in the Strait of Hormuz at the mouth of the Middle East Gulf or off the coast of Yemen.

Al Darbi is described as a teacher at an al Qaeda camp in Afghanistan in the late 1990's. According to officials, the charges allege that he travelled between

Pakistan and the Middle East Gulf from 2000 to 2002 and bought a boat, global positioning satellite equipment and other supplies, and recruited crew members for the plot. Al Darbi, however, is said to have lost his nerve while sailing toward Yemen in May 2002, and instead set a course for Somalia.

News reports say he was born in Taif, Saudi Arabia, on January 9, 1975, and arrived at Guantanamo in March 2003.

Al Darbi is the fifth prisoner charged in the revised Guantanamo tribunal system created in 2006, after the U.S., Supreme Court ruled the earlier version as illegal.

Stowaways rode rudder for eight days

Two teenage stowaways from Kenya were arrested in Port Elizabeth, South Africa on January 20, surviving an eight-day journey down the East African coast on a ledge above the rudder of the Taiwanese vessel *New Auspicious*.

The boys, aged 16 and 18, are from Tanzania originally but stowed away on the ship at Mombasa. They went without food except for a few biscuits and some bread, and used a rope made out of their clothing to secure themselves to the ship. Fortunately for them the vessel was lightly loaded and riding high with the rudder ledge exposed for most of the journey.

Crew on board the *New Auspicious* only noticed something suspicious when the ship went to anchor outside Port Elizabeth. While awaiting clearance to enter the port, crew members heard voices from the area of the rudder. The National Sea Rescue Institute was summoned, and found the two youngsters more than ready to abandon ship. After a medical examination ashore, the two have been detained pending repatriation.

Labor board restricts Union use of e-mail, modifying previous discriminatory standard

An employer did not violate federal labor law by prohibiting employee use of its e-mail system for "non-job-related solicitations" and enforcing the policy against an employee/Union president who sent two e-mails to employees urging them to support the Union, the National Labor Relations Board ruled on December 16.

Employees of *The Register-Guard*, a daily newspaper in Eugene, Oregon, have no statutory right to use the publisher's e-mail system for activity protected under Section 7 of the National Labor Relations Act, a board majority of chairman Robert J. Battista and members Peter C. Schaumber and Peter N. Kirsanow wrote, finding that an employer has a basic property right to regulate and restrict employee use of its e-mail system.

Modifying its previous standard for determining whether an employer discriminatorily enforced a policy against Union activity, the board said that "in order to be unlawful, discrimination must be along Section 7 lines," explaining that "unlawful discrimination consists of disparate treatment of activities or communications of a similar character because of their Union or other Section 7-protected status."

"[A]n employer may draw a line between charitable solicitations and non-charitable solicitations, between solicitations of a personal nature (e.g., a car for sale) and solicitations for the commercial sale of a product (e.g., Avon products), between invitations for an organization and invitations of a personal nature, between solicitations and mere talk, and between business-related use and non-business-related use," the board said.

The board found that Guard Publishing Co. legally enforced its policy against the president of the Eugene Newspaper Guild, Communications Workers of America Local 37194, for sending two e-mails urging employees to wear green to support the Union in contract negotiations and to participate in the Union's entry in a local parade. However, the board found that the publisher illegally disciplined the Union president for sending an e-mail clarifying the controversial facts surrounding a Union rally the previous day.

Finally, the board held that the publisher did not insist on an illegal bargaining proposal explicitly banning use of its e-mail system for Union business and therefore did not violate NLRA Section 8(a)(5).

Board members Wilma B. Liebman and Dennis P. Walsh continued a vigorous dissent evident during earlier hearings last March. "Given the unique characteristics of e-mail and the way it has transformed modern communications, it is simply absurd to find an e-mail system analogous to a telephone, a television set, a bulletin board, or a slip of scrap paper," they said, referring to past decisions allowing employers to restrict the non-work use of their equipment and property. Liebman and Walsh asserted that ownership does not give an employer "an absolute right to exclude Section 7 e-mails."

Source: BNA, Inc. Union Labor Report Newsletter

Mass forgery of Indian mariner documents prompts Mumbai police crackdown

India's Directorate-General of Shipping (DGS) has been left red-faced and seriously concerned after the port division of Mumbai's (Bombay) police busted a racket involving the distribution of fake Continuous Discharge Certificates (CDC) required for ship's crew.

Five people, including two with allegedly forged CDCs and three with blank booklets, were arrested on New Year's day. Two days later, three more arrests were made of people trying to get seafarers' jobs with certificates that had not been issued by the DGS.

In September, when it was found that fake CDCs had been given to over a thousand Indian seamen, the Directorate assured the shipping industry that the government was aware of the problem of fake and forged seafarer certificates, and was taking swift and serious action to tackle the problem.

In a widely publicized release at the time, the DGS had emphasized that the Indian certification system had been made virtually unbreachable with the introduction of several checks and balances.

It pointed out that it maintained an electronic database of all certificates, endorsements and other documents issued to seafarers (including the CDC). It said that these certificates were being issued by the DGS itself, and had not been delegated to any other entity. It stressed that the authenticity of the certificates could be verified online from the DGS website.

But these claims proved unfounded when blank CDC booklets were found in the possession of Clement Dias, Premkumar Prasad and Fahim Ahmed Khan, three of the people accused in the scam. There is very real fear that black booklets are being smuggled out of the Mumbai-based DGS's office with the cooperation of staff.

"It could take around six months to a year, and a sum of Rs550 (\$14) to get the CDC from the DGS," said Mumbai Police's port zone deputy commissioner YP Dhoom.

"The gang offered to get the document for unemployed youths in a month; and in the process faked the CDC. We will know in a day or two how many of the eight arrested were people trying for seafarers' jobs, and how many were members of the gang peddling fake CDCs."

Mr. Dhoom revealed that some gang members were placement agents for ship crew and offered the CDC as well as jobs.

"They used to solicit customers near the DGS's office and offer their services," he said. "The Mumbai shipping office is fully computerised, so they took advantage of the manual systems employed by the Kolkata office and issued the CDC by forging the signatures of the shipping master, Kolkata."

National Union of Seafarers of India general secretary Abdulgani Serang said

that the forgers were doing a better job now than some years ago, when a fake certificate could be easily identified by poor print quality and spelling errors.

"The DGS has actually made it quite easy to get a CDC for those who approach it with a graduation certificate and the standard fee," he said.

"It even waived certain time-bar criteria for those who had missed the bus earlier, but were eligible for CDCs.

"But touts and fakers prey on the emotions of poorly educated people from rural areas, impressing upon them the glamour and top-class remuneration of a seafaring job; and at the same time, stress the difficulty and expense of getting a genuine certificate. Gullible people feel that having a CDC in hand is a guarantee of a good seafaring job."

In the face of the fact that fake certificates are now being professionally printed and are virtually indistinguishable from genuine certificates, the DGS is considering revalidating all CDCs at its office.

"The problem of fake certificates is being faced wherever tertiary education is being given, anywhere in India," said Joint DGS Lukose Vallatharal. "We are forced to admit that the systems we had thought to be foolproof have been breached, and the matter is serious.

"It is incumbent upon all stakeholders from different shipping-related constituencies to get together and hammer out a solution. I am working towards inviting all constituents to a meeting where we can put our heads together, and come up with a solution to stamp out this menace."

Several Hong Kong-based ship managers with a large contingent of Indian seafarers are already vigilant to the risk of forged documents.

Wallem Shipmanagement managing director Jim Nelson said: "We double-check everything with the authorities regardless."

Anglo-Eastern Ship Management trading and quality director Pradeep Chawla, said the latest arrests follow incidents a few months ago when forged documents were found.

He said the documents, which are mainly used by people going as cooks and stewards on board ship, are different from the seafarer's certificate of competence which list's a seafarer's qualifications and experience.

"In India, we have 5,850 seafarers and I have never come across a false certificate of competence in 15 years of working for Anglo-Eastern," Captain Chalwa said.

Captain Chalwa added that if there are any doubts about the authenticity of these certificates the details can be checked with the shipping ministry within about two hours.

