



# West Coast Sailors

Official Organ of the Sailors' Union of the Pacific

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SAN FRANCISCO, CALIFORNIA

Friday, November 18, 2005

## Organized labor decisive in elections across the nation

Working family voters elected two pro-worker governors, defeated anti-worker propositions in California and voted to create good jobs in Ohio on November 8.

"Labor's voice was not silenced—we spoke loud and clear. This victory was the result of a massive effort by all of California's Unions," said Art Pulaski, executive secretary-treasurer of the California Labor Federation, which successfully mobilized to defeat all four of Governor Arnold Schwarzenegger's ballot measures attacking Union members' political freedom, teachers' jobs and school funding.

In Virginia and New Jersey, working families mobilized to elect Union-backed governors, while Ohio voters capped off a successful off-year election for working families by approving a ballot measure to boost the state's economic vitality and create jobs. Also in New Jersey, the state AFL-CIO continued to build on its strong year-round political mobilization efforts, with voters electing more than 40 Union members to state and local offices.

"These election results should put every elected official on notice: Working people are fed up with the anti-worker direction of our country and ready to get involved to change it," said AFL-CIO President John Sweeney.

In the California campaign, Golden State Unions used a massive Union-member-to-Union-member mobilization to counter Schwarzenegger's attack that was "financed chiefly by business interests, including real estate developers, technology executives, auto dealers, agribusiness and Wal-Mart heirs," according to the *Los Angeles Times*.

Schwarzenegger, who rode to office on his Hollywood fame and a promise of a bipartisan and moderate administration, targeted the state's public employee Unions after they successfully fought his efforts to privatize state employees' pensions, cut funds for schools, hospitals, health care, infrastructure and public safety.

Proposition 75 was the heart of Schwarzenegger's attack on working families. The "paycheck deception" measure sought to silence public employees' voice in politics by placing massive reporting and administrative burdens on Unions before Union dues could be used for political expenditures—such as educating mem-

*continued on page 4*

## Foreign workers aboard U.S.-flag vessels opposed by Coast Guard

Confirming the Sailors' Union's opposition to a provision in the Coast Guard and Maritime Transportation Act of 2005 (H.R. 889) that would allow U.S.-flag shipowners on international voyages to employ foreign nationals as maintenance and repair "riding gangs," the United States Coast Guard and the Department of Homeland Security have issued strongly worded position papers also in opposition to this House of Representatives passed legislation.

Refuting the initiative by the Maersk Line-led coalition of buccaneer shipowners that would undermine national security and decimate the American maritime seagoing workforce, the Coast Guard said that it objected to the foreign riding gang provision (Section 425) of the House bill as well as a revision of Section 425 concocted by Maersk to placate the Coast Guard.

Responding to an inquiry from Congressman Bob Filner (D-CA), Ranking Member of House Committee on Transportation and Infrastructure's Subcommittee on Coast Guard and Maritime Transportation, Pamela J. Turner, Assistant Secretary for Legislative Affairs of

the Department of Homeland Security commented on Section 425 by stating:

**"The Department objects to this section. This section would allow foreign persons to work on U.S.-flag vessels on international voyages without holding a merchant mariners document, and is a departure from existing law, several decades of Coast Guard policy, and a recent (1998) statement of Congressional support for the existing law. It would permit foreign persons to be employed on U.S.-flag vessels for long, and in some cases continuous periods of time to perform traditional seamen work integral to the vessel's long-term safety and operation; work which has long been reserved to U.S. mariners. There are also likely to be additional ramifications of such a change to a long standing regime. For instance, this change may exempt personnel from chemical testing who perform critical engineering repairs and maintenance or conduct hazard, us operations such as petroleum tank cleaning from regulatory schemes established to ensure vessel, crew, and passenger safety. The Department does not believe a possession of a Transportation Security Card is an appropriate substitute for a Coast Guard issued merchant mariner credential. Moreover, significant regulatory work may be required to define adequately what personnel are required to be in the "Stewards department" and are thus not eligible for this new exemption; on large passenger ships this could have a significant impact on the structure and regulation of the crew."**

The Coast Guard, which is now part of Homeland Security, stated in its position paper that it did not agree with Maersk's preposterous contention that permitting foreign riding gangs aboard U.S.-flag ships would somehow have a "positive

effect...on vessel security."

Without U.S. Merchant Mariner Documents and the extensive background checks that are required of American sailors, the proposal of Maersk and company diminishes security as they suggest that foreign riding gangs possess a Transportation Security Card.

Vice Admiral Terry M. Cross, Vice Commandant of the Coast Guard previously told Maersk in an October 26 letter that:

**"The Coast Guard does not believe that possession of a Transportation Security Card is an appropriate substitute for a Coast Guard issued merchant mariner credential. The Transportation Security Card is an illusory solution to the critical problem of security as it relates to riding gangs. The Transportation Security Card does not yet exist. Even when those standards are implemented, they will not be suitable for issuance to foreign nationals, primarily because of the practical difficulties in performing a sufficient background check on such individuals. Verifying the actual identity of a foreign riding gang member, matching it up to a name, and then performing a meaningful search of available data would be extremely difficult. Such a process would yield a significantly less reliable result than the criminal and general background check currently performed on every individual that is subject to 46 USC 8701. Any public policy choice on foreign riding gangs would need to recognize this fact. The United States has an obligation to make its best efforts to verify the backgrounds of all individuals engaged or employed on U.S.-flagged vessels. Any compromise over those efforts will adversely impact national security. Although our ability to perform equivalent background checks on**

*continued on page 5*



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## Sailors' Union balloting begins in December

By secret mail-ballot, all eligible members of the Sailors' Union of the Pacific will elect officers for the 2006-2008 term and decide on proposed amendments of the Union's Constitution and Shipping Rules.

The two-month election period begins on December 1, 2005, and concludes on January 31, 2006, with the ballots tallied on Wednesday, February 1, 2006.

Pacific Election Services, Inc. was selected by the membership as Impartial Balloting Agent and will be responsible for the entire election process.

Nineteen SUP members have been certified as eligible candidates, by the membership, to run for office. The positions contested are Vice President/Assistant Secretary-Treasurer, Wilmington Branch Agent, Honolulu Branch Agent, San Francisco Business Agent, Trustees of the SUP Building Corporation and delegates to the SIUNA Convention.

# SUP Quarterly Finance Committee Report

## SUP QUARTERLY FINANCE COMMITTEE REPORT FOR THE QUARTER ENDED SEPTEMBER 30, 2005

The Quarterly Finance Committee, duly authorized to act by the regular meeting at Headquarters on October 12, 2005, hereby submits the following report:

### SUMMARY OF CASH AND INVESTMENTS

General Fund .....	\$1,316,195.49
Political Fund .....	\$3,372.66
Strike Fund .....	\$1,293,730.99
Total Cash and Investments 3rd Qtr. 2005 .....	\$2,613,299.14

### GENERAL FUND

Income:	
Dues, Initiation, Assessments .....	\$80,648.20
Interest .....	25,715.10
Donations - <i>West Coast Sailors</i> .....	1,475.00
Tanker & Joint Committee, Hiring Hall .....	77,662.77
Advertising & Promotion .....	260.00
Miscellaneous Income, Reimbursements, Fines .....	484.31
Reimbursed Administrative Expenses .....	21,303.48
Contributions - General Fund .....	2,385.00
Total Income: .....	\$209,933.86
Expenses:	
Auto & Travel .....	\$1,181.20
Rent .....	16,273.98
Postage, Printing & Office .....	8,673.30
Telephone & Telegraph .....	4,996.67
<i>West Coast Sailors</i> Publishing Expense .....	8,753.77
Per Capita .....	12,002.15
Salaries & Payroll Taxes .....	198,847.49
Office Workers Pension .....	6,355.20
Insurance .....	24,237.43
Field Expense .....	2,089.82
Committee & Neg., Conference & Conv. .....	7,433.23
Investment Expense .....	1,637.00
Advertising & Promotion .....	720.00
Legal & Accounting .....	23,367.37
Contributions .....	7,730.00
Officials Pension .....	710.01
Accounting Expense .....	3,500.00
Miscellaneous .....	181.26
Subscription .....	1,499.87
Total Expense: .....	\$330,189.75

### BUILDING CORPORATION

Income:	
Assessments .....	\$2,252.00
Rents .....	68,244.67
Bldg. Util. & Service Reim. ....	1,200.00
Total Income: .....	\$71,696.67

Expense:	
Building Services & Utilities .....	\$27,830.42
Repairs & Maintenance .....	1,736.60
Salaries & Payroll Taxes .....	16,726.01
Pension .....	101.43
Insurance .....	8,914.08
Total Expense: .....	\$55,308.54

### POLITICAL FUND

Income:	
Contributions .....	\$3,020.00
Interest .....	.77
Total Income .....	\$3,020.77

Expense:	
Contributions .....	\$3,500.00
Filing Fee .....	75.00
Office Expense .....	13.00
Total Expense: .....	\$3,588.00

Net Income 3rd Qtr. ....	\$(104,434.99)
Year To Date Gain .....	\$334,287.45

We, the undersigned members of the Quarterly Finance Committee urge the membership to pass the dues increase on the 2005-2006 ballot in order to keep our Union on an even keel.

/s/ Rafael Cooper

/s/ Randy Coady

/s/ Arthur Thanash

/s/ Romaine Dudley

/s/ Steve Swinton

*ACTION BY THE MEMBERSHIP November 14, 2005. M/S/C—That we concur in the report of the SUP Quarterly Finance Committee and, as per past practice, publish in the West Coast Sailors. Carried unanimously.*

## Final Departures

**Theodore W. Paproski**, Book No. 3196. Born in Massachusetts in 1922. Joined SUP in 1942. Died in Kenmore, Washington, October 11, 2005. (Pensioner)

**Leo Cyril Hagen**, Book No. 5737. Born in Kansas in 1926. Joined SUP in 1952. Died in Seattle, Washington, October 20, 2005. (Pensioner)

**Hans Thomsen Jensen**, Book No. 4225. Born in Denmark in 1921. Joined SUP in 1949. Died in Sun City, California, October 22, 2005. (Pensioner)

**Jose R. Rovelo**, Book No. 3185. Born in Honduras in 1938. Joined SUP in 1983. Died in Compton, California, October 25, 2005.

**Charles E. Regal**, Book No. 2355. Born in Washington in 1918. Joined SUP in 1938. Died in Daly City, California, October 10, 2005.

**Charles R. Owens**, Book No. 2215. Born in West Virginia in 1924. Joined SUP in 1944. Died in San Francisco, California, October 30, 2005. (Pensioner)

**John A. Little**, Book No. 3530. Born in Washington in 1923. Joined SUP in 1944. Died in Tulare, California, October 31, 2005. (Pensioner)

**Claude Alonzo**, Book No. 3299. Born

in California in 1923. Joined SUP in 1943. Died in Oxford, Mississippi, October 27, 2005. (Pensioner)

**Mason Gray**, Book No. 2317. Born in Washington in 1917. Joined SUP in 1941. Died in Washington, October 16, 2005. (Pensioner)

**Laurel Good**, Book No. 2231. Born in Washington in 1915. Joined SUP in 1941. Died in Washington, July 18, 2005. (Pensioner)

**Louis Stein**, Book No. 6015. Born in West Virginia in 1918. Joined SUP in 1942. Died in Newark, California, November 9, 2005. (Pensioner)

**Theodore Filipaw**, Book No. 2037. Born in Michigan in 1927. Joined SUP in 1945. Died in California, November 10, 2005. (Pensioner)

## Charlie Regal, SUP member and former Matson publicist, dies

Charles "Charlie" Regal who served as Matson Navigation Company's chief public relations manager from 1959 until his retirement in 1990, died on October 10.

Regal was born in Everett, Washington, in 1918, and joined the Sailors' Union in 1938 sailing during the war until he swallowed the hook in 1945 to begin a newspaper career.

Starting as copy boy with the *Seattle Post-Intelligencer*, Regal worked his way up to a job as a reporter covering the Seattle waterfront. Later he had a column in the *P-I* called "Down the Hatch."

In 1956, he began working for Matson, writing speeches for company officials, help promote the Matson's ships and hotels and kept the company in the public eye.

Charlie never forgot his SUP roots and was a frequent visitor to the hall in San Francisco. "He would always say, 'Steady As She Goes,'" said his wife Lorraine.

Charlie is survived by his wife, five children, three grandchildren and three great-grandchildren.

## Marshall Islands' flag-of-convenience continues to grow by leaps & bounds

The Marshall Islands flag passed the 30 million gross ton mark in October and now stands at about 1,050 ships with a total tonnage of between 30 million gross tons-31 million gross tons. In tonnage terms, the Marshall Islands flag has been growing at the rate of about 30 percent a year for the past three years.

