



West Coast Sailors

Official Organ of the Sailors' Union of the Pacific

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Friday, October 21, 2005

Shipowners press Congress to allow foreigners to work in U.S.-flag ships

SUP spearheads effort to torpedo anti-American initiative

Legislation that could decimate the American workforce in U.S.-flag ships in the international trades has pitted most of maritime labor against a coalition of avaricious shipowners.

The bill in question is the Coast Guard and Maritime Transportation Act of 2005 (H.R. 889) which contains a provision—Section 425—that would allow U.S.-flag operators on international voyages to employ an unspecified number of foreign seamen to perform any

type of work, outside of watchstanding and steward department duties, currently performed by American mariners—including but not limited to—maintenance and repair.

Just prior to H.R. 889 passing the House of Representatives unanimously on September 15, Representative Don Young (R-Alaska), Chairman of the Transport and Infrastructure Committee, tacked on the onerous amendment that changes the citizenship requirements in U.S.-flag vessels. On the floor

of the House, Representative Young said “It is a well established fact under current law that foreign workers may work on U.S.-flag vessels on international voyages to conduct various non-watchstanding functions. These personnel are not considered seamen. This amendment will confirm the legality of this practice.”

“Chairman Young has been badly misinformed about the so-called practice of employing foreign riding gangs and what the long-standing citizenship regulations are aboard American vessels,” stated Sailors’ Union Secretary Gunnar Lundeberg.

The misinformation comes from a cabal of shipowners, whose desire is to increase their profits by employing exploitable foreign workers which could ultimately lead to the reduction and/or elimination of American sailors aboard U.S.-flag ships.

This gang of buccaneers led by Maersk and comprised of Sealift, Inc., P&O Nedlloyd, Central Gulf Lines, Waterman Steamship Company, Red River Shipping and APL, has been whining to various federal agencies that the U.S. Coast Guard

has cited and fined them for using foreign workers. In fact, Admiral Thomas H. Collins, Commandant of the Coast Guard, has repeatedly told this “coalition” (and their surrogates in the Maritime Administration and the Military Sealift Command) what the United States Code says about citizenship aboard U.S.-flag vessels. Admiral Collins also voiced his concerns about security.

In a December 22, 2004, letter to Admiral David Brewer, Commander of the Military Sealift Command, Admiral Collins stated: “I am concerned about the security implications of the use of foreign riding maintenance gangs. I am not confident that the current screening performed on these individuals meets the same standards as that performed on U.S. mariners. I am aware of no currently available process that would screen foreign nationals to the same degree that we currently screen every holder of a Coast Guard issued merchant mariner’s document or license. Other issues, such as lifesaving arrangements, training, and working conditions, are also cause for concern.”

Brewer had previously written to Admiral Collins requesting that the Coast Guard legitimize MSC’s apparent practice of using foreign riding gangs.

After bypassing the Congressional hearing process and unable to convince the Coast Guard, the shipowners had an unwitting Congressman do their dirty work.

When this odious provision finally saw the light of day, the Sailors’ Union immediately contacted members of Congress to voice strong opposition. (See SUP Secretary Gunnar Lundeberg’s report on Page 9.) The MFOW, MEBA, MM&P and the ILWU took the same action in requesting that Section 425 be deleted from the bill.

The House version of the Coast Guard bill now goes to the Senate Commerce, Science and Transportation Committee. The Senate version of the Coast Guard bill does not contain the foreign national provision of the House bill. In discussions with key members of the Senate and their representatives in Washington during the week of October 10, Secretary Lundeberg found no support for the anti-American worker provision. However, the full bill is subject to a Senate/House conference to reconcile the differences in the legislation.

Advocates for Section 425 cite the “economic interests” of the U.S. as support for their claim.

In a letter to members of Congress, Lundeberg stated, “In addressing the economic interest of the United States, Congress should not ignore the continued interests of the working men and women of the U.S. merchant marine. If the U.S. merchant marine is to remain vital, dependable and capable of performing its historic defense and new security functions, it must be crewed by U.S. citizens.”

Candidates declare for biennial SUP election

Nineteen Sailors’ Union members have declared their candidacy for the upcoming biennial election of Union officers by accepting the nominations made at the September coastwise meetings.

The Committee on Elections/Candidates met at Headquarters on October 17, to verify the eligibility of those accepting the nomination and to select an Impartial Balloting Agent to conduct the election as required by the SUP Constitution.

The Committee’s report is on page 4 and is subject to membership approval at the November coastwise meetings.

The secret mail balloting for SUP officers for the 2006-2008 term and referenda on three proposed Constitutional amendments will begin on December 1, 2005, and continue through January 31, 2006.



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Jones Act suspended once again; Cabotage Task Force protests

As the *West Coast Sailors* reported last month, in the wake of Hurricane Katrina, President Bush suspended the Jones Act on September 1, to allow foreign-built, foreign-flagged and foreign crewed tankers to carry cargo between American ports to “help distribute oil and gasoline where it is needed.” The waiver was lifted on September 19, but on September 26, after Hurricane Rita struck the Gulf Coast, a second blanket waiver was issued and is due to expire on October 24.

The Maritime Cabotage Task Force (MCTF), which the Sailors’ Union is a member, did not oppose the initial waiver due to the extreme human tragedy and loss of life in the Gulf region and significant interruptions to the production and transportation of refined petroleum products.