Indonesian Navy foils pirate hijack

An attempt on December 23, by pirates to hijack a barge carrying crude oil was foiled when an Indonesian naval patrol boat intercepted the vessel in the waters around Bilang-Bilangan island, off East Kalimantan.

According to the Antara News Agency, the barge, *Makmur Abadi-V*, which was being towed by the tug *Makmur Abadi-I*, was carrying 4,078 tons of crude oil when it was ambushed by a seven-man pirate force in a speed boat led by a man identified as Rebaldo. The pirates reportedly overpowered the skipper and crews of the vessels and locked them in a cabin; before repainting and renaming their commandeered vessels to avoid detection.

The Indonesian Navy's Eastern Fleet Command's spokesman, Tony Syaiful, said prompt action by its patrol craft defeated the pirates' mission. "The Navy's patrol boat, *KRI Sutedi Senaputera-878*, frustrated the action by the pirates", he told Antara. The pirates, who are now in custody in Surabaya, are expected to be tried soon.

ESU Office Assignments

For the month of February, Tom Thompson will be in the Seabrook office and John Straley will be in the Benicia office.

ESU NEWS

JANUARY 2008

Official Publication of the Exxon Seamen's Union

New hire class in Vallejo, Calif.



Attendees of the new hire course in Vallejo, California, on January 14, 2008 are from left: Otis Johnson, Paula House, Aaron Roberts, Marvin Mitchell, Freeman Belmont, Arick Brown-Johnson, Shannon Wegner, Benjamin Po, Jack McElveen and Jose Aurelio.

As the *ESU News* goes to press, the first new hire class for 2008 was under way in Vallejo, California. The official dates of the class, as given to the ESU by Fleet Manning, were Monday, January 14 through Sunday, January 27. It was originally believed that there would be 15 potential new unlicensed employees attending the class but due to unforeseen circumstances only ten were eventually accepted.

On Tuesday, January 15, ESU President Kevin Conroy met up with the group at the Ramada Inn in Vallejo (see photo). With the busy schedule of the course and with preparations for the Union-Management meeting scheduled in Seabrook at the end of the week going on, there was only enough time to snap a quick photo and speak with the attendees for a short period of time. A longer meeting with the new hires will be conducted on Thursday, January 24, when President Conroy will give them the full ESU recruitment presentation and encourage all of them to join our ranks. The current unlicensed class members are (in alphabetical order) Jose Aurelio, Freeman Belmont, Arick Brown-Johnson, Paula House, Otis Johnson, Jack McElveen, Marvin Mitchell, Benjamin Po, Aaron Roberts and Shannon Wegner. Of special note is the return of previous member and retiree Jose Aurelio. The membership welcomes Jose back and we thank him for his continued support of the ESU.

The orientation course, which is being run by Captain Nils Knutstad, Captain Mike Miale, Bill Schaefer, Michael Harris and instructors from California Maritime Academy, will cover not only the obligatory company policy overviews and benefit seminar, but also a host of shipboard operational topics. Among the topics to be presented are safety, occupational health, deck operations and marlinpike seamanship. As most of the participants have no previous seagoing experience a basic safety-training (BST) course is also being included in the class.

We will report in next month's edition of the *ESU News* the number of attendees who have signed up for the Union and the total percentage of members to non-members.

Important reminder about address changes

Recent problems with members not receiving their new insurance enrollment forms prompt us to remind everyone who may be changing their address to ensure they do so not only with Fleet Manning but with Exxon Mobil Benefits and the ESU as well.

While the Fleet Manning Coordinators have generally been very good at entering new addresses into both the SeaRiver and Exxon Mobil Benefits systems, sometimes oversights occur and it is always prudent to double check to make sure Benefits has your correct address. If you need assistance changing your address with Benefits call Ms. Marsha Shorts at (713) 656-2991.

Likewise, the ESU maintains its own database of members' addresses and phone numbers which is totally separate from the SeaRiver and Exxon Mobil systems. Don't forget to inform the ESU Seabrook office when you change your address, phone number or email, if you have one, so that we may get in touch with you when necessary.

Many TWIC offices now open

After having gotten off to a very slow start, the Transportation Worker Identification Card (TWIC) program now appears to be getting up to speed. As of January 22, 2008 fifty two TWIC offices have officially been opened around the country. We have been reporting for the last year that all merchant seamen which includes every ESU member must have a TWIC by September 25 of this year. No one will be allowed into a secured port area without one after that time, which means without a TWIC you will be unable to join a ship. We cannot stress strongly enough how important it is that everyone begin the application process as soon as possible.

There are three relatively simple steps to getting a TWIC:

(1) Pre-enroll by calling the TWIC help desk at 1-866-347-8942 or by logging on to www.tsa.gov/twic and following the instructions. This first step can actually be skipped, but by not pre enrolling by telephone or on the internet or you will considerably increase the time you spend at the TWIC office waiting and filling out paperwork.

(2) Make an appointment at a TWIC office convenient to you by calling the same TWIC help desk number or at the TWIC website and go to that appointment. You will need to bring along acceptable ID and payment. According to the TWIC website your z-card (MMD) should suffice as ID so make sure you bring it with you. Just to be extra safe we suggest you bring along several other forms of ID as well such as a passport, driver's license and/or social security card because we have received reports that some misinformed TWIC office personnel are asking for additional ID besides the MMD.

The fee is \$132.50 for a TWIC good for 5 years from the date it is issued or \$105.25 for one that expires on the date your MMD expires. Check the expiration date on your MMD to determine which fee makes more sense for you. Payment must be by credit card, money order or certified cashiers check made out to the contractor, Lockheed Martin. Cash is not accepted. At the appointment you will have your fingerprints and photograph taken electronically in the office.

(3) You will be notified by Lockheed Martin when to return to the same TWIC office to pick up and activate your new TWIC. We know of some people who have been notified as soon as 10 days from when they applied and others who have been waiting for over a month and still haven't been called back. The possibility of a long wait to pick up your TWIC after applying is yet another reason we urge you to begin this process as soon as possible.

As was stated earlier 52 offices were open as of January 22 and more are opening all the time. Some cities close to where many ESU members live which have offices open now include, Seattle, Tacoma, Portland OR, Oakland, LA-Long Beach, Houston, Beaumont, Port Arthur, Corpus Christi, New Orleans, Mobile, Jacksonville FL, Wilmington NC, Baltimore, Philadelphia, Hackensack NJ, New York, Providence and Boston. For a complete list go to the website: www.tsa.gov/twic and click on the link which says: Click Here to see where TWIC is coming next.

Changes to the ExxonMobil Savings Plan Two trades a month now allowed

On January 1, 2008, the ExxonMobil Savings Plan made a change to the number of investment trades that participants may make each month. This change was brought about due to the Pension Protection Act (PPA) which requires that Employer Savings Plans not impose restrictions on buying and selling company stock that do not apply to all investment options in the plan. Before January 1st the Exxon Mobil Savings Plan (EMSP) limited trades of ExxonMobil stock as well as the other investment options to one trade per month, except for Common Assets. Common Assets trading was unlimited and to comply with PPA, a change was necessary to align the frequency of Common Assets trading with all other investment trading options.

Limiting Common Assets trading to once per month could restrict participants' ability to diversify or rebalance their EMSP investments and/or impact participants' ability to take cash withdrawals. Accordingly, an increase in the number of trades to two per month for all investment options, including Common Assets, is now in effect.

As a reminder, frequent trading is a high-risk approach to long-term investing and may result in serious investment mistakes. Frequent trading can potentially derail achievement of long-term investment goals and objectives. Attempting to time the market is not a reliable way to gain higher investment returns, and few, if any, individual investors are able to consistently predict when financial markets will rise or fall. Many economic, political, and industry issues can also have unexpected effects on the markets. Participants should also be mindful of the negative impact frequent trading of ExxonMobil stock within their EMSP account could have on their ability to realize the tax advantages applicable to Net Unrealized Appreciation (NUA) upon distribution of ExxonMobil stock. It is recommended that participants should discuss investment strategies with their advisors.