The runaway flag, in which shipowners avoid taxes and labor standards, now ranks fifth behind Panama, Liberia, Bahamas and Greece after overtaking Hong Kong earlier this year. Hong Kong currently has a registered tonnage of 29.61 million gross tons with a total of 1,079 ships on the register.

## Attend your Union meetings!

## West Coast Sailors

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**Gunnar Lundeberg,**  
President/Secretary-Treasurer  
**Teresa Anibale, Editor**

### BRANCH OFFICES

**Seattle, WA 98106**  
2414 SW Andover St. (206) 467-7944  
Bldg. F, Ste. 105 FAX: (206) 467-8119  
**Wilmington, CA 90744**  
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## SUP Meetings

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

<i>Hdqs.</i>	<i>Branch</i>
December	12 19

# Flag of convenience operators seek to change United States mariner wage laws

In an attempt to further exploit seamen and increase their already bloated profits, the International Council of Cruise Lines (ILCC) is drafting legislation for submission to Congress that would amend U.S. wage penalty applicable to both American and foreign mariners in U.S. ports.

Those laws, which the Sailors' Union and its legendary leader Andrew Furuseth were successful in enacting in the last century, provide for the full and prompt payment of seamen's wages and restrict "deductions" from wages to prevent fraud and abusive practices by shipowners.

The cruise lines that the ILCC represents (Carnival, Celebrity, Costa, Cry-

stal, Cunard, Seabourn, Silversea and Windstar) operate primarily non-Union flag-of-convenience ships that have a long and well documenting history of exploiting and abusing its workers.

To kill this initiative before it even gets in the legislative hopper, the SUP, MM&P and MFOW sent the following letter to members of the Senate Commerce, Science and Transportation Committee on October 21:

**"On behalf of the undersigned American maritime labor organizations, we are writing to convey our strong opposition to a proposal put forth by the International Council of Cruise Lines (ICCL) that would, in our**

**opinion, greatly diminish the rights of merchant seamen working aboard passenger vessels. The ICCL proposal would amend the existing wage penalty laws originally enacted to prevent the exploitation of seamen by their employers.**

The provisions of the existing wage penalty laws address practices that were once common abuses in the international maritime industry. For example, it was common for the shipowner to make an improper deduction from a seaman's wages for bogus or inflated expenses, to pay off debts supposedly owed by the seaman to the shipowner, or owed to manning agents for obtaining his employment. Another abusive practice was the failure on the part of the shipowner to pay the seamen the fully contracted wages as agreed upon at the commencement of their employment. During a voyage, seamen were frequently demoted for some alleged infraction, resulting in a "legitimate" reduction in wages due.

In response, the wage penalty laws were enacted. They require that full earned wages be paid to a seaman in a timely manner, and impose on a shipowner a penalty of two days wages for each day of delay. The existing laws also place strict prohibitions on a shipowner's ability to make deductions from a seaman's wages except for those items authorized in writing and placed in trust for the benefit of the seaman and his family. Finally, the existing wage penalty laws place restrictions on the allotments and other deductions that may be withheld from a seaman's future wages for alleged debts he incurred even before he started working.

As an American labor organization concerned about the rights of all maritime workers, and committed to protecting the rights of all maritime workers, we have supported the enforcement of the existing wage penalty laws to help prevent the abuse of merchant seamen. Fortunately, the enforcement of these laws, the growth of labor unions throughout the world-wide maritime industry, and the vigilance of organizations like the International Transport Workers' Federation (ITF) have greatly reduced the practices that brought about the enactment of the wage penalty laws. Unfortunately, these practices have not been totally eliminated. Consequently, we believe the existing wage penalty laws should be retained and enforced, and should not be amended as proposed by the ICCL.

In fact, the proposed ICCL amendments would represent a step backward in the effort to protect and improve the rights and economic status of maritime workers. The proposed amendment would require the seaman to give written notice to the shipowner that payment was withheld without sufficient cause and that the written notice must be submitted within 180 days from the date the claim arose or 30 days after his employment ends, whichever is later. In other words, under this amendment, the seaman must file a complaint against his employer while he is still working, subjecting himself to potential harassment or retaliation, or attempt to submit notice

after he is no longer working and has been returned to his home country, often times for the lowest shipboard ratings, a Third World country. In both cases this is at best grossly unfair for the seaman and at worst, a means by which the shipowner can pocket the money due his employees. Compounding this problem, the penalty under this proposal does not commence until after the failure to pay has existed for 60 days. Of course, if the seaman fails to provide the written notice as required under this proposal, he is barred from pursuing any claim.

Finally, and equally egregious, the proposal would change the existing penalty that a company faces for failure to pay wages as required. At present, the company shall pay two-days' wages for each day payment is delayed. Under this proposal, the penalty that can be assessed "shall not exceed 2 days' wages for each day payment is delayed," thereby giving a company the opportunity to pay a significantly smaller penalty for delaying the rightful payment of wages.

The proposed amendment would also permit the deduction of up to 10 percent of the employee's earnings for insurance coverage. While this may seem reasonable, the amendment exempts these funds from the existing requirement that the amount deducted be placed into a trust account and held for the benefit of the seaman, his family and dependents. With regards to seamen on foreign flag cruise vessels, they would be placed in the position of attempting to deal with shipowners on the collection and disposition of these funds. It is possible that this could lead to fraud between unscrupulous shipowners and insurance companies, the same type of possibility that led to the enactment of the wage penalty laws initially.

Finally, the proposed amendment would permit the shipowner to make allotments from the seaman's wages, pursuant to an employment agreement or other writing signed by the seaman. Again, notwithstanding the apparent reasonableness of this proposal, it is important to remember that most of the affected employees are from poor, Third World nations and are so desperate to take a job that they are willing and likely to sign any and all documents placed before them.

We submit this is why the wage penalty laws exist; this is why the ITF must aggressively monitor international shipping operations; and this is why it is incumbent upon us, especially as it pertains to vessels trading in U.S. waters, that we stand up for those who need our help and protection the most. For these reasons, we strongly oppose the proposed amendments to the wage penalty laws and we respectfully ask that you and your colleagues do the same."

Sincerely,

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

Captain Timothy Brown, President,  
Masters, Mates & Pilots

Anthony Poplawski, President/  
Secretary-Treasurer, Marine  
Firemen's Union

## Pirate attack on cruise ship sparks call for U.N. action

Pirates armed with grenade launchers and machine guns tried to hijack a luxury cruise liner off the east African coast on November 5, but the ship outran them, officials said.

Two boats full of pirates approached the *Seabourn Spirit* about 100 miles off the Somali coast and opened fire while the heavily armed bandits tried to get onboard, said Bruce Good, spokesman for the Miami-based Seabourn Cruise Line, a subsidiary of flag-of-convenience Carnival Corp.

The ship escaped by shifting to high speed and changing course. "These are very well-organized pirates," said Andrew Mwangura, head of the Kenyan chapter of the Seafarers Assistance Program. "Somalia's coastline is the most dangerous place in the region in terms of maritime security."

The attackers never got close enough to board the *Spirit*, but one member of the 161-person crew was injured by shrapnel, cruise line president Deborah Natansohn said.

The vessel's 151 passengers, mostly Americans with some Australians and Europeans, were gathered in a lounge for their safety, Good said. None were injured.

"Our suspicion at this time is that the motive was theft," Good said, adding that the crew had been trained for "various scenarios, including people trying to get on the ship that you don't want on the ship."

The British news agency Press Association said passengers awoke to the sound of gunfire as two 25-foot inflatable boats approached the liner.

Edith Laird of Seattle, who was traveling with her daughter and a friend, told the British Broadcasting Corporation (BBC) in an email that her daughter saw the pirates out the window.

"There were at least three rock-propelled grenades that hit the ship, one in a stateroom," Laird wrote. "We had no idea that this ship could move as fast as it did, and (the captain) did his best to run down the pirates."

The *Spirit* was bound for Mombasa, Kenya, at the end of a 16-day voyage from Alexandria, Egypt. It was expected to reach the Seychelles on Monday, and then continue on its previous schedule to Singapore, company officials said.

The 440-foot long 10,000-ton cruise

ship, which is registered in the Bahamas, sustained minor damage, Good said. The liner, which had its maiden voyage in 1989, can accommodate 208 guests. "They took some fire, but it's safe to sail," he said.

The BBC also reported that the *Seabourn Spirit* deployed a military grade sonic weapon. The long range acoustic device, or LRAD, is a high-tech loudhailer capable of causing permanent damage to hearing from a distance of more than 984 feet. Commissioned and designed after the al-Qaeda attack on the *USS Cole* in Yemen in 2000, the device's manufacturer, the American Technology Corporation (ATC), calls the LRAD a "non-lethal weapon" with a wide range of uses. The LRAD uses a high energy acoustic beam to disable and disorientate.

It remains unclear whether the *Seabourn Spirit's* deployment of the LRAD had an effect on the pirates. The shrill sound of an LRAD at its loudest sounds something like a domestic smoke alarm, ATC says, but at 150 decibels, it is almost double the volume and can cause major hearing damage.

There has been a steep rise in piracy this year along Somalia's nearly 2,000-mile coastline, with 15 violent incidents reported between March and August, compared with just two for all of 2004, according to the International Maritime Bureau, a division of the International Chamber of Commerce that tracks trends in piracy.

In June, a U.N.-chartered ship carrying 935 tons of rice for Somali victims of the Asian tsunami was hijacked by pirates, who held crew members hostage for three months before releasing them.

Somalia has had no effective central government since opposition leaders ousted dictator Mohamad Siad Barre in 1991. The leaders then turned on each other, transforming the nation of seven million into a patchwork of battling fiefdoms, ruled by heavily armed militias.

In the wake of the attack on the *Seabourn Spirit* and other vessels, the International Transport Workers' Federation and International Shipowner Associations have called on the United Nations to take action against piracy off Somalia.

See SUP President Gunnar Lundeberg's response to the latest attack on page 9.

# SUP Honor Roll

Voluntary contributions from the membership to the following funds:

## Organization/ General Fund

## West Coast Sailors

\*In lieu of dues increase.

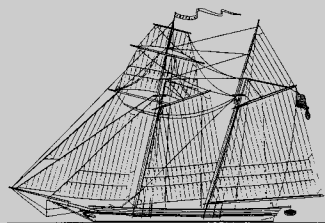
Abraham Acosta .....	20.00	Abraham Acosta .....	20.00
Joseph Castege in memory of Ed Zwerling .....	200.00	Archie Aki .....	40.00
George Castige in memory of Ed Zwerling .....	200.00	Lee Cherry .....	25.00
Mike Duvall .....	20.00	Thomas Faraola .....	25.00
Erik Finneman .....	50.00	Onofrio Folcarelli .....	20.00
Mike France .....	100.00	Mamoru Fukano .....	25.00
John Hamann .....	20.00	Tattoo Gardiner .....	20.00
Jan-Peter Johnsson .....	20.00	Joe Gladstone .....	25.00
Lincoln Lee .....	25.00	John Hamann .....	20.00
Erik Williamson .....	20.00	Jacob Kipperberg .....	2741.00
J.B. Winterling .....	100.00	Lincoln Lee .....	25.00
		Joseph Mehan .....	25.00
		Sven Ottersten .....	100.00
		John Pedersen .....	25.00
		Teo Rojas .....	25.00
		Timothy Thomas .....	25.00
		Thomas Thompson .....	50.00

## Political Fund

Abraham Acosta .....	20.00
Richard Crowell .....	20.00
Mike Duvall .....	50.00
David Eriksen .....	100.00
Steve Foster .....	25.00
Phil Howell .....	50.00
Monte Kalama .....	50.00
Lincoln Lee .....	25.00
John Lundborg .....	200.00
Gunnar Lundeberg .....	100.00
Chuck Maringer .....	10.00
Duke Maringer .....	10.00
Gary McDevitt .....	10.00
Sean Moore .....	10.00
Donald Persian .....	10.00
Jesper Pfeil .....	20.00
Milburn Pond .....	100.00
Knud Rasmussen .....	30.00
Ralph Senter .....	100.00
Gabriel Sipin .....	20.00
Greg Smith .....	20.00
Thomas Thompson .....	50.00
Tim Thomas .....	100.00
Bruce Waygood .....	30.00
Eric Weintraub .....	20.00

## Dues-Paying Pensioners

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



## Matson's profits continue to grow, raises rates and opens office in China

Matson Navigation Company's profits increased 12 percent in the third quarter of this year.

Hawai'i-bound container was four percent higher than the third quarter of 2004 at 45,000 units, although auto volume was down one percent.

Operating profits for the first nine months of 2005 were \$105.2 million, some \$22.2 million or 27 percent higher than the corresponding period in 2004.

Matson also announced this month that it will raise Hawai'i freight rates by \$125 per Westbound container and \$75 per Eastbound container effective January 1, 2006. The increase will be filed with the Surface Transportation Board. In addition, the company will increase its terminal handling charge by \$60 per westbound container and \$30 per eastbound container, also effective January 1, 2006.

"This rate increase will help offset rises in contractual operating costs and support a number of investments in our Hawai'i service," said James Andrasick, Matson president and CEO. "Given the essential role ocean transportation has in supporting the state's economic activities, Matson has made its fleet replacement program a top priority in recent years. Since 2002, Matson has invested over \$500 million in new containerships that will serve Hawai'i, as well as Guam and China. These new vessels, with their

more fuel-efficient diesel engines, will provide Hawaii with efficient, dependable ocean transportation services for decades to come. Matson is also investing in new container equipment, terminal upgrades, information technology and enhancements to our Neighbor Island service. This rate increase is consistent with our longstanding philosophy of implementing modest, incremental increases annually in order to continue to reinvest in our Hawaii service."

Last month the company commemorated the opening of new offices in Shanghai and Ningbo. The Shanghai celebration began with the traditional untying of a Hawaiian Maile Lei and the unveiling of the Matson logo at the company's new office in downtown Shanghai. Alexander & Baldwin President and Chief Executive Officer Allen Doane and Matson President and CEO James Andrasick participated in the ceremony, along with Qiang Gao, Matson's director, Asia, who is the company's chief representative in China. The event also included the signing of new agreements with Shanghai United International Ocean Shipping Agency Ltd. (port agent), Shanghai Jianghai International Container Shipping Co. Ltd. (depot services), and Dongwha Container Transportation Service Co., Ltd. (depot services).

## Organized labor election victories *continued from page 1*

bers about issues and lobbying for pro-working family legislation.

If Prop. 75 had passed, more than half of the state's 2.4 million Union members would have had their political voices silenced.

In Virginia, working families helped propel Lt. Governor Tim Kaine (D) to the governor's office over Attorney General Jerry Kilgore (R). Political analysts say Kaine's win was a slap in the face to President George W. Bush who engineered a last-minute, election-eve visit to Virginia to rally support for Kilgore. Kaine, a supporter of workers' freedom to form Unions, faced a vicious smear campaign by Kilgore, who as attorney general has prosecuted striking Union members. Just days before the election, Kilgore's campaign mailed a large, four-color brochure purporting to be the official Democratic ballot, endorsing the third-party candidate, Republican Russell Potts, who ran as an Independent, according to the Associated Press. More than 400,000 members of Virginia Union households and the 50,000 new members of Working America—the community affiliate of the AFL-CIO—were a deciding factor in an amazing win for Gov. Tim Kaine in a state Bush carried handily just a year ago.

New Jersey working families also turned back a smear campaign by Douglas Forrester (R), electing U.S. Senator Jon Corzine (D), who as senator has a 100 percent AFL-CIO voting record on policies backed by working families.

In Ohio, working family voters approved a ballot issue creating construction and high-tech jobs through a special \$2 billion "Jobs for Ohio" bond issue to finance infrastructure improvements and encourage high-tech employment. Several other ballot issues that would have reduced the influence of Big Business on elections and put in place other critical reforms failed.

The Alliance for a Better California, a coalition of more than 50 Unions, including the SUP and their allies, says Schwarzenegger and his corporate backers pushed Prop. 75 "as a smokescreen to push their real agenda"—one that opposes raising the minimum wage and strengthening retirement security while supporting cuts to education and health care. Along with huge financial support from his corporate backers, Schwarzenegger's anti-Union measure was a favorite of the state Republican Party, which donated more than \$1.4 million to the pro-Prop. 75 campaign in the last days before the election, the *Los Angeles Times* reported.

But California Union members, from both public and private sector Unions staged a huge people-powered counter attack that included distributing more than a million workplace leaflets, made more than 400,000 member-to-member phone calls from Union phone banks and put more than 11,000 get-out-the-vote volunteers in neighborhoods across the state on Election Day.

The member mobilization also fueled the defeat of Schwarzenegger's two other anti-worker ballot initiatives—Prop. 74 that would have reduced teachers' job security and contract protections and Prop. 76 that would have allowed the governor to make devastating mid-year budget cuts if revenues fall below expenditures. If passed, the measure would have gutted a proposition voters approved in 1988 to guarantee minimum funding to public schools.

"When Arnold ran for office, he promised to have everyone at the table. Instead, he built a private tent in a protected courtyard to share cigars with his corporate allies. Now Arnold should listen to voters and stop trying to bully Union members. We challenge him to work with us to improve California for all of us, not just for his corporate donors," said Pulaksi.

## NTSB chairman: passenger ferries need safety management system

National Transportation Safety Board Acting Chairman Mark V. Rosenker said this month the nation's passenger ferries need aggressive safety management systems. He encouraged ship owners and operators to use a safety management system to resolve safety problems before casualties or incidents occur, rather than to simply comply with regulations imposed from outside. He noted that, safety management systems are mandatory for U.S.-flag vessels on international voyages. The Federal regulations, however, do not apply to U.S. vessels that operate on domestic waters, including the Staten Island Ferry and most other ferry operations in the country. However, this may be changing, as Congress has mandated that the Coast Guard develop safety management system regulations for domestic towing vessels. According to the National Ferry Database, ferries operate in 40 states and in some territories. In 2002, ferries operated by 42 agencies carried nearly 58 million passengers and annual ferry ridership exceeded 1 million in five urban areas (Seattle, New York City, San Francisco, New Orleans, and Boston).

"A safety management system necessitates a cultural change in an organization so that the safety of operations is the objective behind every action and decision by both those who oversee procedures and those who carry them out," Rosenker said. "The system leads to standardized and unambiguous procedures for each crewmember, during both routine and emergency operations. Duties and responsibilities are specified for each staff member and for standard and emergency operations. Supervisory and subordinate chains of command are also delineated," he added. An accident can result not only in death or injuries, damage costs, lawsuits, and lost revenues, but also in the distrust of the public who use transportation services. A corporate safety culture for safety equipment, trained and qualified individuals, good crew work-rest cycles, and reliable equipment far outweigh the financial losses of an accident, Rosenker said.

## Let Justice Roll Coalition ready to seek minimum wage increase

Frustrated by Congress' refusal to raise the minimum wage, a group of religious leaders said Monday they will begin a campaign in January to tie a wage increase to the Martin Luther King Jr. holiday.

Senator Edward Kennedy, D-Mass., joined the coalition backing the Let Justice Roll/Living Wage Campaign, saying Americans should pressure Congress to increase the \$5.15-per-hour wage. Lawmakers have not raised the income floor since 1997.

"America's low-wage workers deserve a raise, and Congress has stood in the way for far too long," Kennedy said at the news conference.

The coalition of more than 50 religious and community groups is targeting Jan. 14-16, the weekend of the holiday marking the birthday of civil rights leader Martin Luther King Jr., for worship services and rallies focused on wages. The goal is to mobilize congregations and community organizations to contact state and federal lawmakers about wages.

In recent years, 17 states and the District of Columbia have raised the mini-

mum wage within their own jurisdictions, typically to \$6.15 or more an hour.

The Rev. Robert Edgar, general secretary of the National Council of Churches USA, said Congress' failure to raise the wage nationwide is a moral outrage.

In March, Kennedy tried to get Congress to increase the wage to \$7.25 in three steps over two years. In October, he tried for \$6.25 an hour in two steps over 18 months. Both attempts failed on nearly party-line votes.

Kennedy said he will push his Fair Minimum Wage Act next year, after the clergymen's MLK Day initiative.

National Restaurant Association lobbyist Rob Green said small-business owners will continue to oppose government-mandated wage increases that "increase labor costs on businesses with very small profit margins." Lower profits discourage job creation, he said.

The Economic Policy Institute, a research group, estimates 7.3 million workers earn between \$5.15 and \$7.25 an hour.

## Flags of convenience provide "cover" for illegal fishing and human rights abuse

A link between "pirate" fishing and the flag of convenience (FOC) system has been unveiled in a new report, sponsored by the Australian government, the International Transport Workers' Federation (ITF) and global conservation group World Wildlife Federation (WWF).

The changing nature of high seas fishing: How flags of convenience provide cover for Illegal, Unreported and Unregulated (IUU) fishing, launched in Geneva, Switzerland, November 1, claims that the Flag of Convenience (FOC) system, offering fishing vessels cheap registration services, provides IUU fishing with a perfect cover. FOC countries frequently exercise little or no control over the vessels they register; as a result these ships can easily evade high seas fisheries conservation and management regulations.

IUU fishing is estimated by the UN Food and Agriculture Organization to account for 30 percent of total catches in some important fishing areas and is worth more than a billion US dollars. Approximately 15 percent of the world's large-scale fishing fleet are either FOCs or the

identity of the flag is unknown. Belize, Honduras, Panama and St. Vincent and the Grenadines top the list of FOC countries with the most large-scale fishing vessels registered to fly their flag.

The report also highlights human rights abuses including forced labor and the abandonment of crews in foreign ports, as well as suspicious incidents such as the recent fire aboard the Simiez in the Uruguayan port of Montevideo, in which 11 Chinese crew members died.

"Not only is FOC fishing a threat to fisheries and the marine environment, but there is a deadly human cost," said ITF General Secretary David Cockroft. "In many cases IUU vessels operate with an unprotected workforce who can be beaten, starved, and worked without pay - all out of sight in one of the world's most dangerous industries."

The Australian government has promised to ensure the issue is addressed at the next meeting of the High Seas Taskforce, due to be held in Paris, France, in March 2006. To view the report go to: <http://www.itfglobal.org/files/seealsodocs/1359/iuulowres.pdf>.

### Foreign workers *continued from page 1*

**foreign nationals on foreign-flagged vessels is currently somewhat limited, we are actively working to improve those processes. The Coast Guard will have concerns with any proposal that diminishes the current level of security on U.S.-flagged vessels."**

The Coast Guard also points out in its critique that the Maersk proposal does not define foreign riding gangs as "seamen" but creates a new category of "individuals." Currently the United States is working through the International Labor Organization (ILO) to finalize the Consolidated Maritime labor Convention. The current definition is any person who is employed or engaged or work in 'any' capacity aboard a ship... As the Coast Guard states in its position paper: "It would be difficult for the U.S. Government to be in compliance with the convention if "individuals' engaged or employed onboard U.S.-flagged vessels are not covered by a statutory scheme in this regard."

As far as training goes, the Coast Guard told Maersk its foreign riding gang proposal does not take into account the International Maritime Organization's Standards of Training, Certification and Watchstanding Convention (STCW) which requires non-watchstanders to take familiarization and basic safety training. Maersk's proposal, if enacted, would put the United States in conflict with international law which the Coast Guard is opposed to.

As the *West Coast Sailors* went to press, conferees for the Senate and House are in the process of resolving the differences between the Senate version (S.1280) of the Coast Guard bill which does mention foreign riding gangs and the House version which contains the onerous Section 425 provision. For more information on this issue, see SUP President Gunnar Lundeberg's report on page 9.

## Cargo security legislation introduced by Senators Murray and Collins

On November 15, United States Senators Patty Murray (D-Wash.) and Susan Collins (R-Maine) announced their introduction of the GreenLane Maritime Cargo Security Act. Murray, a member of the Senate Appropriations Subcommittee on Homeland Security, and Collins, Chairman of the full Senate Homeland Security Committee, co-authored the bill to improve the security of the millions of cargo containers that enter America's ports unchecked each year. Senators Norm Coleman (R-MN) and Joseph Lieberman (D-CT) are original cosponsors of this legislation.

The nation's current cargo security regime was built pre-9/11, with an emphasis on efficiency but not on security. At present, opportunities for terrorists to tamper with cargo exist at every step along the supply chain. Terrorist organizations could use containers to smuggle weapons or terrorists into the United States, or could turn a container into a weapon by detonating a conventional, chemical, biological or nuclear weapon within a container once it arrives on American shores.

"Right now, there is a gaping hole in America's security when it comes to the cargo entering our ports each day," Murray said. "To protect our nation we have to develop a cargo security system that closes vulnerabilities, provides a way to resume trade after an incident, and maintains the efficient flow of commerce. Our GreenLane bill addresses these issues, taking into account the input of all the key stakeholders and experts, and I want to thank Senator Collins for her hard work and cooperation in helping to write this bill and get it introduced in the Senate."