If you have any questions regarding these changes, please contact CitiStreet at 1-77-XOM-401 K (1-877-966-4015).

ESU News

Farewell Letter from Jerry Patterson

(Editor's Note: Jerry Patterson requested we publish the following farewell letter to all his friends and shipmates and, as we promised in his retirement announcement last month, we are running it now.)

Dear ESU Members:

As many of you are aware my retirement became effective on December 1, 2007. Thus, it is time to bid farewell to my many friends and fraternal Union brothers and sisters in the fleet.

My intention to retire had always been predicated on a personal goal of attaining 40 years of service. I would have realized that goal on July 22, 2008. It was not to be. I had an accident just before returning from paid leave in May of this year. While recuperating I had time to reflect on my career and goal. After a short interval of introspection, I came to the conclusion that my goal of 40 years service was kind of selfish since there was nothing to be gained except saying that I had 40 years of service. Additionally, I realized that the fleet had downsized and people were waiting to be promoted. So, the decision to leave at this time was an easy one for me. The only downside is that I will miss my many friends and colleagues.

In my lengthy career there have been many high and low points. I prefer to dwell on the highs, and for me that was the trust, support and loyalty during my tenure as an ESU Board member. You, the membership bestowed upon me the honor and privilege of serving six years as President of our Union and three years as Recording Secretary. Much was accomplished during those years despite the adversity and seemingly insurmountable problems. I take no credit for these accomplishments because they belong to you, the ESU membership. For without your collective efforts the battle would have been fought in vain.

In closing I want to thank the present and former ESU Board members who made my job easier and continue to make sacrifices day in and day out throughout the entire year. It is my belief that the present ESU Board is a strong tight knit highly professional organization that will serve the membership well, now and into the future.

As I say good-bye I would like to resurrect an old seamen's refrain, "May you have calm seas, and may the wind be always at your back".

Fraternally,
W.T. (Jerry) Patterson

Ship reports

S/R American Progress

The vessel continues her regular trade between Beaumont and Fort Lauderdale. Dave Franklin has assumed the Ship Rep responsibilities from Michael Harrison. Thanks to Mike for filling in and staying in touch with the Union office. The Progress will be carrying extra riders in the next few weeks to work on the new ballast treatment system. No problems reported here.

S/R Baytown

A Board officer visited the vessel in Baytown on January 10. Regular Ship Rep Joe Bernavich was on board. There was an issue about lengthy delays with shore leave because the refinery gate had been slow to receive the official crew list. The ESU addressed the issue with management at the recent Communications meeting on January 18 and hopefully the situation will improve.

Kodiak

The Kodiak continues in the Valdez to Puget Sound trade. We thank Greg Raredon for filling in as Temp Rep while Tim Williams is home on paid leave. No major beefs despite a very tiring schedule which combines a short run and frequent shifts between docks at Cherry Point, Anacortes and Port Angeles. The Kodiak is due for her shipyard period in April. SeaRiver sources say the most likely location will again be Singapore. Members are reminded that disparaging comments made at union meetings and published in the minutes can reflect poorly on the membership and may even be counter-productive to our efforts.

S/R Long Beach

An Executive Board Officer visited the S/R Long Beach on December 6 at the Valero Dock in Benicia. Thanks to

Earl Doucet for taking the Temp Rep job when no one else would. No major beefs reported. Several members took the Board officer aside to express their thoughts on different items to bargain during the upcoming contract negotiations. Reports are that the Long Beach will no longer be calling at the Richmond Long Wharf. Wayne Dymont will assume the duties of regular Ship Rep his next tour. The Long Beach is due back into Valero Benicia around January 26 and is then scheduled for a short one or two-week yard period in Portland after that.

Sierra

The Sierra was visited by a Board officer on Christmas Day at the Richmond Long Wharf and again at Valero in Benicia on January 6. Jeremiah Morrison is filling in as Temp Rep while Thor Floreen is on paid leave. There was a lot of confusion over whether one needed a tankerman assistant endorsement to step up to Pumpman. The CFRs say one thing but a company administrative manual says another. The matter was eventually correctly resolved by Fleet Manning. The ESU recognizes the CFRs and our Labor Contract as legally binding documents. In-house regulation manuals written unilaterally by the company are recognized by the ESU only when they do not conflict with our Contract.

S/R Wilmington

A Board officer visited the Wilmington in Baytown on January 6. Regular Ship Rep Jeff Harris was on board. She continues in her Gulf/East coast trade with a trip to Puerto Rico at the end of January. Everything running smoothly.

Mario Guarcello retires

Effective December 11, 2007 Pumpman Mario Guarcello elected to retire with over 28 years of dedicated service.



Mario joined the Marine Department of Exxon Shipping Company in 1978 and his first vessel assignment was to the Exxon Jamestown as Ordinary Seaman. He sailed in various entry ratings over the next few years until sitting for and receiving his AB ticket in 1980. He spent the next several years sailing as AB, primarily on the East Coast ships including the Exxon Gettysburg, Exxon Chester, Exxon Huntington, Exxon Bangor and the Exxon Baton Rouge.

Mario has also been a strident ESU supporter. He first ran for and was elected to Ship Representative on the Exxon North Slope in 1984. He then continued to serve as the North Slope's

Ship Rep for the next ten years.

Mario was one of the first individuals to enroll in the Engine Ratings Endorsement Program (EREP) which allowed him the opportunity to accrue Engine Department sea time. Consequently he received his Oiler and Pumpman endorsements in 1996 and was promoted to Oiler in February, 1997. He began stepping up to Pumpman in January of 1998 when he was assigned to that position on the S/R Galveston. He continued to sail aboard the S/R Galveston frequently over the following several years and was finally promoted to Pumpman in June of 2000.

In his final year and a half with SeaRiver Mario sailed mostly on the S/R American Progress and completed his last tour on that ship while she was in the shipyard in Gdansk, Poland in October of 2007.

Mario has enjoyed a just deserved reputation as a loyal ESU supporter, a hard worker and a good friend and shipmate. He will be missed by all his friends in the fleet and we thank him for his many years of contributions and companionship to us all. We extend our best wishes to him and his wife Marsha for a happy and prosperous retirement.

ESU retiree Eugene Edwards dies

Sadly, the ESU has learned of the passing of former member Eugene Edwards on Wednesday, December 26, 2007 in Houston at the age of 66. Eugene was hired by the Marine Division of Humble Oil and Refining Company in 1964 and retired from SeaRiver as an Oiler in the Ocean fleet in November of 1997. In his retirement Eugene often stopped by the ESU Baytown and Seabrook offices to visit and inquire about his old shipmates and the goings on in the fleet. He was a US Army Veteran and an active member of both the Shriners and the Masons in La Porte Texas where he lived most of his life. A memorial was held at a ceremony in St. Peter's Episcopal Church in La Porte on January 19, 2008. He leaves behind his loving wife of 30 years Cecilia Razo Edwards, a son Randal Eugene Edwards and a grandson Christopher Randall Edwards. The ESU wishes to express our deepest sympathy to the Edwards family.

Aboard the Sierra



Fleet Chef Tom McKee (l) serves QMED-Oiler Waverly Moore in the chow line on Christmas Day at the Richmond Long Wharf.

EXXON SEAMEN'S UNION

Founded March 28, 1941

Affiliated with the Sailors' Union of the Pacific

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Vice President John Straley

Secretary/Treasurer Leo DeCastro

Recording Secretary Thomas Thompson III

Deck Trustee Pat Campbell

Engine Trustee William Ackley

Steward Trustee Kurt Kreick

California "We Do Not Patronize" list

The following firms in California have been identified by the California Labor Federation as unfair employers and adversaries of the labor movement. All trade unionists and friends of organized labor are urged not to patronize businesses listed here:

Restaurants and Hotels

- Mariani's Inn and Restaurant— 2500 El Camino Real, Santa Clara
- De Anza Hotel— 233 W. Santa Clara Street, San Jose
- Emeryville Woodfin Suites Hotel— 5800 Shellmound, Emeryville

Retailers

- Farmer Joe's Marketplace— 3501 MacArthur Boulevard, Oakland
- Future Ford— 2285 Diamond Boulevard, Concord
- K-Mart— All locations
- Wal-Mart and Sam's Club— All locations

Consultants

- Marchese & Associates Reputation, LLC—1375 Sutter St., Ste 330, San Francisco
- Bicker, Castillo and Associates— 1121 L Street, Sacramento
- Ziegler and Associates— 1215 K Street, Suite 1170, Sacramento

Other

- Hornblower Cruises— San Francisco, Los Angeles, and San Diego
- ABC Security— 1840 Embarcadero, Oakland
- Alta Dena Foods— 17637 Valley Road, City of Industry
- Valley Power, Inc.— 1755 Adams Avenue, San Leandro

Danish report reveals extent of pirate threat off Somali coast

The terrifying nature of modern-day pirate attacks off Somalia has been revealed in the Danish Maritime Authorities' report into the *Danica White* hijacking incident in 2007.

The survey says there was no escape for the crew of the 1985-built, 1,600-dwt general cargo ship when it was attacked by pirates using three small high-speed fiberglass boats in broad daylight on June 1, just over 200 miles off the Somali coast.

With a freeboard of only one meter, the pirates were easily able to board the ship using ordinary ladders and hooks fixed to the deck.

The attack involved 10 to 15 men, all armed, many with automatic machine guns. The master and mate were held in the wheel house at gunpoint. The ship's cook was subjected to "a gun at the back

of his head."

The pirates also fired shots as they boarded the ship to alarm the crew.

The Danish report has faulted the management of the vessel for failing to keep a sufficient watch in the highly dangerous waters and a lack of knowledge regarding the perils of trading in the area.

But experts say the incident is becoming more and more typical of pirate attacks off Somalia. The raids have extended beyond 200 nautical miles, an area previously considered safe. Small general cargo ships are being targeted with pirates leaving a mother boat in small speedboats to attack vessels. The biggest concern is over the use of weapons to coerce crew. The *Danica White's* crew were left traumatized by their 83 days held captive by the pirates.

Passengers hurt in ferry/dolphin collision

Seven passengers on a high-speed passenger ferry enroute from Busan, South Korea, to Hakata, Japan, were injured after the ferry collided with an unknown object, thought to have been a dolphin, on January 17. The accident took place 30km outside Busan. The ferry, operated by Miraejet of South Korea, was carrying 168 passengers. The vessel lost engine power and suffered an electricity blackout, and flotsam resembling flesh and blood was reported after the accident.

The Korea Coast Guard says that there have been nine similar collisions with unidentified objects thought to be dolphins in the past three years. One such accident last April killed one ferry passenger injured another 27. Many of the cetaceans gather to calve in waters crossed by the Busan/Japan high-speed ferries in the first quarter of each year. A Busan Coast Guard patrol vessel was sent to tow the ferry back to the port.

Editor's Note: For those who want to receive the *West Coast Sailors*, in a more timely manner, via first-class mail: U.S. \$25 per year, **International \$30 per year.**

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West Coast Sailors
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San Francisco CA 94105

Welfare Notes

January 2008

MEDICARE PART B REIMBURSEMENT FOR PENSIONERS

A letter was recently mailed to all Pensioners requesting a copy of the Medicare Benefit Verification Notice showing your monthly premium amount. Please be sure to send a copy of this notice to the SUP Welfare Plan office for yourself and spouse to continue receiving the reimbursement for Medicare Part B premiums on your pension checks.

ACTIVE COVERAGE

Active members become eligible for coverage in the month after they complete 120 eligibility mandays within a 12-month period. Once a member becomes eligible, the member must enroll in a plan for coverage. The medical and dental plan choices are dependent upon your residence or the port from which you ship.

In order to continue eligibility, 60 eligible mandays must be worked within the eligibility period. The new rolling eligibility period starts in the month following the 60th day worked.

Medical and dental copayments for members as patients can be submitted to the SUP Welfare Plan for reimbursement. Copayments for dependents are not reimbursable.

Active Members are also eligible for a vision exam and one pair of eyeglasses (lenses and frames) once in a 24 month period. The maximum payable is \$200.00.

Active members are also eligible for a \$25,000.00 Death Benefit. Please contact the Plan office to make sure you are properly enrolled for all the benefits available to you.

Michelle Chang, Administrator: mcsupsiupd@sbcglobal.net

Patty Martin: martinpatty59@sbcglobal.net

Virginia Briggs: Claims vbriggs80@sbcglobal.net

Michael Jacyna: Eligibility mjacyna67@sbcglobal.net

Training Representative: Berit Eriksson 415-957-1816

SUP Welfare Plan

730 Harrison Street, #415

San Francisco, CA 94107

Phone Numbers: 415-778-5490 or 1-800-796-8003

Fax: 415-778-5495

SIU-PD Pension 415-764-4987

SIU-PD Supplemental Benefits 415-764-4991

Biofuels: Drink or drive

The impetus towards biofuels is having unforeseen impacts, such as beer drinkers in the United States facing a shortage of their favorite brew. The country's farmers can either grow hops for beer or use their acreage for growing corn for turning into ethanol to fuel cars. They appear to have chosen the latter because it pays better.

As a result, the growing of hops, mainly in the Pacific Northwest, has decreased by as much as 50 percent. Beer producers are also being hit by a reduction in the planting of barley. This is converted into malt for use in the brewing industry and crops have also been reduced in favor of corn, leading to a shortage of ale.

Because increased automobile and truck use is blamed for climate change and this phenomenon has affected crop yields in Australia and Europe, it has become harder to replace domestic harvests with imports.

Skipper gassed up at sailing time

The Ukrainian master of a vessel unloading grain in Southampton, England, has been fined after being found three times over the alcohol limit when preparing to sail.

Oleg Syrovatko pleaded guilty to one breach of the Railway and Transport Safety Act 2003 and was fined £500 with 14 days in jail if he does not pay it. He was the master of the *Helen* and was found to be intoxicated during an inspection by the port state control inspectors on January 8. The inspectors had previously discovered problems with the hours of work records kept on board and were conducting a thorough review of these records when it was noted that Captain Syrovatko appeared to be under the influence of alcohol. Inspectors requested the assistance of the police, who administered a breath test, which Syrovatko subsequently failed.

Record of SUP Shipping December 2007

	Hdqg	Seattle	Wilm	Hono	Total
Bosun	4	2	1	1	8
Maint. Man	5	0	0	2	7
A.B. Dayworker	0	0	6	5	11
A.B.	10	7	13	3	33
O.S.	0	0	2	0	2
Standby	25	17	45	34	121
TOTALS	44	26	67	45	182

Transportation Worker Identification Credential (TWIC) Enrollment Centers*

To obtain a TWIC, mariners may visit the following enrollment centers (7:00 A.M.-7:00 P.M., Monday-Friday) or to simplify the process and save time, you can pre-enroll online at www.tsa.gov/twic or call 1-866-347-8942. The enrollment process requires applicants to visit an enrollment cen-

ter to provide biographic information, sign a disclosure form, provide the necessary identity verification documents, provide a complete set of fingerprints, sit for a digital photograph and pay the enrollment fee. For a complete list of disqualifying crimes and offenses, visit www.tsa.gov/twic.