"Coming from a state with three international cargo ports, I am keenly aware of the importance of our seaports to our national economy and to the communities in which they are located. In addition to our ports' economic significance, the link between maritime security and our national security is evident," Senator Collins said. "The global maritime industry is crucial to our nation's economy, and our cargo ports are undeniably on the front lines of the war against terrorism. This legislation sets clear goals for improving the security of this vital sector, and it provides the resources to meet those goals."

An attack launched on, or through, America's seaports could result in significant loss of life and the crippling of our economy. Consequently, since 9/11, experts have been calling for an upgraded security system for shipping containers. The Murray-Collins bill builds on the lessons from the 9/11 Commission, GAO investigations, and other reports to protect against the human and economic costs of a terrorist attack through our ports.

The GreenLane Maritime Cargo Security Act Will:

- Protect Americans by making our cargo and seaports more secure - mitigating a dangerous vulnerability.
- Prevent a lengthy shutdown of America's seaports in the event of an incident - protecting America's economy from severe disruption.
- Provide layered security at every step of the supply chain while keeping it efficient.
- Push the borders out and reduce the haystack so we can focus our limited re-

sources on suspect cargo.

The bill improves security at America's ports by establishing:

- The GreenLane, comprised of supply chain participants who voluntarily meet the highest level of security, allows our security services to better identify and respond to potential threats and provides real incentives to importers to enhance their supply chain security measures.

- Minimum security standards for all cargo containers entering the U.S. and requirements that strengthen current cargo security programs.

- The Office of Cargo Security Policy to ensure accountability and coordination of cargo security policies, procedures & regulations at the Department of Homeland Security and with other agencies.

- Joint Operations Centers to ensure a coordinated, measured response and the resumption and flow of commerce in the event of an incident or heightened national security threat level.

- The Act also Authorizes Port Security Grants, the Container Security Initiative and C-TPAT.

The bipartisan proposal will be introduced in the Senate today.

Noted homeland security expert Dr. Stephen Flynn praised the bill.

"The GreenLane Maritime Cargo Security Enhancement Act of 2005 is the most comprehensive legislative initiative to date to tackle the challenge of ensuring that an intermodal container is not used as a poor man's missile. It redresses many of the well-documented weaknesses of the C-TPAT and CSI programs and provides a framework for rewarding private sector players who work with DHS to raise the security bar," Dr. Flynn said. "I applaud Senator Collins and Senator Murray for providing such timely bipartisan leadership on this critical issue. This bill should be placed at the top of the docket of the 109th Congress and embraced by the White House as advancing the cargo security elements of its new National Maritime Security Strategy."

"The economic consequences of a terrorist attack which exploits any vulnerabilities in any commercial supply chain are enormous," said Senator Lieberman. "Yet DHS has been slow to address those vulnerabilities. The GreenLane Maritime Cargo Security Act will strengthen underlying cargo security programs, and build on them to ensure this country has a robust, layered system of security to protect the ports and cities of the United States. I am also pleased that this bill includes \$400 million in Port Security grants."

"This legislation addresses one of our nation's most vulnerable sectors," said Senator Coleman. "Since 2003, my Subcommittee has been at the forefront of a bicameral and bipartisan oversight investigation into cargo security. Chairman Collins and Senator Murray are to be applauded for their collective leadership on the GreenLane Maritime Security Act. I believe it will fundamentally strengthen supply chain security while preserving the movement of trade. This is significant legislation that provides our agencies the authority to ensure that their security programs have the teeth they have been lacking."

*For more information, and to receive updates, see: <http://murray.senate.gov/greenlane>.*

## ESU Office Assignments

For the month of December, Jerry Patterson will be in the Seabrook office and John Straley will be in the Benicia office.

# ESU NEWS

NOVEMBER 2005

Official Publication of the Exxon Seamen's Union

## War Zone Bonus Pay at stalemate

As reported in the September issue of the *ESU News/West Coast Sailors*, a renegotiation of the War Zone Bonus took place in Galveston, Texas, on September 15 of this year. This bargaining was the result of an arbitration decision that found SeaRiver Maritime of negotiating in "bad faith" with the Exxon Seamen's Union in June of 2003. Regrettably, this negotiation ended when the Company presented to the Union a "final proposal," that consisted of a letter of recognition, and a choice of a \$100.00 ExxonMobil gas card or 100 "safety cents" to members that served in the designated War Zone aboard the *S/R Mediterranean*. This zone was designated by the Department of Defense during hostilities associated with Operation Iraqi Freedom.

The Company justified their absurd bottom line offer to the Union Bargaining Committee by explaining that they had determined any risk to their employees, as "de minimus." The Company, though prompted, offered no comment to the Union's questioning of their expertise or qualifications to access military risks. Nor was it ever made clear to the Union how this risk evaluation was determined in consideration of the fact that their employees were transiting this designated area of hostilities onboard a vessel of worldwide notoriety (former *Exxon Valdez*) and owned and operated by an American company (ExxonMobil) that would seem to be a desirable target for terrorists and other enemies of the United States in the vicinity of the designated War Zone.

This issue has dragged on for well over two years and during that time management has had ample time to do the right thing!

The history surrounding this issue can fairly be described as a shameful example of an uncaring management. From the outset, the Company has employed any method at its disposal not to recognize their employees for their service above and beyond the call. Starting with their original position that they didn't recognize that a War Zone had even been declared. Followed by an offer that did not provide for any compensation, but would contractually redefine when a war zone bonus would be paid.

After the Union requested and was given an arbitration date, the Company employed yet another tactic that delayed the Union's attempt to gain satisfaction on this issue. Overtures were made to the Union that resolution could be reached without need for arbitration. The Union, still operating in good faith cancelled the set arbitration date and agreed to another negotiation session with the Company. Incredulously, this bargaining session resulted in nothing more than a ruse with no sincere effort on the Company's behalf to pay their employees the deserved and contractually mandated bonus!

Ultimately the grievance was arbitrated in February of 2005. As reported, the American Arbitration Association

Arbitrator upheld the Union's assertion that the Company was in violation of the Agreement and that, it indeed had negotiated in "bad faith." The Company was instructed to return to the bargaining table and to negotiate this matter appropriately. This renegotiation resulted in the insulting and demeaning final offer that the Company has, to date, offered their employees.

The payment of War Zone bonuses to mariners has a long history. The Union offered to the Company historical information that clearly indicated what is appropriate compensation, as well as past precedent established with the Company in the recognition of employees that are sent into harms way. This payment is only a small compensation for the increased risk that the employees find themselves exposed to in service to the company. Rationalization for war zone bonus payments goes even beyond the individual employee and is seen as recognition and some conciliation to the family of that employee for the increased stress and worry that is normally associated with a loved one serving in a war zone. It can only be assumed that the Company considers the stress and worry that the Union is aware members' families endured during this service, as also "de minimus."

Since last reported, the Union, through its attorney, Sharon Groth has contacted and had a telephone conference with the American Arbitration Association and a SeaRiver attorney. Though no response has been received with respect to any assistance that the Arbitrator might offer in this matter the Union became even more convinced, based on comments offered by their attorney, that the Company not only remains inflexible in their position, but is willing to continue to pursue further legal actions to prevent paying an acceptable bonus to its affected employees.

On November 11, 2005, the Union's attorney sent to both the Arbitrator and the Company's attorney a letter at the request of the Executive Board that reads in part:

*"After my discussions with the Board, they have decided upon a course of action. They do not wish to drag these proceedings on any longer. The company has already pushed this case to unreasonable lengths and would be prepared to do so even further demanding additional hearing time, and presumably briefing time, should the Union dare to question its behavior. However, that being said, the Union also sees no benefit to simply accepting what the company offers because they are offering it. Given the company's actions, its bad faith bargaining, its disparagement of its employees and its belittlement of their contributions by declaring any risk they faced as "de minimus," the Union chooses to leave this case as it currently stands. It sees no value to its members in accepting and thus validating a ridiculously low, de minimus offer that is contrary both to the realities of the current set of facts and to industry data."*

The reality of this prolonged ordeal is that the Union has spent more dollars in legal fees than it could hope to gain for the deserving members that sailed on the *S/R Mediterranean*. Ironically, it is estimated that SeaRiver has likewise expended more time and monies attempting to not pay the appropriate compensation than what the Union would consider a just amount. And from all indications, management is willing to continue to spend even more time and money to deny their employees just compensation.

This issue is not finished. The company and Union still has a legally binding agreement that states, "...bargain with respect to war area bonus and war risk insurance payable to employees on vessels so trading." To date this requirement has not been completed. And the Union is mindful of this fact.

If the management of SeaRiver Maritime, Inc. views this present situation as any type of victory on their part they are mistaken. This issue will continue to manifest itself in any number of ways until satisfactorily resolved. The prevailing perception at present amongst the membership is that they are now being

viewed, by the President of SeaRiver, as no different than the third-world sailor's that he had at his disposal before taking over the reins at SeaRiver. The Union hopes that this mentality, if true, will eventually be dispelled. The SeaRiver fleet is composed of American mariner's that are afforded by law and union representation a higher level of treatment, a level that will be protected.

The Executive Board discussed a number of reasonable avenues of recourse that are still available to it in the attempt to gain a reasonable resolution to this affair. Though there are job actions that might be helpful in achieving resolution, when weighed against the distress and disruption that would be incurred to the members, the Executive Board chooses to maintain the "high road" and continue to encourage the company to come to a fair resolution.

The questions that SeaRiver management ought to contemplate until resolution is achieved is, in the event that the Company is presented with a similar situation, how willing will their employees be to man their vessel(s) in war zones? And truthfully, why should they?

## Ship Representative vacancies on S/R American Progress and Kodiak

Under the ESU Constitution and Bylaws the Executive Board is charged with the responsibility of appointing a new Ship Representative to the *S/R American Progress* due to Ed Caldwell's departure from the Company. Additionally, no one was nominated for the Ship Representative position on the newly acquired *Kodiak*.

In accordance with the ESU Constitution and By-laws, Article V, Section 4(a) which reads in part with regard to vacancies relating to the Ship Representative position, "When a vacancy occurs in a Ship Representative position due to resignation or for other reasons, the Executive Board can then appoint a member to fill the vacancy until the next scheduled election." This provision of the Constitution and By-laws was amended during 2003, which allows the Executive Board to appoint a member to fill a vacancy to a Ship Representative position when more than a year is left in the term. The Executive Board also established a protocol for allowing individuals to submit their names for consideration for the appointment and a timeline for the Board to decide on a Representative. It was established that members would have approximately 30-days to submit their names for consideration after the vacancy has been announced and that the Board would, by majority vote make an appointment after considering all members that have requested consideration. This Constitutional change allows the Executive Board to fill a vacancy in a much shorter time period than under the old Constitution and By-laws language, which required a 60-day nomination period and a 60-day voting period.

The Union requests that all members interested in being considered for an appointment to contact either ESU office and request consideration for either of these positions. The Executive Board tentatively anticipates making these appointments the first part of January 2006 and asks that you contact the Union either by phone or mail no later than December 31, 2005. The term for the *S/R American Progress* will run through the end of 2007 and the term for the *Kodiak* will run through the end of 2008.

The Union encourages all members to consider stepping forward to fill these important positions.

## Farewell

**Roy Broussard, Jr.** - It is with sadness that the ESU has recently learned that Roy Broussard, Jr. departed this life on September 26, 2005 in Houston, Texas.

Roy started his employment with the Company during February of 1969 and retired on February 5, 2005 after 36 years of service. Roy will be remembered as a good friend and shipmate and was kind to everyone he sailed with. Our collective condolences are extended to his family in their time of sorrow. He leaves to cherish his memories: his loving wife Nadeline, four children, three grandchildren, his mother, a sister, family and friends.

Expressions of sympathy may be made to Saint Peter Claver Catholic Church, 6005 N. Wayside Drive, Houston, TX 77028 Attn: Father Enette.

## ESU News

## New training programs being developed

The Joint Union/Management Training Committee (JUMTC) met on September 14<sup>th</sup> in conjunction with a series of meetings held September 14-15 between the Union and management. In attendance at this meeting representing the ESU were JUMTC Representatives Tom Thompson (Executive Board), Will Ackley (Engine Department Trustee), Pat Campbell (Deck Department Trustee) and Joe Pereira (Stewards Department Trustee). Additionally, Jerry Patterson (ESU President), John Straley (ESU Vice President) and Bob Knight (ESU Secretary/Treasurer) were also in attendance.