<p>WEST COAST</p> <p>Washington Fraternal Order of Eagles, AERIE #1 205 Carson Avenue South</p> <p>Seattle 5009 Pacific Highway East, Ste. 17 Fife Business Park</p> <p>Tacoma</p> <p>Oregon 7025 North Lombard, Suite 100</p> <p>Portland</p> <p>California 1830 Embarcadero Ave., Suite 104</p> <p>Oakland Oakland Maritime Support Services 11 Burma Road</p> <p>Oakland 1931 North Gaffey Street, Suite B</p> <p>San Pedro 301 East Ocean Boulevard, Suite 500</p> <p>Long Beach</p> <p>Hawai'i 1347 Kapiolani Boulevard, Suite 204</p> <p>Honolulu Kahului Shopping Center 65 West Kaahumanu Ave., Unit 14</p> <p>Kahului, Maui 970 Kele Street, Suite 102</p> <p>Lihue, Kauai Hilo Hawaiian Hotel 71 Banyan Drive</p> <p>Hilo</p>	<p>Georgia Georgia Power Plant McManus 1 Crispen Island Drive</p> <p>Brunswick 5214 Augusta Road</p> <p>Garden City</p> <p>Maryland 2200 Broening Highway, Suite 220</p> <p>Baltimore 213 W. Main Street, Suite 204C</p> <p>Salisbury</p> <p>Massachusetts 28 Damrell Street, Suite 104</p> <p>Boston 300 Tremont Street, Unit #5</p> <p>Carver</p> <p>New Jersey 89 Beuning Street, Suite G</p> <p>South Hackensack</p> <p>New York 102 Smith Boulevard</p> <p>Albany 2680 Grand Island Boulevard, Suite 1</p> <p>Grand Island Whitehall Ferry Terminal 4 South Street, Room 210</p> <p>New York Howland Hook Marine Terminal 241 Western Avenue</p> <p>Staten Island</p> <p>North Carolina 311 Atlantic Beach Causeway</p> <p>Atlantic Beach 5704 Oleander Drive, Suite 107</p> <p>Wilmington</p> <p>Pennsylvania Philadelphia Regional Port 3460 North Delaware Avenue</p> <p>Philadelphia 701 North Point Drive, Suite 104</p> <p>Pittsburgh</p> <p>Rhode Island 17 Virginia Avenue, Suite 105</p> <p>Providence</p> <p>South Carolina 4600 Goer Drive, Suite 112</p> <p>North Charleston</p> <p>West Virginia Tri-State Fire Academy 4200 Ohio River Road</p> <p>Huntington</p>	<p>GULF COAST</p> <p>Alabama 250 North Water Street Mobile</p> <p>Louisiana Safety Council for Louisiana Capital Area 8180 Siegen Lane</p> <p>Baton Rouge 700 W. McNeese Street</p> <p>Lake Charles Port Fourchon Harbor Police 108 A.O. Rappelet Road</p> <p>Port Fourchon 170 James Drive East, Suite 104</p> <p>St. Rose</p> <p>Mississippi c/o Ergon Refining 227 Industrial Drive</p> <p>Vicksburg</p> <p>Texas Ford Convention Center, Tyler Rm. 5155 IH-10 South</p> <p>Beaumont 1000 Foust Road</p> <p>Brownsville 7433 Leopard Street</p> <p>Corpus Christi West Gulf Maritime Association 1717 Turning Basin</p> <p>Houston 3800 Highway 365, Suite 123</p> <p>Port Arthur 301 Highway 146 N.</p> <p>Texas City 1750 FM 1432</p> <p>Victoria</p>	<p>Indiana 200 Russell Street, Suite 110</p> <p>Hammond</p> <p>Michigan c/o Delray Mechanical 667 S. Post Street</p> <p>Detroit 800 East Ellis Road, Suite 122 Norton Shores 916 River Street</p> <p>Ontonagon</p> <p>Minnesota 1310 Port Terminal Road</p> <p>Duluth 3214 2nd Avenue East</p> <p>International Falls 34 13th Ave, NE</p> <p>Minneapolis 2161 University Avenue</p> <p>St. Paul</p> <p>Ohio 3100 E 45th Street, Suite 226</p> <p>Cleveland Star Center One Maritime Plaza 720 Water Street</p> <p>Toledo</p> <p>Oklahoma 5350 Cimarron Road</p> <p>Catoosa</p> <p>Tennessee 3865 Viscount Avenue, Suite 2</p> <p>Memphis</p> <p>Wisconsin 425 South Military Avenue</p> <p>Green Bay Chase Commerce Center 3073 South Chase Avenue Suite 620 Building 28 Floor 1</p> <p>Milwaukee</p> <p style="text-align: center;">U.S. Merchant Mariners must have a TWIC by September 25, 2008</p>
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*As published in the *Federal Register*, effective January 21, 2008.

California Supreme Court rules mall cannot ban peaceful Union leafletting

A California shopping mall could not restrict Union members from handbilling on its property in connection with a labor dispute even though the handbilling was designed to cause a consumer boycott of one of the mall's tenants, the Supreme Court of California ruled 4-3 in a December 24 decision.

The California high court proceeding arose out of a protest at San Diego Fashion Valley Mall in October 1998. According to the court, 30 to 40 members of Graphic Communications International Union Local 432-M came to the mall and stood outside the Robinsons-May department store, handing out leaflets. The leaf-

lets stated that Robinsons-May advertised in the *San Diego Union-Tribune*, and the Union, which represented a unit of press-room employees, was engaged in a long-running primary labor dispute with the newspaper. The Union leaflets urged store customers who believed that employees should be treated "fairly" to contact the newspaper's chief executive officer.

Within minutes, mall officials notified the Union protesters that they were trespassing on Fashion Valley property because they failed to obtain a permit from the mall management company. When they were warned that they would be subject to "civil litigation and/or arrest"

if they did not leave the mall, the Union members moved to public property near the mall entrance.

Fashion Valley maintained a rule that permits for "expressive activity" would be issued only if they were requested in advance and if the requesting party agreed to abide by the mall's rules, including a rule against interfering with the business of a mall tenant and a prohibition on "urging, or encouraging in any manner, customers not to purchase the merchandise or services offered by one or more of the stores or merchants in the shopping center."

Local 432-M filed an unfair labor practice charge with the National Labor Relations Board, alleging that by refusing to allow the leafletting in front of Robinsons-May, the mall owners interfered with the Union members' rights in violation of Section 8 (a) (1) of the National Labor Relations Act. An administrative law judge found that the Union was engaged in peaceful handbilling to publicize its primary labor dispute with the *Union-Tribune*, and the NLRB concluded that the mall violated the statute both by maintaining the anti-boycott rule and by enforcing

continued on page 11



SUP President's Report

January 14, 2008

PATRIOT CONTRACT SERVICES

As reported in April of last year, Patriot Contract Services notified the Union that it planned to respond to the Military Sealift Command (MSC) Request for Proposal (RFP N00033-07-R-2503) to operate and maintain two Special Mission Ships—the *USNS Hayes* (T-AG 195) and *USNS Waters* (T-AG 45). Shortly thereafter the SUP, MFOW and SIU-Marine Cooks had a series of meetings with Patriot to formulate a competitive proposal to MSC based on the total labor costs that were being paid at that time aboard the two vessels and to incorporate into an agreement the rigid requirements stipulated in the RFP.

On December 13, Patriot was notified by MSC that it was tentatively the successful bidder, but that two companies (C-Port Marine Services and Ocean Shipholdings) had challenged Patriot's status as a small business, putting the award on hold. However, MSC informed Patriot that if the protests were not valid, the company could start operating the vessels as early as January 30. Given extensive MSC training required for prospective crew members—Damage Control; Chemical Biological and Radiological Defense Warfare; Small Arms Training; Anti-Terrorism Level I Training; and a specially designed Small Boat Handling Course—the SUP Vice President notified all SUP Branches on December 27, that members interested in working in the *Hayes* and the *Waters* should immediately apply for the necessary training. Training began on January 8, at the Training Resources Limited site in San Diego. On January 9, the U.S. Small Business Administration determined that Patriot is, in fact, a small business and rejected both challenges. However, the following day the Union was notified that the *Hayes* would not be turned over to Patriot until mid-March and the *Waters* until late-April. The two vessels are currently operated by 3PSC of Reston, Virginia, an SIU/AMO-contracted company.

The following are the key specifics of the agreement with Patriot:

Term of Agreement:

One year with seven one-year options.