The JUMTC reviewed the present training courses and attempted to gauge the needs going forward into 2006. Of primary concern was the phasing out of the Advance Engine Operations (AEO) course offered to members of the Engine Department. Participation in this course has declined, and in fact the course slated for September was cancelled due to a shortfall in attendees. A small number of members still eligible for participation in this training have been identified and attempts to facilitate those individuals interested, in respect to work rotations will be made through this year and into 2006. However, it is apparent that this course is close to having been fully utilized and development of further training for engine room personnel is underway.

Trustee Will Ackley attended as both a participant and auditor the Confined Space Awareness Course conducted in Corpus Christi, TX. This course, originally designed for Officers consists of highly comprehensive instruction in tank entry procedures, in-tank rescues and the use and repair of tank testing equipment. Will reports that tank rescue instruction took place on the decommissioned aircraft carrier USS Lexington and focused on "real life" rescue situations. All segments of this training course provide more wide-ranging training than any that members have received in the past.

More information on this training as well as a schedule of dates available will be published in the coming months.

Further training courses for engine department members are being formulated, as well. Will Ackley along with

assistance from Executive Board officer Bob Knight are spearheading the effort to identify and develop training for that department for inclusion in the 2006 training schedule.

Advance Deck Operations (ADO) and the Dangerous Liquid Course (DLC) offered to Deck Department members will remain on the training schedule through 2006, as there are still a sufficient number of members available to continue that training. Tentative plans are to; as the ADO course phases out, phase in Deck Department personnel into the Confined Space Awareness Course, also. Development of further courses is also being designed as "pilot programs" with Deck Trustee Pat Campbell assuming a lead roll in that development.

Increased billets will become available to ESU members in the Advance Firefighting Course going forward through 2006. Members inclusion in this training, held in Galveston, Texas, was first announced for 2005, but few members have been able to take advantage of this course as SeaRiver had a backlog of Officers that were required to complete the course to remain USCG compliant.

Stewards Department training will continue with Ayres Gonzales continuing to offer his on board comprehensive training to Chefs, Cooks and individuals eligible for step-up into Steward Department ratings. Though this training will continue through 2006 the JUMTC recognizes that development of further training courses will have to be initiated in the coming year.

A procedural change was agreed on by the Union and SeaRiver Maritime's JUMTC Representatives that calls for training issues to be included, as a standing item, on the periodic Union/Management Communication Meeting agenda. It is believed that this administrative change will aid in better monitoring and improving training provided to the members by keeping training issues at the forefront by both parties.

Comments and suggestions are sought by the Union on training issues. Members are encouraged to contact either their Department Trustee or Executive Board officer Tom Thompson.

## Change in ground transportation reimbursements

As a result of the recently bargained contractual changes, all ground transportation reimbursements will be handled through Fleet Manning and **will not** be reimbursed on a cash basis by Captains. Member's Fleet Manning contact person will be responsible for inputting the \$20 taxable ground transportation reimbursement into the employees payroll check. This payment will generally be automatically inputted at the time of travel.

Individuals that will be exercising their contractual option to submit receipts for payment of up to \$50 are encouraged to notify their Fleet Manning contact person **prior** to traveling to or from the vessel. Reimbursement will then be posted to payroll upon Fleet Manning receiving the verifying receipts. Fleet Manning will not make any payment until documentation is received.

In the event that an individual does not inform Fleet Manning prior to travel and a \$20 reimbursement is paid via the payroll system, the remainder of the payment (up to \$30) will be paid as a non-taxable reimbursement via the next payroll period after Fleet Manning has received the documented receipts for payment. Reimbursements will only be paid with verifying documentation. Phone calls and individual statements will not be accepted for ground travel reimbursement.

Members are responsible for delivery of documentation to Fleet Manning for additional payment of ground transportation. It is appropriate to request that Masters forward the documentation to the proper Fleet Manning personnel with the vessels mail to the SeaRiver offices or by U.S. Postal Service mail to Fleet Manning.

## Upcoming Contractual Holidays

November 24: Thanksgiving Day

December 25: Christmas Day

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

## Gulf Coast Trader



Pictured is the 50K ton tanker *S/R Galena Bay* visiting the Valero Refinery in Corpus Christi, Texas in late October. The vessel began flying the SeaRiver house flag in June of 2001 after being acquired from Attranco. The 658 ft. long ship trades between the Texas gulf coast delivering refined products to south Florida. The former *M/V Chesapeake Trader* has proved to be a valuable addition to the fleet as she has traded in both the crude and refined oil trade since entering the SeaRiver fleet.

Photo: Tommy Thompson

## Ship reports

## SR American Progress

Temporary Ship Rep. Tim Williams reported everything was going well when the vessel arrived in LA from Singapore. Vessel departed for the Gulf Coast at the end of October but was turned around before reaching the Panama Canal and his currently enroute to LA/LB. Executive Board appointment expected to take place around the first of the year to fill Ship Representative vacancy. See article in this edition of the *ESU NEWS*.

## SR Baytown

Vessel trading between Valdez and Tacoma, WA. Regular Ship Representative Mark Myser on board and reports that all is running well on the vessel.

## SR Columbia Bay

The vessel has been in Port Angeles undergoing repairs and due to return to service around the third week of November. Jim Byrd is filling in as temporary Ship Rep and reports no problems.

## SR Galena Bay

Executive Board visit conducted October 31, 2005, at the Valero Dock in Corpus Christi, TX. Vessel continues on the busy Texas Gulf Coast/South Florida clean oil trade. Chuck Bell filling in as the temporary ESU Representative.

## SR Hinchinbrook

Vessel is in lay-up in at Cascade General Shipyard in Portland Oregon. No personnel is assigned here.

## Kodiak

Vessel has completed a major overhaul in Singapore's Jurong shipyard. Marvin Marcum has been doing an excellent job filling in as Ship Representative here. Selection of engine watches resolved with assistance from shore side management. Vessel will start ANS service in early December. The Regular Ship Representative position is open here for Executive Board appointment. If you are interested please contact either ESU office. The appointment will start in early 2006 and run through 2008. See article in this edition of the *ESU NEWS*.

## SR Long Beach

ESU officer boarded the vessel at the Valero dock in Benicia, CA. John McCarthy filling in as temporary Ship Rep. No problems here. Vessel will be stopping in Port Angeles for minor repairs before loading in Valdez.

## SR Wilmington

Executive Board officer visited vessel November 2, at the ExxonMobil dock in Baytown, TX. ESU Representative Charlie Pollard went to paid leave, Bob Ross now filling the void. No beefs.

## EXXON SEAMEN'S UNION

Founded March 28, 1941

Affiliated with the Sailors' Union of the Pacific

1320 5th Street, Suite A

Seabrook, TX 77586

Tel (281) 474-2430

Fax (281) 474-2463

E-Mail: esusea@sbcglobal.net

P.O. Box 792

Benicia, CA 94510

Tel (707) 746-5713

Fax (707) 746-7859

E-Mail: esuben@sbcglobal.net

President Jerry Patterson

Vice President John Straley

Secretary/Treasurer Robert Knight

Recording Secretary Thomas Thompson III

Deck Trustee Patrick Campbell

Engine Trustee William Ackley

Steward Trustee Gerard Nelson

**IMPORTANT NOTICE TO ACTIVE EMPLOYEES,  
PENSIONERS AND DEPENDENTS  
MEDICARE PART D**

As you may have heard, all people with Medicare will be eligible for a new prescription drug program under Medicare Part D, which goes into effect January 1, 2006. The Centers for Medicare and Medicaid Services (CMS) and the Social Security Administration (SSA) are working together to communicate the program to people with Medicare.

You will be receiving a Special Notice from the SUP Welfare Plan Office letting you know how Medicare Part D affects you and your dependents.

Please read the Special Notice very carefully as there are important deadlines and late enrollment penalties that will apply for those entitled to enroll for Medicare Part D who chose not to during the initial enrollment period.

Contact the SUP Welfare Plan if you have any questions regarding your eligibility for benefits. The Welfare Plan Office will not be able to answer any questions regarding Medicare Part D benefits. To obtain more information on Medicare Part D, visit: <http://www.medicare.gov/> or call 1-800-MEDICARE (1-800-633-4227). TTY users should call 1-877-486-2048. For people with limited income and resources, extra help paying for a Medicare prescription drug plan is available. For more information about this extra help, visit the Social Security Administration website at <http://www.socialsecurity.gov/> or call them at 1-800-772-1213. TTY users should call 1-800-325-0778.

**Two senior ILA officials acquitted in NYC**

Two senior International Longshoremen's Association (ILA) officials were acquitted of racketeering charges by a federal jury in Brooklyn, New York this month. Harold Daggett, assistant general organizer and head of the New York-New Jersey maintenance local, and Arthur Coffey, International Vice President from Miami, were acquitted on charges of extortion conspiracy and mail and wire fraud conspiracy.

In a written statement released after the verdict was announced, the ILA noted that, "through the criminal indictment of three ILA officers in this case, plus the filing of a Civil RICO case against the entire International last July, our government has chosen to perpetuate an outdated image of the ILA while ignoring long standing efforts by the ILA leaders

to strengthen union members' rights and to eradicate any unlawful conduct."

"Today is a wonderful day for our ILA," President John Bowers said. "Harold Daggett and Arthur Coffey have served this ILA with distinction. They and their families have endured many painful months during this trial. We rejoice in the happy outcome."

The ILA statement said that it will continue its long-standing efforts to strengthen union members' rights and to eradicate any unlawful conduct. These steps include the adoption of a Code of Ethics nearly three years ago and the creation of the position of an Ethical Practices Counsel, whose duties include "dealing with organized crime influences, corruption, and enforcing the provisions of the Code of Ethics."

**Irish protest mariner "outsourcing"**

Several thousand people marched through the streets of Dublin on November 5, to protest against a move by Irish Ferries to replace 543 workers with agency seafarers from eastern Europe.

The march to the Dail, the Irish parliament, is the latest action in what has become a national issue that has seen considerable condemnation heaped on the ferry operator for its proposal.

Irish Ferries argues it needs to reduce its costs in order to compete and has taken out newspaper advertisements to explain its position. In a statement, the company said the matter was urgent as "time is running out."

Leaders of the country's top 15 unions joined the march, after which the leader of SIPTU, the maritime officers' union, warned that Irish Ferries' move to replace employees on its ships with cheaper crew from overseas "could be a glimpse of the future for workers across Europe."

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

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San Francisco CA 94105**



**Welfare Notes**

November 2005

**Medicare Part D (Prescription Drug Program)**

This notice applies to those eligible for Medicare or those who will become eligible for Medicare.

As you may have heard, all people with Medicare will be eligible for a new prescription drug program under Medicare Part D, which goes into effect January 1, 2006. The Centers for Medicare and Medicaid Services (CMS) and the Social Security Administration (SSA) are working together to communicate the program to people with Medicare.

**IF YOU ARE ENROLLED FOR SUP WELFARE PLAN PRESCRIPTION DRUG BENEFITS AND YOU ARE AN ACTIVE EMPLOYEE OR DEPENDENT OF AN ACTIVE EMPLOYEE AND ARE ELIGIBLE FOR MEDICARE DUE TO DISABILITY, YOUR COVERAGE IN THE CURRENT PRESCRIPTION DRUG PLAN PROVIDED THROUGH THE SUP WELFARE PLAN WILL NOT CHANGE. THERE ARE NO ADDED BENEFITS TO YOU FOR ENROLLING IN MEDICARE PART D WHILE YOU ARE ELIGIBLE FOR THE PLAN'S MEDICAL AND PRESCRIPTION DRUG PROGRAMS.**

**THE TRUST FUND PRESCRIPTION DRUG PLAN IS CREDITABLE COVERAGE**

You do NOT need to enroll in Medicare Part D. It is not to your advantage to enroll and if you or your dependent does enroll in a Medicare Part D plan, you will not be reimbursed for the required premiums.

The prescription drug benefits you currently receive under the SUP Welfare Plan provide better coverage than the new drug program under Medicare.

As long as you are eligible to have prescription drug coverage as an active employee, a dependent of an active employee through the SUP Welfare Plan, you are considered to have "creditable coverage". Therefore, if at some later date you choose to enroll in Medicare Part D, you will not be charged a late penalty for delayed enrollment. When you retire, you will receive another notice from the Plan Office which includes more information on Medicare Part D. Upon retirement, former employees and family members may be eligible for Pensioner health and welfare benefits through the Trust. Your Trust medical and prescription drug coverage provided through an HMO or the ULLICO PPO Plan terminates when you lose active plan coverage. You may be eligible for coverage as a Pensioner.

**For more information on Medicare Part D:**

More detail will be in the handbook "Medicare & You 2006" that is currently being mailed to Medicare eligibles. Medicare eligibles may also be contacted directly by Medicare-approved Part D providers. At any time you can visit <http://www.medicare.gov/> or call 1-800-MEDICARE (1-800-633-4227). TTY users should call 1-877-486-2048.

Every state has a Health Insurance Assistance Program to help Medicare beneficiaries and their families with their health insurance choices and with problems that might arise. In California it is called either the "Health Insurance Counseling and Advocacy Program" (HICAP) or "Department of Aging" and can be reached at 1-916-419-7500. To see the Part D information collected by the California program, visit <http://www.aging.ca.gov/> and click the button for "Medicare Rx". Contact information for similar programs in other states will be listed in your "Medicare & You 2006" handbook.

For people with limited income and resources, extra help paying for a Medicare prescription drug plan is available. For more information about this extra help, visit the Social Security Administration website at <http://www.socialsecurity.gov/> or call them at 1-800-772-1213. TTY users should call 1-800-325-0778.

**SUP Welfare Plan**

730 Harrison St., Ste. 415, San Francisco CA 94105

**Telephone Numbers:**

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

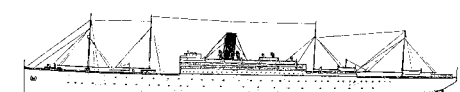
**SIU-PD Pension Plan**

**SIU-PD Supplemental Benefits Plan**

730 Harrison St., Ste. 400, San Francisco CA 94105

**Telephone Numbers:**

- Main ..... (415) 764-4990
- Accounting ..... (415) 764-4907
- Pension ..... (415) 764-4987
- Supplemental Benefits ..... (415) 764-4991
- Administrative ..... (415) 764-4993







# SUP President's Report

November 14, 2005

## FOREIGN MARINER PROVISION IN COAST GUARD BILL

For the past month-and-a-half, the SUP in conjunction with most other maritime Unions, has lobbied hard and aggressively to scuttle language (Section 425) in the Coast Guard and Maritime Transportation Act of 2005 (H.R. 889) passed by the House of Representatives on September 15, that would allow foreign "riding gangs" to perform maintenance and repair work in U.S.-flag vessels on international voyages.

Joining the SUP in this effort are the MFOW, MEBA, MM&P, ILWU, IBU, ILA, the Transportation Trades Department, AFL-CIO, the Council of American Master Mariners and the Gulf Coast Mariners Association.

Traveling to Washington, D.C., during the week of October 11, your secretary met and conferred with members of Congress and senior staff members who are associated with the House Transportation and Infrastructure Committee and the Senate Commerce, Science and Transportation Committee to voice the opposition of the SUP to this onerous provision. House Minority Leader Nancy Pelosi (D-San Francisco) was particularly helpful—as usual—in letting her colleagues know that she supported the Union's position.

However, those in support of this attempt to change longstanding maritime policy fought for in the last century by the SUP's legendary leader Andrew Furuseth are just as aggressive. Led by Maersk Line, this coalition of shipowners continues to lobby Congress and the Coast Guard to institutionalize what they have characterized as a twenty-year practice. (It must be noted that some non-SUP contracted companies do employ foreign riding gangs at sea in violation of the law). So far this cabal of buccaneers has made little or no headway with either the Coast Guard or members of Congress.

On October 20, wrote to Admiral Thomas Collins, Commandant of the Coast Guard, on the issue:

Admiral Thomas Collins  
Commandant, United States Coast Guard  
U.S. Department of Homeland Security  
2100 Second Street S.W.  
Washington DC 20593-0001

**RE: Section 425 of the Coast Guard and Maritime Transportation Act of 2005 (HR 889)**

Dear Admiral Collins:

Recent legislation passed in the House of Representatives called our attention to the practice of some shipping companies to employ foreign riding maintenance crews on U.S.-flag ships in violation of present U.S. law. The legislation, an amendment (Section 425) to HR 889, would expand that practice to allow an unlimited number of foreign seamen to perform non-watchstanding work. Of course, the proponents of the amendment attempted a Coast Guard policy change first; we noted with satisfaction your refusal to endanger the safety and security of the United States, to subvert the will of Congress, or to ignore the interests of U.S. shipyards and seamen in those policy discussions.

There are many interests on the many sides of this issue, but clearly the security concerns are paramount. We know that although the international maritime community has settled on a standard for seafarer identification, it is a very lax standard. Background checks violate privacy laws in many countries, undermining reliability of screening methods employed by the Coast Guard. Accordingly, ILO Convention 185, which is presently ratified by only four countries, ensures that the identity of a seaman is essentially whatever identity his credentials indicate. In other words, "you are who you say you are" in terms of international maritime credentials. But that has never been an acceptable standard for U.S.-flag ships, and in today's dangerous era it is irresponsible.

Accordingly, we urge the Coast Guard to rigor-

ously enforce citizenship requirements in the U.S. merchant marine under its current policy. We also encourage you to continue to resist the pressures of certain parts of the industry to cut the corners that increase profits but subvert the law and endanger the public.

Sincerely,  
**GUNNAR LUNDEBERG**  
President/Secretary-Treasurer

The Senate acted on its version of the bill, the Coast Guard Authorization Act of 2005, on October 27, without the foreign riding gang provision contained in the House version. This victory was tempered by the fact that Maersk and its cohorts began shopping around substitute language for Section 425 which is, in essence, the same rotten provision that is in the House version.

Both the Senate and the House version of the Coast Guard bill now go to conference to come up with a final version that is acceptable to both sides. The conferees from the Senate are Ted Stevens (R-Alaska) and Chairman of the Commerce Committee; Daniel Inouye (D-Hawaii) and Ranking Minority Member of the Commerce Committee; Trent Lott (R-Mississippi); Gordon Smith (R-Oregon); Olympia Snowe (R-Maine); Maria Cantwell (D-Washington); and Frank Lautenberg (D-New Jersey).

The House conferees are Don Young (R-Alaska) and Chairman of the Transportation Committee and author of Section 425; James Oberstar (D-Minnesota) and Ranking Minority Member of the Committee; Frank LoBiondo (R-New Jersey); Howard Coble (R-North Carolina); Peter Hoekstra (R-Michigan); Robert Simmons (R-Connecticut); Lincoln Diaz-Balart (R-Florida); Charles Boustany (R-Louisiana); Bob Filner (D-California); Gene Taylor (D-Mississippi); and Brian Higgins (D-New York).

The SUP contacted each one of the conferees on November 7, urging that Section 425 or any similar substitute not be included in the final Coast Guard bill. On the same day, Seattle Branch Agent Vince O'Halloran met with Senator Cantwell's staff on the issue and contacted the staffs of Jim McDermott, Jay Inslee, Jim McDermott, Jay Inslee, Norm Dicks and Adam Smith—all House Democrats from Washington State—who wrote to Senators Stevens and Inouye and Representatives Young and Oberstar requesting that Section 425 be deleted from the final bill. The California Labor Federation and the Washington State Labor Council also sent letters supporting the Union position.

As of today's meeting, the conferees are scheduled to meet on November 16. The SUP will continue to keep the pressure up on both the House and Senate to ensure that the final version of the Coast Guard bill does not include the foreign riding gang provision.

## PIRATE ATTACKS

The recent wave of attacks on merchant shipping by armed pirates, particularly the flag-of-convenience cruiseship *Seaborne Spirit* on November 5, off the coast of Somalia, has generated a great deal of concern in the worldwide maritime community regarding the safety of crews, passengers and the vessels themselves.

Mariners, including those of the SUP, have always sailed in harm's way but aside from natural phenomenon such as foul weather, potential threats to shipping have been somewhat defined. Currently, however, wanton unpredictable terrorists attacks have regrettably become the norm.

Concerned about these activities your secretary has contacted both APL and Matson regarding vessel security measures. Both companies do have security plans in place which for obvious reasons are confidential. Past practice for Matson according to our own members is to place armed Gurkhas aboard vessels transiting dangerous waters. It is hoped that this remains the practice as Matson's *ITB Moku Pahu* will enter the same area within the next month where the *Seaborne Spirit* was attacked.

Because of the growing threat of piracy, wrote the

following letter, November 7, 2005, to Defense Secretary Donald Rumsfeld:

The Honorable Donald Rumsfeld  
Secretary, Department of Defense  
United States Government  
1000 Defense Pentagon  
Washington D.C. 20301-1000

Dear Secretary Rumsfeld:

In light of this weekend's pirate attack on the cruise ship *Seaborne Spirit*, we urge you to declare the waters off the Horn of Africa a war zone. Further, we believe a U.S. or international naval task force operating in a war zone with both a prevention and interdiction strategy up to 200 nautical miles off Somalia is the only appropriate response to quell the attacks and restore order. Finally, we urge naval escorts for American vessels transiting the area.

As you may know, this troubled but strategically important area of the world has seen a sharp increase in offshore lawlessness and violence. Because there is no enforcement against the pirates either at sea or ashore, the lives of passengers, merchant mariners, and the cargo of the world are endangered. There have been 23 attacks in the area since March, including two on United Nations relief ships, compared with only two in 2004. According to Andrew Mwangura, the head of the Kenyan chapter of the Seafarers' Assistance Program, the pirates may be the same group that hijacked a United Nations-chartered vessel in June and held its crew and food aid hostage for 100 days. The International Maritime Bureau has instructed shipping not to sail within 50 miles of the Somalian coast and currently advises vessels to "keep as far away as possible." Unfortunately, the seaway in the Gulf of Aden and its approaches are naturally confining and pirates have attacked as far out as 120 miles.

As you know, U.S.-flag ships are of particular interest to both criminal and terrorist elements, and many of our ships routinely transit the area. In fact, the *m/v Moku Pahu*, an SUP-contracted integrated tug and barge operated by Matson Navigation Company, is scheduled to deliver food aid cargo to Djibouti later this year. Accordingly, to protect Americans and mariners everywhere, we urge your immediate attention to this matter.

Sincerely,  
**GUNNAR LUNDEBERG**  
President/Secretary-Treasurer

## JONES ACT

After waiving the Jones Act provisions of the Merchant Marine Act of 1920 from September 1, through September 19, for the use of foreign tankers on the Gulf Coast in the wake of Hurricanes Katrina and Rita, the Bush administration again waived this critical American maritime statute beginning on September 26. This latest waiver which expired on October 24 was totally unjustified and sparked a wave of protests from maritime labor and members of Congress.

The Maritime Cabotage Task Force, which the SUP is a member, spearheaded the effort to have the waiver revoked.

## AMERICAN PRESIDENT LINES

While in Washington in October met with Eric Mensing, President and Chief Operating Office of APL Maritime, Ltd. and Vice President for Government Markets/Government Affairs for APL Limited. Mensing indicated that as many as four of the C-10s could be running off the East Coast by the end of next year. He also stated the company was looking for work for the J-10 class *Presidents Grant* and *Wilson* after the APL/Matson Alliance ends in February, but if that effort is not successful, both vessels—which are not cov-

*continued on next page*

## President Report continued

ered by the Maritime Security Program— would be reflagged foreign.

### SUP BUILDING CORPORATION

The Trustees of the SUP Building Corporation met on October 25, at Headquarters. In attendance were Trustees Bill Berger, Norm Christianson, Dave Connolly, Duane Nash and your secretary.

As the membership will recall, in October 2002, a buyer offered to purchase the Headquarters building for \$13 million which the Trustees recommended to the membership. At the March 2003 coastwise meetings the membership concurred with the recommendation in accordance with the SUP Constitution. However, after the vote was taken the prospective buyer substantially restructured and reduced the original offer and added several contingencies. The Trustees rejected this offer as it was not consistent with what was presented to the membership.

As no further offers materialized for 450 Harrison Street, the Trustees authorized the pursuit of other alternatives for the building.

Given that the City of San Francisco was formulating a residential development plan for Rincon Hill, where Headquarters is located, the Trustees hired outside consultants to design a plan that called for the construction of a forty-story residential "tower" on top of the Headquarters building. However, after a series of meetings with the San Francisco Planning Department it became clear that given the historical value the City placed on the building, approvals and permits to build a tower on the site were highly unlikely to be issued.

Blocked from developing the building with a high revenue residential component, the Trustees told the City that the Union should not and could not be economically disadvantaged while the rest of Rincon Hill was in the process of being developed. Discussions continued with the Planning Department and with local elected officials regarding community uses for Headquarters with several public meetings held in the building.

Key to the use of Headquarters for community use and public events is the necessity of expensive renovations to make sure the structure is accessible to all. The City, the Planning Department and the public at large were all enthusiastic for community use of 450 Harrison and subsequently incorporated the building into the Rincon Hill Plan as a public resource.