Manning:

USNS Hayes:

—Full Operating Status (FOS):

4 ABs and

2 Specially-Trained Ordinary Seamen (STOS)

—Reduced Operating Status (ROS):

3 ABs

USNS Waters:

—Full Operating Status (FOS):

1 Bosun,

3 ABs and

2 Specially Trained Ordinary Seamen (STOS)

—Reduced Operating Status (ROS):

3 ABs

Wages: Based on a 56-hour work week, excluding holidays:

	Monthly Rate	Daily Rate
Bosun	\$3,978.28	\$132.61
AB	\$3,031.70	\$101.06
STOS	\$2,319.89	\$77.33

Wage and Wage-Related Items Increases:

October 1, 2008: 2% October 1, 2012: 2%

October 1, 2009: 2% October 1, 2013: 2%

October 1, 2010: 2% October 1, 2014: 4%

October 1, 2011: 2% October 1, 2015: 4%

Overtime Rates:

Bosun: \$24.80 per hour

AB: \$19.14 per hour

STOS: \$14.84 per hour

Supplemental Benefits (Vacation)

FOS: 10 days for every 30 days worked

ROS: 5 days for every 30 days worked

SUP Money Purchase Pension Plan:

\$10 per day for all ratings

SUP Welfare Plan:

Group II (six months) Medical Coverage

Holidays:

New Year's Day

Martin Luther King, Jr.'s

President's Day

Memorial Day

Independence Day

Labor Day

Columbus Day

Veteran's Day

Thanksgiving Day

Christmas Day

In addition to the training required to work in these vessels, prospective crew members must pass an MSC physical and pass a National Agency security check.

All members will be dispatched according to modified "shuttle ship" rules: A minimum assignment of five months and a maximum of six months subject to operational considerations. To comply with government requirements, all dispatches are considered probationary for the first 60 days of employment without recourse to the grievance procedure. In addition, "unlicensed personnel shall not be accepted for employment if previously repatriated for a medical condition, unless a complete report from a physician provides verification that the predisposing condition has been corrected and cured, and the company's licensed physician has approved such report."

Under the agreement Patriot has the right to establish a crew rotation policy including a staggered relief procedure. When a vessel is in port in FOS or ROS the company may put unlicensed personnel on gangway/security watch, such that the watch will be paid the daily base (eight-hour) rate with all other hours paid at the overtime rate. Travel days are not payable except for a per diem rate when joining or departing a vessel from foreign ports or ports in Hawai'i.

The *Hayes* is a 247-foot-long acoustic research ship that conducts surveys in support of the Navy's submarine noise reduction program. This catamaran has a crew of 19 plus 7 Navy personnel and 30 scientists. The *Hayes* is homeported at Port Canaveral, Florida. According to the RFP, a routine mission for this vessel lasts approximately four days plus two days transit to and from the operating area. The ship usually performs two back-to-back missions per month.

The *Waters* is a 457-foot-long special mission ship that supports submarine navigation system testing and provides ballistic missile flight test support services. When fully operational she has a crew of 32 mariners and 59 military and scientific personnel. The *Waters* is currently in Port Canaveral, but has at times been homeported at Pearl Harbor. Navigation missions last up to 30 days underway, and flight missions last up to 10 days underway with 10-day load-out periods for equipment.

Members interested in training for work in these ships should fill out an Andrew Furuseth School of Seamanship application and mail it to Berit Eriksson, SUP Training Representative, 450 Harrison Street, San Francisco, CA 94105. Sister Eriksson can be contacted with questions at 415 957-1816 or by email at berittrainrep@sbcglobal.net.

Jobs for the *Hayes* and *Waters* will be called in accordance with the SUP Shipping Rules in all halls where qualified and eligible members are registered.

These vessels represent important new work for the membership and a valuable foothold in the vast business of maritime contracting by the government. Therefore, recommend membership ratification of the agreement.

BANE & TULENKUN v. SUP

As first reported in September, 2005, SUP members Sefuluono F. Bane and Ruta A. Tulenkun filed suit against the Union with the U.S. District Court for the District of Hawai'i, alleging race and gender discrimination against them in the dispatching process by the Honolulu Branch. The SUP has repeatedly denied the charges.

In November, reported that on October 17, Union attorney Charles Khim filed a motion with the Court to

dismiss the complaints, or in the alternative grant Summary Judgment in favor of the Sailors' Union. That motion was scheduled to be heard before Judge J. Michael Seabright on December 31.

However, under the rules of the Court a settlement conference was ordered for December 18, before Federal Magistrate Barry Kurren. The "offers" submitted in advance by Bane and Tulenkun were for \$342,805.34 and \$317,454.60 respectively. Included in this amount for each is a claim for \$300,000 for "emotional distress damages." The SUP countered by offering not to pursue legal sanctions against Bane and Tulenkun and their attorney, if all complaints against the Union were dropped. Your secretary was required to be in Honolulu for the settlement conference but an hour before the conference was scheduled to start, Magistrate Kurren notified the parties that the conference was being cancelled since the opposing sides were too far apart for the conference to have any value.

Your secretary returned again to Honolulu for the December 31 hearing before Judge Seabright. Although all evidence in the case was supposed to be submitted to the Court prior to the 31st, the attorney for Bane and Tulenkun requested that she be allowed to depose two more individuals. Despite the strong objections of Mr. Khim, Judge Seabright "reluctantly" denied the Union's motions to dismiss the case and allowed the depositions to take place on January 3, but that the results of those depositions were to be in his office by January 7.

(On December 31, the U.S. Equal Employment Opportunity Commission notified the Union that it had given Bane the right to sue the SUP for race and gender discrimination as well as "retaliation.")

On January 3, SUP Brother Clifford Lopes and one Jerry Yahiku were scheduled to be deposed. Mr. Yahiku is not and has never been a member of the Union. Brother Lopes was subpoenaed by the attorney for Bane and Tulenkun and was questioned whether he had been at the Honolulu Branch on April 22, 2005, when he was dispatched to the Matson standby gang at the 2:00 P.M. job call. Brother Lopes confirmed that he was in the hall, which had previously been confirmed by other deposed witnesses. **This is the crux of Bane's case, that she was discriminated against by the Union because she is a Samoan woman even though she was not at the job call herself!**

Since Mr. Yahiku did not appear at the January 3 deposition, Union attorney Khim immediately contacted the Court to request a status conference in order to dismiss the case, however, the Court was non-responsive. Your secretary returned to San Francisco the same day, assuming after consultation with Mr. Khim that Judge Seabright would resolve the case in favor of the SUP the following week.

However, on January 5, Khim notified your secretary that Mr. Yahiku had been subpoenaed and would be deposed on Monday, January 7, necessitating still yet another trip to Honolulu.

At the January 7 deposition, Mr. Yahiku testified that despite Bane's urging, he was never at the April 22, 2005 job call and also testified that he told Bane that he didn't want to sign the declaration her attorney had written for him because what was stated was false.

Immediately after the conclusion of Mr. Yahiku's testimony, Bane surrendered and dropped two of her three charges against the Sailors' Union. Those charges were, as are Tulenkun's, that the Union allegedly discriminated against her because she is Samoan and female, which is a breach of the duty of fair representation, and a violation of Title VII of the Civil Rights Act of 9164, as amended. The last complaint that Bane and her attorney refused to withdraw was the \$300,000 "intentional infliction of mental distress" against the SUP under Hawai'i state law.

This charge plus the SUP's overall motion to dismiss the case or in the alternative, Summary Judgment against Tulenkun as well as Bane will be heard by Judge Seabright on February 15. Your secretary is cautiously optimistic that the Union will prevail over the bogus

continued on next page

President's Report continued

claims made by Bane and Tulenkun.

If successful, the SUP will file motions against Bane and Tulenkun for sanctions and motions for payment of costs and attorney's fees.

CHEVRON SHIPPING COMPANY

In accordance with the collective bargaining agreement between the Sailors' Union of the Pacific and Chevron Shipping Company covering all unlicensed mariners in the company's U.S.-flag fleet, wages and wage-related items (overtime) shall increase by 3% effective February 1. In addition, vacation pay shall increase from 20 to 21 days per month.

FOSS MARITIME COMPANY

In preparation for negotiations with Foss, SUP members employed by the company —Tom Tynan, Mike Worth, Peter Leo, Carl Turner and Eric Weintraub— along with the Vice President caucused on January 7, 8 and 9, to formulate preliminary bargaining proposals.

In accordance with Article XVII, Section 5, of the SUP Constitution, a Negotiating Committee shall be elected at today's meeting and turn-to tomorrow. In the event a full committee cannot be fielded, recommend, as per past practice, that openings be filled with SUP members employed by Foss.