The Plan itself was amended to include \$2.5 million for retrofitting (elevator, etc.) Headquarters funded by Rincon Hill developers without the expenditure of Union resources. Whether this amount is sufficient is unknown at this time.

Before the actual retrofit begins, the Union (through the Building Corporation) will be entered into negotiations with the City regarding the lease of space for community use and with the developers to ensure the retrofit is in compliance with all construction statutes as well as meeting the needs of the Union and the City. Accordingly, the Trustee authorized your secretary in consultation with the other Trustees to retain counsel and other professionals as necessary to assist in protecting the interests of the membership.

It must be noted that if and when Headquarters is renovated it will still be owned by the Building Corporation in trust for the membership, that all hiring hall functions will remain as they have since the building was opened in 1950 and that with renovation an important source of revenue for the future will be available to support the activities of the Union.

### KILGROE v. SUP, MFOW, et al.

On October 11, SUP member John Kilgroe filed a charge of discrimination against the SUP, MFOW, APL Marine Services, Ltd., American Ship Management and Patriot Contract Services with the Equal Employment Opportunity Commission (EEOC) under the Americans With Disabilities Act. On the same date the EEOC granted Kilgroe the right to sue and he filed a complaint with the United States District Court for the Central District of California in Los Angeles.

For the SUP specifically, Kilgroe alleges the Union breached its duty of fair representation in handling a grievance for Kilgroe. The SUP denies the allegation.

Kilgroe's request for a jury trial includes claims for monetary damages.

The SUP and MFOW are being represented jointly in this matter by Peter Saltzman of the San Francisco law firm of Leonard Carder, LLP.

### WHITEY DISLEY

Attended the annual United Seamen's Service Admiral of the Ocean Sea awards ceremony in New York City on November 4. Honored was H. "Whitey" Disley who served with distinction for 31 years as President of the Marine Firemen's Union (MFOW) until his retirement earlier this year. Presenting a special recognition plaque to Brother Disley were former Congresswoman Helen Delich Bentley and MM&P President Tim Brown. MEBA President Ron Davis was also named "Admiral of the Ocean Sea."

While in New York, your secretary met with representatives of the other maritime Unions and with shipowner representatives to discuss the foreign riding gang provision of the Coast Guard bill.

### SUP ELECTION

Balloting for the biennial election of the Union officers and referenda on proposed amendments to the SUP Constitution will begin on December 1, and will conclude on January 31, 2006. The ballots will be counted at Headquarters and the election held on February 1, 2006.

In accordance with the SUP Constitution, the entire secret mail-ballot and election shall be conducted by an Impartial Balloting Agent selected by the membership at the Headquarters' meeting. The Committee on Election has recommended that Pacific Election Services, Inc. be selected as the Impartial Balloting Agent.

As per Article VIII, Section 1 of the SUP Constitution: "Members with A and B seniority who are in good standing may vote in all Union elections. Members with C seniority who have ninety (90) days seetime within the preceding year and have been in good standing for that year shall be eligible to vote in all Union elections."

SUP members on pension are allowed to cast ballots for Union officers and proposed Constitutional Amendments except for proposed amendments "on any dues raise and/or assessments".

If for any reason a member in good standing does not receive his/her ballot, he/she may make a written application to Pacific Election Services, Inc. The request shall include a statement that the member has neither received a ballot nor voted in the election and the address to which the ballot is to be sent. If you do not receive a ballot, write to:

Robbin A. Johnson  
Pacific Election Services, Inc.  
1650 Stanmore Drive  
Pleasant Hill CA 94523

**Urge all hand to vote YES on all Constitutional Amendments that were passed overwhelmingly at the coastwise membership meetings this summer. (Proposals to amend the Constitution require a two-thirds majority to be enacted.)**

**Democracy is contingent upon participation. Put the "you" in your Union and be sure to vote!**

### THANKSGIVING

All SUP halls will be closed on Thanksgiving Day, Thursday, November 25, a holiday under all SUP contracts.

### HOLIDAY BENEFIT

For the 16th year, the SUP and MFOW will cosponsor a holiday lunch for participants of the respective Union Welfare Plans and invited guests.

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

In San Francisco, this year's lunch will be at SUP Headquarters, 450 Harrison Street, on Friday, December 16, from 11:30 A.M. to 3:00 P.M.

The schedule for the Branches is as follows:

Seattle: Saturday, December 17, from 11:00 A.M. to 2:00 P.M., at the Seattle Hall.

Wilmington: Saturday, December 17, from 11:00 A.M. to 3:00 P.M., at the Wilmington Hall.

Honolulu: Sunday, December 11, from 10:00 A.M. to 3:00 P.M. at the Honolulu Hall.

### ACTION TAKEN

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

*Gunnar Lundeberg*

## NOL/APL profits rise in 3rd quarter of 2005

In the third quarter of this year, the profits of Singapore-based Neptune Orient Lines (NOL) and its container ARM, APL Ltd., rose six percent or \$229 million. NOL president and chief executive David Lim noted that the Singapore shipping company had delivered a profit despite bunker fuel costs which had risen \$62 million over the year.

"In a significantly more challenging business environment marked by cost pressures from rising oil prices, APL has continued to produce strong returns," said APL chief executive Ron Widdows. APL liner continued to account for the lion's share of NOL's profits making up over 90 percent of total earnings, before tax and interest of \$264 million.

The impact of higher fuel and other costs would be seen in core earnings before interest and tax for APL were down five percent to \$243 million in the third quarter of 2005 compared to a year earlier. "This was due largely to significantly higher fuel prices and higher land transportation costs," the company said.

## Washington mulls change for Ready Reserve Force mission

The U.S. government is considering changing the mission of the capitalized Ready Reserve Force of 54 cargo vessels from purely military use to the support of emergency recovery of non-military operations.

Jeffrey Shane, Undersecretary of Transportation for Policy, said that the mission change is being contemplated because of the successful use of RRF vessels to house workers for the Port of New Orleans as it struggles to recover from Hurricane Katrina.

Shane noted that the Maritime Administration dispatched two RRF vessels to New Orleans immediately after Katrina to house port workers who had been rendered homeless by the storm. It then sent another 10 vessels to carry emergency supplies to the city and house more workers. Gary LaGrange, president of the Port of New Orleans, had earlier said that 800 port workers were housed on the vessels, enabling the port to receive its first container ship only eight days after the hurricane.

## OZ investigates death of two stowaways

Australian authorities are investigating the death of two stowaways found on board a bulk fertilizer carrier that sailed from Morocco and docked in Western Australia on November 11. The two men died while hiding in the cargo hold of the *Furness Karumba*, which left the Moroccan port of Laayoune on October 7 and docked at Kwinana, south of Perth, police said. The bodies of the men, who have not been identified, were discovered on October 31, when the 52,551 dwt vessel was at sea. Two other stowaways, who were found alive by the ship's crew, were helped off the Panamanian-registered vessel and taken to the hospital, where their conditions are being monitored.

**SAN FRANCISCO BAR PILOTS**

Pier 9 East End  
San Francisco, CA 94111  
415-362-5436 Fax 415-982-4721

November 2, 2005

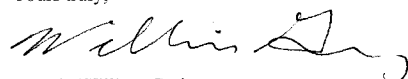
Mr. Gunnar Lundeberg  
President  
Sailors Union of the Pacific  
450 Harrison Street  
San Francisco, CA 94105

Dear Mr. Lundeberg:

On behalf of the San Francisco Bar Pilots and, in particular, Captain Peter Crowell, I want to relay to you that a commendation has been issued to the members of the PV SF crew for their efforts on the evening of October 24<sup>th</sup>, when they acted quickly and professionally to get Captain Crowell out of the water after he had fallen from the pilot ladder. On board that night were Louie Urbano, Roy Tofuno, Dana Sargeant and Ray Pinochi.

The readiness, skill and reaction time of the SUP crew is one of the most important factors in a pilot's safe recovery.

Yours truly,



Captain William Greig  
President and Port Agent

# Vice President's Report

November 2005

## Election Victory

In addition to the routine duties of the front office and visiting ships, this month and last I worked nights and weekends to rally Union support against Governor Schwarznegger's anti-labor propositions in the just concluded California special election. As everyone knows, we beat Schwarznegger across the board. Despite his high-paid consultants and celebrity stardpower, despite the full-on support of the Republican National Committee, and despite backing of all of the state's major daily newspapers, not one of his favored initiatives succeeded. And there was no doubt that it was Union members that made the difference. On Proposition 75, for example, Union members totaled 70% of all voters. That's stunning proof that mobilization, that people in the streets walking precincts and manning phone banks, that Unions and the "little guys" they represent, can and do win over giant corporate interests.

But the membership should be aware that Schwarznegger's propositions did not suddenly materialize in a vision anymore than they popped into George Bush's head one night. The push to silence worker voices, to limit their legal rights, to have workers shoulder the costs of their contractual benefits, to eliminate employer obligations—these are the products of conservative thinktanks that have been hatching them for more than 20 years. It stems from their concept of the "ownership society," which quite obviously benefits owners over workers—shipowners over mariners for example. Of course, that philosophy is diametrically opposed to labor's long-held beliefs that there is a social contract of responsible compensation for reliable work with a safety net for the most disadvantaged, to put it crudely. The distance between those philosophies is part of the reason why politics is so polarized these days. The distance is also why it will remain that way for a long time to come. Ironically, polarization has increased the influence of labor Unions, who despite their problems, are among the most organized and focused of all advocacy groups.

Our fight with the corporate interests who would agree to an unlimited number of foreign workers on U.S.-flag ships doing the traditional work of U.S. seamen is only the most recent national manifestation of the same problems we faced on a state level in the election. I'd like to think that the Union defeat of Schwarznegger is the beginning of the end for the anti-Union forces of the right now cloaked under the philosophy of "ownership society." And I'd like to think that the attacks on our benefits and collective bargaining agreements will soon abate, but I know better. As Gunnar Lundeberg frequently reminds us: "Struggle is a permanent condition of our existence."

Like all seamen, I hope for the best and prepare for the worst. The SUP depends on your continued involvement and support. Special thanks to Terry O'Neill, Mike Worth, Vern Haik, Tom Koppel and Tom Tynan for volunteering their precious time to work this election in North California.

## Ships checked

**APL China:** delegate Herb James. Continuing washdown problems.

**Manulani:** delegate George Simpier. Made her Sunday on her first call to Oakland just before sailing. Great gang handling antiquated lines on a new ship. Why won't Matson change out all its old Samson lines and wires for the easier, stronger, and far safer Spectra lines?

**Lihue:** delegate Ron Reed. Ship not outfitted with proper tools and lines. Without slings or snatch-blocks, sailors had to remove the carcasses of dead cows from cattle pens using jury-rigged chain falls. Why won't Matson properly outfit its ships?

**President Grant:** delegate Mick McHenry. Clarification on arrival. Arrival is when we're all fast alongside: the last all hands task on arrival is rigging the gangway net. Therefore, that's the moment of arrival under the contract. The engineers, mates, pilots, position, etc., have nothing to do with it.

**Maui:** delegate Chuck Maringer. Last voyage before lay-up: in at Oakland Inner Harbor. No beefs, Discussed retirement options with the delegate and the bosun Jim Meador. Money Purchase funds are actually safer now, in terms of measurable risk, than they were in Dodge and Cox. Eventually, we hope to make D & C fund options a choice for all retirement assets.

**Cape Jacob:** delegate Steve Thompson. Clarification on jurisdiction. First rotations due next month. Excellent job by the delegate and the bosun in difficult conditions.

**APL Philippines:** delegate John Drolla. Clarifications on security watches and room fans. When the C-11's were delivered from foreign-flag operators to ASM, it was agreed that we would take delivery "as is." Therefore the usual provisions on quarters were waived and we cannot now compel APL to install fans. Nevertheless, we understand that the HVAC system breaks down, and that without a port that opens, sailors suffer poor ventilation. Will continue to press the issue.

**APL Thailand:** bosun Frank Portanier. Clarification on sanitary jurisdiction. The head on our accommodation deck is not SUP jurisdiction.

**Foss Maritime Company:** delegates Mike Worth and Tom Tynan. Meeting with the Company on pass-through for benefits but grieving a misassignment of work on an intermittently crewed boat.

**San Francisco Bar Pilots:** delegate Terry O'Neill. Along with Gunnar Lundeberg and the delegate, I met with management on a variety of issues including overtime accounting for work on scheduled days off, welfare contributions and pension issues. Reviewing new drug testing policy. Will keep the membership employed at SFBP informed on all issues as they develop.

Dave Connolly

## Letters to the Editor

Dear Brothers and Sisters:

There are two important items on the ballot this year that I would like to address —the dues increase and the car allowance for agents.

I would like to point out we have, as SUP sailors, a unique and great lifestyle. As "A" and "B" members, we can work as much or as little as we like, make our own schedule more or less, and make decent living. That decent living is thanks to the Sailors' Union of the Pacific.

It takes money to run a union. We are constantly fighting battles. Whether it's the companies, Congress or foreign flags, it takes money to wage these wars. A dues increase of \$20 a quarter is a cab ride or a couple of rounds of beer at the bar. It boils down to this - \$0.22 a day is not much individually, but collectively it will help our great Union continue to effectively represent us on all fronts.

Our agents, who do represent us, need a little help too. The current car allowance is not realistic in today's economy. The proposed \$100 weekly car allowance is a step in the right direction.

We have a great Union. Let's support it and please vote. Fraternaly,  
Mark Hurley #5870

Dear Sirs,

9 November 2005

Enclosed is my \$50 contribution to the Union's political fund.

We may have lost the LMSR battle but your outstanding efforts on behalf of the membership to retain those jobs deserve our praise.

Your hard work is appreciated.

Sincerely,  
Philip Romei #19018

## Record of SUP Shipping October 2005

	Hdqs .....	Seattle .....	Wilm .....	Hono .....	Total
Bosun .....	3	0	3	0	6
Maint. Man .....	2	0	0	0	2
A.B. Dayworker	0	0	10	2	12
A.B .....	10	3	10	3	26
O.S. ....	1	0	1	0	2
Standby .....	28	7	98	41	174
<b>TOTALS .....</b>	<b>44</b>	<b>10</b>	<b>122</b>	<b>46</b>	<b>222</b>

# SUP Branch Reports

## Seattle

October 17, 2005

Shipped during the period: 3 Able seaman jobs were shipped during the month. The jobs were filled by 1 A and 2 B members. One Utility shipped to Chevron.

Registered during the period: 3 A cards for a total of 22; 2 B cards for a total of 18; 5 C cards for a total of 16.

### Ships Checked

*Maui* and *R.J. Pfeiffer* in twice and running smoothly with little or no problems.

During the month I attended the King County Labor Council meeting; the Puget Sound Ports Council Maritime Trades meeting and the King County Port Coalition meeting.

The Sailors' Union participated in the US Coast Guard exercise "Operation Restore" which dealt with how a port would reopen after a terrorist attack or natural calamity.

The Sailors' Union facilitated a meeting with the new Captain of the Port, Steven Metrock and labor unions working in the Puget Sound including: the Marine Fireman's Union, ILWU Locals 9, 19, 52, 23, and 47; the Piledrivers; MEBA; MMP; IBU; Carpenters, Operating Engineers 302; Puget Sound Pilots and officials from the Washington State Labor Council and King County Labor Council. This was a good give and take session with the Captain and demonstrated that we all work together in matters of port security.

Members Mike Parenteau, Brendan Bohannon, Robin Colonas, Sandy Earle and Mike McLavy volunteered for "Labor to Neighbor" phone banking where the SUP stood over 15 shifts at the Labor Council calling union households helping to educate union members on anti worker, anti family initiatives. Getting involved in protecting your job through political activism is the equivalent to standing in a picket line and everybody must participate.

In the up coming SUP election members have the opportunity to vote for a dues increase. Do not listen to the naysayer who claims that our union does not need this; they are wrong. Protecting the livelihoods of the membership is what the SUP does and the attacks on our ability to work have never been greater. This requires funding for legal actions and the ability to travel and testify in front of state and federal legislators and the various commissions that regulate the marine industry. Please vote in your union election and please vote for a dues increase.

Vince O'Halloran, Branch Agent

## Wilmington

October 17, 2005

Shipped during the period: 2 bosuns, 12 ABs, 6 AB maints., and 95 standby jobs, for a total of 115 jobs shipped.

Registration for the period: 49 A cards, 54 B cards, 8 C cards, and 8 D cards.

### Ships Checked

*APL China*: Dmitri Seleznev, delegate; *Mokihana*: Nestor Alarcon, delegate; *Maunawili*: Dave Kaupiko, delegate; *President Jackson*: Josh Niles, delegate; *APL Philippines*: Tom Gataitan, delegate;

*Manoa*: Harry Naeole, delegate; *Maunalani*: George Simpier, delegate; *Manukai*: Lee Dancer, delegate; *APL Thailand*: Morris Thibodeaux, delegate; all OK. *Mahimahi*: Chris Bright, delegate; Black gang sets up pumps and hoses during bunkering, not sailors. Cleaning under bridge mats is not part of the sanitary for the one day man. All hands for clearing decks and tightening lashing. Government restrictions prohibit shore leave from Anchorage in HSN, not payable. Transformers on deck forward should be watertight or they are a safety hazard and do not belong on deck, so washdown beef is no beef.

*President Adams*: Tony Montoya, delegate; *APL Singapore*: Bob Copeland delegate; *President Polk*: Mike Pflieggor delegate; all OK. *APL Korea*: If the captain has meridian day on Friday, and there is two Fridays, do not beef that it is illegal because you cannot have Saturday overtime. Washdown and you get four hours on Saturday anyway. Keep SUP beefs between the deck department members, only between deck department members and have a Union meeting and do not squawk to the captain and mate.

It was a pleasure to have Bill Berger, San Francisco Business Agent, attend our meeting and be our chairman. He explained the dangers of Section 425 of H.R. 889, that Congress passed that says an unlimited amount of foreign seamen can work routine maintenance on American-flag ships for indefinite periods. It is important to write to the Senate to reject it.

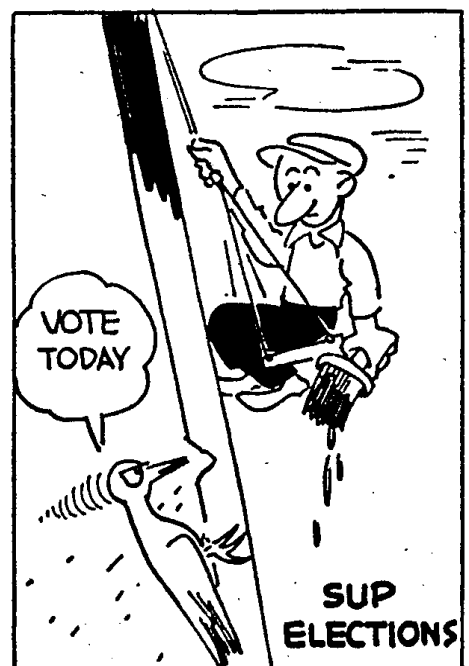
Mr. Berger also spoke of the importance of the Agent's car allowance which will be on the ballot, which I can personally testify that it is really needed. Although I won't be in office next term, the next guy could sure use it.

The Los Angeles Federation of Labor working along with our Maritime Trades Department on our waterfront worked with neighborhood and precinct walks and phone banking to help defeat the governors union busting propositions and initiatives. Dozens of Unions and workers were involved. L.A. was a very crucial area to win.

Our annual Christmas Party will take place at our Wilmington Hall from 11:00 A.M. to 3:00 P.M. There will be plenty of good food, music, and fun! You're all welcome, come on over!

We have plenty of standby work here running great with Jack Dalton bosun and John Makaiwi, leadman. Took care of duties and responsibilities of the part for the membership during the period.

Keith Miller, Branch Agent



## Honolulu

October 17, 2005

During the month of September, dispatched the following: 1 bosun relief, 2 ABD, 1 ABD relief, 4 ABW, 1 ABW return, 2 AB maint., 3 OS, 1 OS return. These jobs were filled by 7 A members, 7 B members and 1 C member. Also shipped 39 standby jobs filled by 4 A members, 16 B members, 17 C members, and 2 D registrants for a total of 54 jobs shipped.

Registered during September, 5 A members, 8 B members, 7 C members, and 1 D registrant. To date registered are 11 A members, 16 B members, 7 C members and 1 D registrant for a total of 35 registered.

### Ships Checked

*Maui*, *Lurline*, *Lihue*, *Matsonia*, *Manulani*, *R.J. Pfeiffer*, *Maunawili* and *Manukai*. All with few or no beefs. Paint and Rigging gang running smooth with Monte Kalama as bosun. On October 19, attended the Hawaii Ports Maritime Council meeting. Final preparations for the Hawaii State AFL-CIO convention. On October 21, along with MFOW Agent Bonny Coloma and SUP members, threw a surprise 91st birthday party for pensioner John Gouveia at his convalescent home. John is still sharp as a tack and a good union historian. On October 28, assisted the MM&P in leafleting the A&B headquarters in Honolulu.

Mike Duvall, Branch Agent

## SUP member joins pension ranks

The following SUP member joined the rank of pensioner, bringing the total number of SUP members to 759:

**Leonard Millsap**, 80, Book No. 6140, joined SUP in 1945, 38 years seateime.

## San Francisco Business Agent

**Lihue**— Ron Reed, delegate. No disputes. New bosun shipped.

**Lurline**— Art Kardinal, delegate: Van and car carrier. Few questions on handling block on ramps.

**Manoa**— Harry Naole, delegate: Voyage pay off. Good ship, no disputes.

**Manukai**— Paul Barbour, delegate; John Hamann, bosun: No disputes. Will stop at San Francisco for several trips.

**Maui**— Chuck Maringer, delegate: In from Seattle. Will go into lay up soon.

**Mokihana**— Joe Nunez, delegate: voyage pay off. In from Los Angeles. New bosun Eli Wegger. No disputes.

**Moku Pahu**— Steve Garrett, delegate: Sugar from the Island. Bosun Teo Rojas doing a good job. Next voyage going to East Africa.

**R.J. Pfeiffer**— Remoni Tufono, delegate: In from Seattle. No disputes. Made twice.

**APL Singapore**— Bob Copeland, delegate: Voyage pay off. No disputes. Good gang with bosun Singapore Sid.

**APL Wilson**— Jim Bailey, delegate: bosun Joe Wolf running a good ship.

Bill Berger

## Jacksonville

October 2005

For the month of October, one Able Seaman was dispatched to the *Cape Florida*. This job was filled by a B-card.

Once again this month has been difficult for travel. This has been a record breaking year for named tropical storms and hurricanes. The latest Hurricane Wilma, fortunately did not impact the upper Gulf Coast, but did hit Key West and Southern Florida. Thus, having impact upon shipping interests in Port Everglades and those vessels transiting the Straits of Florida. The principal SUP represented vessel affected by this latest hurricane has been the *Chevron Arizona Voyager*. I have been in contact with this ship and will check on her this coming month as the hurricane season is winding down and shipping is returning to normal.

On October 13, visited the *Cape Florida* at the Ready Reserve Fleet anchorage in Beaumont, Texas. Barbara (Bobbi) Shipley is the delegate and Sam Scott is the Boatswain. Morale is high and the gang is employed recovering and surveying barges for the *Cape Florida* and *Cape Farewell*. This work will continue into the month of November. There is much devastation in the Beaumont area, downed power lines and a lack of facilities, therefore, not much to offer in the immediate area for going ashore. The gang continues to get praise from MarAd for the exemplary job they are doing. No beefs. I had difficulty finding accommodations because of the number of Katrina/Rita victims and relief workers in hotels in the Houston area and obtaining a rental car, but was assisted by our affiliate; the Exxon Seamen's Union and am much appreciative for their assistance.

Also have had several telephone conversations throughout the month with members aboard the *Cape Jacob*. All goes well there and the ship is returning to Japan from Saipan. No Beefs reported.

Bud Yost

SUP East/Gulf Coast Representative

## Dispatcher's Report

Headquarters—October 2005

<b>Deck</b>	
Bosun .....	3
Carpenter .....	0
MM .....	2
AB .....	10
OS .....	1
Standby .....	28
<b>Total Deck Jobs Shipped .....</b>	<b>44</b>
<b>Total Deck B, C, D Shipped .....</b>	<b>8</b>
<b>Engine/Steward</b>	
QMED .....	0
Pumpman .....	0
Oiler .....	0
Wiper .....	0
Steward .....	0
Cook .....	0
Messman .....	0
<b>Total E&amp;S Jobs Shipped .....</b>	<b>0</b>
<b>Total E&amp;S B, C, D Shipped .....</b>	<b>0</b>
<b>Total Jobs Shipped - All Depts. ...</b>	<b>44</b>
<b>Total Registered "A" .....</b>	<b>64</b>
<b>Total Registered "B" .....</b>	<b>55</b>
<b>Total Registered "C" .....</b>	<b>11</b>
<b>Total Registered "D" .....</b>	<b>11</b>