Bargaining is scheduled to begin on February 5, at Headquarters. The current collective bargaining agreement with Foss expires on February 29.

SUP ELECTION

The secret mail balloting for the 2008-2010 term of officers for the Sailors' Union and a referendum on a proposed amendment to the Union's Constitution concludes on Thursday, January 31.

On Friday, February 1, the Balloting Committee elected at the September 2007 Headquarters meeting will turn-to at 8:00 A.M. and accompany representatives of Pacific Election Services —the Impar-

tial Balloting Agent selected by the membership to conduct the election— to retrieve the ballots from a San Francisco post office box used by the balloting agent. Once back at Headquarters, the Committee will then verify the eligibility and standing of those members voting, in accordance with Article XII, Section 10, of the SUP Constitution.

After Union standing and eligibility are determined, Pacific Election Services employees will count the ballots in the presence of the Committee and those interested in observing the process in the Headquarters Library. Once the tally is completed, the election results will be posted and transmitted to all SUP halls.

Members elected will assume office on March 1. If the proposed Constitutional Amendment to increase quarterly dues receives the required two-thirds majority vote, it will become effective February 1.

If eligible members have not received a ballot, contact:

**1) By letter: Robbin A. Johnson, Manager
Pacific Election Services, Inc.
1650 Stanmore Drive
Pleasant Hill, CA 95423**

2) By fax: 925-685-4937

3) By email: rjohnson7128@sbcglobal.net

When requesting a ballot, members must include their name, mailing address and membership number. It must be noted that no ballots will be mailed to any SUP hiring hall.

For the election to be a true reflection of the membership, all hands eligible should vote.

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 fourth quarter of 2007, and report back to the membership at the February coastwise meetings. In the event the Committee cannot

be filled today, or is short-handed when it convenes, recommend that 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 Friday, February 8.

HOLIDAYS

All SUP halls will be closed on Monday, January 21, in observance of Martin Luther King, Jr.'s Birthday; a holiday under all agreements except Chevron Shipping Company and Foss Maritime Company. Branch meetings will be held on Tuesday, January 22.

Next month all SUP halls will be closed on Tuesday, February 12 (Lincoln's Birthday), which is a holiday under the collective bargaining agreements with American President Lines (Offshore and Shoreside), Chevron Shipping Company, Matson Navigation Company (Offshore and Shoreside) and the San Francisco Bar Pilots.

On Monday, February 18, all SUP halls will be closed for Washington's Birthday (Presidents' Day) which is a holiday under the collective bargaining agreements with APL (Offshore and Shoreside), Matson (Offshore, Shoreside and Ready Reserve Force vessels), Foss Maritime Company, and Patriot Contract Services. Due to the holidays, the Branch meetings will be on Tuesday, February 19.

Under the agreements with Chevron and the Bar Pilots, Washington's Birthday is observed on February 22.

ACTION TAKEN

M/S to ratify the *Hayes/Waters* Memorandum of Understanding. Carried unanimously.

Foss Negotiating Committee: Nominated and elected: Sean Gaddis, Mike Higa, Mel Jackson, Peter Leo, Karl Turner, Tom Tynan, and Mike Worth.

Quarterly Finance Committee: Nominated and elected: Rafael Cooper, Romaine Dudley, Louis Frazier, Kaj Kristensen, and Art Thanash.

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

Union leafletting in mall

continued from page 9

the rule by requiring application for a permit to engage in lawful activity.

"California law permits the exercise of speech and petitioning in private shopping centers, subject to reasonable time, place, and manner rules adopted by the property owner," the board said. But the NLRB said Fashion Valley's anti-boycott rule was a "content-based restriction" that was not permitted by California law. The purpose and effect of the rule was to shield mall tenants "from otherwise lawful consumer boycott handbilling," the board said.

Fashion Valley petitioned for review of the NLRB's ruling that it unlawfully enforced its rule against Local 432-M members, asking the D.C. Circuit to review and set aside the board's unfair labor practice finding. But the federal appellate court said that California law was uncertain and that "no California court has squarely decided whether a shopping center may lawfully ban from its premises speech urging the public to boycott a tenant."

The D.C. Circuit certified to the California Supreme Court the question of whether Fashion Valley could maintain and enforce its anti-boycott rule against Local 432. In response, the state Supreme Court found that under the California Constitution a shopping mall is a "public forum" and that mall managers cannot prohibit speech based on its content. The court rejected an argument that the mall could enforce a rule that permitted

some forms of protest but restricted boycott activity.

Three justices dissented, arguing that the decision left California "isolated" on the issue of the right to protest at private shopping centers and that "[i]t is wrong to compel a private property owner to allow an activity that contravenes the property's purpose."

The majority held that the state constitution provides that any person may "speak, write and publish his or her sentiments on all subjects," and that "[a] law may not restrain or abridge liberty of speech or press."

In *Robins v. Pruneyard Shopping Center*, 23 Cal. 3d 899 (Cal. 1979), the court said California's constitution provided broader protection for free expression than the First Amendment to the U.S. Constitution and protected speech and petitioning in shopping centers even when they were privately owned.

Courts have noted that reasonable limitations on the time, manner, and place of speech may not be unconstitutional, but the high court held that "[p]rohibiting speech that advocates a boycott is not a time, place, or manner restriction because it is not content neutral."

Fashion Valley argued that its anti-boycott rule was "content-neutral," because it applied to all boycotts, without discrimination. But the court said the argument was "mistaken."

Source: BNA

Vice President's Report

January 2007

Ships Checked

In addition to the routine duties of the Front Office, made the following ships:

APL Korea: Delegate Herb James. Gangway disrepair issue brought to the company. New stanchions ordered for delivery in first Far East port and a full assessment of the other problems is underway.

APL Singapore: Delegate Eric Hands. Disputed carpenter's time for installing overhead panels collected.

APL Philippines: Delegate Rudy Musgrove. Ship in clean at Oakland, now the first U.S. port call.

President Truman: Delegate Dave Erikson. Made her in NYC. Long-standing riding gang vacation issue resolved.

President Jackson: Delegate Jeremiah Ransdorf. Confusion regarding delegate election resolved.

President Adams: Delegate Larry Gately. Post-dispatch job assignment switching is not allowed under the SUP Shipping Rules.

R.J. Pfeiffer: Delegate Tim Thomas. Clarification on short-handed watchstanding rules.

Manukai: Delegate John Drolla. Call from Hawaii indicates most things okay. Steward department issues being investigated with the company.

Manulani: Delegate Jim Stelpstra. Need more information on delayed sailing question.

Mokihana: Delegate Chris Cotterman. Operation of "gas tight" doors in the new garage is SUP jurisdiction.

Lurline: Delegate George Simpier. Email clarification on port watchstanding.

Cape Jacob: Delegate Lou Holloway. No problems. Departed Korea for Saipan.

Mississippi Voyager: Delegate Tim Patricio. Solid gang. No problems.

Colorado Voyager: Delegate Peter Nevins. In at Richmond Long Wharf. Investigating sexual harassment claim.

USNS Hayes: Will be the first to call for crew around February 21. First training class conducted in San Diego. Second one will begin early February. Contact Berit Eriksson at 415-957-1816 for more information.

USNS Waters: Expected to call for crew in late April.

San Francisco Bar Pilots: Delegates Steve Ross and Louie Urbano. Updated drug and alcohol policy in conformity with DOT regulations.

Foss Maritime Company: Delegates Mike Worth, Mel Jackson, and Tom Tynan. Met six times in caucus and twice after electing a negotiating committee. Proposals being formulated, first meeting with the company is February 5.

SUP Branch Reports

Seattle

December 17, 2007

Shipped during the period: 1 Boatswain job shipped to an A card; 5 Able seaman jobs shipped to 3 A cards and 2 B cards. 14 standbys shipped and filled by 9 A, 2 B and 2 C members.

Registered during the period: 4 A cards for a total of 22; 14 B cards for a total of 29; 1 C cards for a total of 9.

Ships Checked

Matson ships *Maui*, *Kauai* and the *Mahimahi* all called in Seattle with little or no trouble.

I attended a meeting in the Mayor's office with ILWU Local 19 President Herald Ugles and the King County Labor Council's Executive Director Dave Freiboth for a strategy session on retaining maritime family wage jobs in the City.

We assisted the Deep Sea Fishermen's Union with letters of recommendation to Washington State Governor Christine Gregoire to appoint Bob Alverson to the Pacific Fishery Management Council. Alverson is the manager of the "Fishing Vessel Owners Association" and is a strong supporter of Union fishing vessels that home port in Seattle's Fisherman's Terminal.

I represented the SUP in meetings with newly elected Seattle Port Commissioners Bill Bryant and Gayle Tarkington; and I attended a meeting with U.S. Congressman Rick Larsen who sits on both the Armed Services Committee and the Transportation and Infrastructure Committee.

We had a bang-up holiday party this year. Jeri Beavers and Robin Colonas handled the set up. Mike Carr did the cooking. Danny Ycoy barbecued the pig and with many families bringing in home cooked lumpia; fruit salads and deserts we had quite a feast. There was easily over 75 to 100 retired and active members and their families show up and "a good time was had by all."

Branch Agent

Wilmington

December 17, 2007

Shipping for the period: 2 bosuns, 12 ABs, 5 ABDs, and 43 standby for a total of 62.

Registration: 43 A cards, and 15 B cards.

Ships Checked

Matsonia, *Lihue*, *Philippines*, *Manulani*, *China*, *Maunawili*, *Maunalei*, *Korea*, and *Pfeiffer*.

I attended an MTD meeting. Sent our request for funding our youth solidarity cruise. The cruise will take place in July and will cost about \$30,000. We will be taking students on a short cruise on the *Lane Victory* and teaching them about the jobs in the maritime industry, but most importantly we will teach them of the importance of a strong Union. We will show the students how the Unions protect American workers and how the Unions raise the standard of living in the United States. If you would like to donate to the solidarity cruise, send your check to: Maritime Trades Department, Southern California Ports Council, AFL-CIO, P.O. Box 816, Wilmington, CA 90748. Encourage others on your ship to do the same at your all crew meetings. Brothers, if we do not make an effort to teach the youth of America about our Unions, the banker and industrialist will. Any small donation will help even the amount you spend tipping someone at the bar or taxi. It's your turn to fight, so donate to our solidarity cruise.

Also attended the L.A. Unions delegates congress. It was an all day event. We talked over the many Union contracts that will come up in 2008, and our need to stand as one in solidarity. Many speakers spoke against politicians that only back us when it's convenient to them. There were also calls for a general strike in 2008. L.A. is not a place for politically correct nerds to speak out. This is a place where working class men and women set the pace with a working class agenda.

Finally, port prep is all hands and you do not do any maintenance during port prep.

Yours in struggle, Branch Agent

Honolulu

December 17, 2007

Shipped during the month of November: 1 Bosun return, 1 Bosun relief, 3 ABDs, 2 ABD reliefs, 2 ABD returns, 6 ABWs, 1 ABW relief, 2 AB maints, and 1 OS. These jobs were filled by: 11 A members, 6 B members, 1 C member and 1 D registrant. Also shipped 43 standby jobs filled by 3 A members, 16 B members, 17 C members, and 7 D registrants for a total of 62 jobs shipped.

Registration during the month of November: 9 A members, 6 B members, 1 C member and 2 D registrants. To date registered are: 16 A members, 11 b members, 6 C members, and 3 D registrants for a total of 36.

Ships Checked

Manoa, *Manukai*, *Matsonia*, *Lurline*, *Kauai*, *Maunalei*, *Manulani*, *Lihue*, *Mokihana*, *Mahimahi*, and *Maunawili*. All with few or no beefs. Paint and Rigging gang running smoothly with Monte Kalama as bosun.

On December 9, the SUP/MFOW held its annual Christmas party at the Honolulu Union hall. Had a nice turnout of members and pensioners along with their spouses. Fun time had by all!

Hawai'i super ferry out of one court and running on a limited schedule.

Took off for the Mainland during the holiday season. Wish to thank Bonny Coloma MFOW agent for covering the hall during what turned out to be a hectic period.

Branch Agent

San Francisco Business Agent

January 14, 2008

Visited and paid off the following ships:

Lurline— Edwin Suguitan, delegate: Car and van carrier. Cleared away disputed overtime.

Mahimahi— Pedro Guerrero, delegate; Dan McDonald, bosun: First voyage in San Francisco since Orient shipyard. Linen dirty on dock and ship sailed at 3:00 P.M. How in the world can they have clean linen for the trip. Made twice. Relief bosun Brian Yost, delegate Manual Roxas.

Mokihana— Joe Moitoso, delegate: New car carrier. No disputes; in good shape.

Moku Pahu— Gary Thompson, delegate: In from Korea. Stopped at Honolulu for sugar. No disputed time; few questions.

APL Korea— Sid Idris, delegate; John Fernandez, bosun: Doing a great job. Voyage pay off; no disputes.

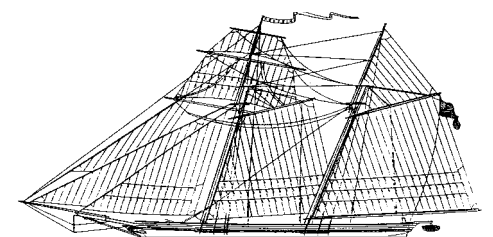
APL Thailand— Ted Soderberg, delegate: Voyage pay off. No disputes.

NOTE: Sailors taking a trip off shall be properly relieved through the Hiring Hall or they will not be allowed to register for 90 days as per the Shipping Rules.

Also when you send in dues money, enclose your membership book.

Business Agent


SUPPORT THE SUP POLITICAL FUND



Dispatcher's Report

Headquarters—Dec. 2007

Deck	
Bosun	4
Carpenter	0
MM	5
AB	10
OS	0
Standby	25
Total Deck Jobs Shipped	44
Total Deck B, C, D Shipped	7
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. ...	44
Total B, C, D Shipped-All Depts. ...	7
Total Registered "A"	63
Total Registered "B"	51
Total Registered "C"	7
Total Registered "D"	4



CALIFORNIA LABOR FEDERATION

FEBRUARY 5, 2008 BALLOT MEASURES

TRANSPORTATION FUNDING PROTECTION ACT (Prop. 91)

- Due to the passage of Proposition 1A, proponents of Proposition 91 agree that this initiative is no longer necessary.

California Labor Federation Position on Prop. 91 NO

CALIFORNIA COMMUNITY COLLEGE INITIATIVE (Prop. 92)

- This initiative would give every Californian the chance to go to college by lowering fees.
- In 2004, when the Legislature hiked fees to \$26 per unit, over 300,000 fewer students enrolled in community colleges. Proposition 92 would reduce community college attendance fees to \$15 per unit, ensuring that community college is accessible and affordable.
- Prop 92 also limits the rise in future fees, ensures stable funding for our community colleges, and guarantees that the community college system stays independent from state politics.
- Community colleges help improve the economy - for every \$1 the state spends on community colleges, \$3 are returned back to the state through increased wages, as students see their wages almost double soon after completing a vocational degree or certificate.

California Labor Federation Position on Prop. 92 YES

TERM LIMITS AND LEGISLATIVE REFORM ACT (Prop. 93)

- This initiative strikes a reasonable balance between the need to elect new people with fresh ideas, and the need for experienced legislators with the knowledge and expertise to solve the complex problems facing our state.

California Labor Federation Position on Prop. 93 YES

REFERENDA ON GAMING COMPACTS, (Props. 94-97)

- California's Unions have strongly opposed these gaming compacts since they were proposed in 2006.
- Under tribal law, casino workers on Indian reservations have no enforceable right to organize a Union unless it is specified in the gaming compacts.
- These four gaming compacts do not include provisions to protect the rights of workers, which is why labor will continue to oppose these compacts as referenda.
- There is no more important issue to workers than the right to organize and collectively bargain for fair wages and improved working conditions.

California Labor Federation Position on Props. 94-97 NO