Regarding the second waiver of the Jones Act, Phil Grill, Chairman of the Task Force stated: “In contrast to generally supporting the President on the initial waiver, the MCTF and domestic industry have taken the

public position that the second waiver was neither necessary nor justified by any demonstrated need, notwithstanding the devastating impact of Rita on American refinery capacity. In meetings with government officials, we stress that we understand what they are trying to accomplish—the seamless movement of refined product throughout the U.S.—but that we do not understand how a Jones Act waiver helps achieve that objective. We don’t understand which

continued on page 3

SUP Honor Roll

Voluntary contributions from the membership to the following funds:

Organization/ General Fund

Steve Clemens	35.00*
David Connolly	20.00*
Lee Dancer	40.00
Jay Dillon	20.00
Thor Erikson	20.00*
Ronald Fague	40.00*
Ed Figuracion	20.00*
John Hamann	20.00*
Duane Hewitt	20.00*
Jill Holleman	20.00*
Duane Nash	40.00*
Ray Pinochi	20.00*
Steve Ross	20.00*
Emanuel Rozada	20.00
Gary Rymel	20.00*
Whitey Secrest	50.00

*In lieu of dues increase.

Political Fund

Paul Barbour	10.00
Charles Butler	10.00
Dave Connolly	100.00
Douglas Crute	200.00
Steve Crute	25.00
Lee Dancer	40.00
Ed Drake	20.00
John Drolla	30.00
John Gabourel	20.00
Allen Gonzalez	20.00
Jim Kolm	30.00
Norman Kurtz	20.00
Volkert Lokies	30.00
Jose Lopez	10.00
Gunnar Lundeborg	100.00
Joe Mantanona	20.00
Harry Naeole	20.00
Duane Nash	10.00
Miguel Palacios	50.00
Knud Rasmussen	25.00
Greg Schauf	20.00

West Coast Sailors

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Michael Bailey	20.00
Thomas Basford	25.00
Douglas Crute	25.00
Steve Crute	25.00
Lee Dancer	20.00
John Drolla	10.00
H. Lilledahl	25.00
Joseph Mele	40.00
Ronald Pittman	25.00
William Sharp	25.00
Richard Walsh	10.00

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

Final Departures

Ronald David Alba, Book No. 3788. Born in California in 1938. Joined SUP in 1958. Died in Redding, California, September 17, 2005. (Pensioner)

Benjamin C. Miller, Book No. 6441. Born in Ohio in 1923. Joined SUP in 1957. Died in Long Beach, California, September 14, 2005. (Pensioner)

Zenji Nagai, Book No. 2440. Born in Hawai'i in 1922. Joined SUP in 1957. Died in Japan, August 23, 2005. (Pensioner)

David Erikson, Book No. 1633. Born in Minnesota in 1922. Joined SUP in 1943. Died in California, August 2, 2005. (Pensioner)

Jens Larsen, Book No. 3381. Born in Denmark in 1921. Joined SUP in 1941. Died in San Francisco, California, October 3, 2005. (Pensioner)

SUP Meetings

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

	<i>Hdqrs.</i>	<i>Branch</i>
November	14	21
December	12	19

West Coast Sailors

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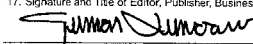
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Nautical terms in everyday speech

Flogging a Dead Horse ... (an exercise in futility)

The band of variable calm in the Atlantic Ocean—roughly in the area of the Canary Islands—is known as the horse latitudes. They take their name from the Spanish *Golfo de las Yeguas* (Gulf of the Mares). It is thought that the Spanish name stems from a comparison between the unpredictable nature of the high-strung Arabian mare and the capricious nature of the wind in the area. In the days of sail, when a sailor signed up for the duration of a voyage, it was customary to pay him one month's wages in advance—but a sailor's money never lasted long in rollicking port towns. Once their advanced wages had been spent and the ship had put to sea, sailors felt as though they were working for nothing. Because it took approximately one month to reach the horse latitudes from most ports in England, sailors began the tradition of calling that first month at sea the "dead horse month." To mark its end, the crew celebrated by stuffing a canvas likeness of a horse with straw and marching it around the deck with great pomp and ceremony. The symbolic representation of the "dead horse" was then hauled aloft to the yardarm and cut adrift into the sea, as the sailors chanted, "Old Man [Captain], your horse must die!" Admiral William Smyth suggested that flogging a dead animal into activity was as much an exercise in futility as trying to get a wholehearted work commitment out of the ship's company while they were working off the dead horse month.

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Kvaerner Philadelphia Shipyard changes its name to Aker Philly

This month the company that has built three containerships for Matson Navigation Company (*Manukai*, *Manulani*, *Maunawili*), changed its name from Kvaerner Philadelphia Shipyard to Aker Philadelphia Shipyard.

The shipyard is now the subsidiary of newly established Aker American Shipping. Other subsidiaries were formed to administer the ship ownership and leasing functions. All are part of the Norwegian-based Aker ASA group of global companies.

Aker Shipyard CEO David Meehan said, "We are determined to be an industry leader in not only building ships, but in owning and leasing them in the domestic Jones Act market. While our name is changing, our dedication to our mission hasn't changed a bit and we are proud to be building ships in Philadelphia to serve a vital need of our nation and our customers."

While the shipyard is building the *Maunalei* for Matson, which should be launched in May 2006, the company has a \$1 billion contract with OSG, Inc. to construct ten Jones Act product tankers. Matson also has the right-of-first refusal with Aker for up to four more containerships of similar design to the *Manukai*-class that are deliverable by the Philadelphia yard before June 2010.

Ruling chills right to organize

A new ruling by the National Labor Relations Board (NLRB) makes it clear that the Bush administration will go to almost any length to chill workers' rights to form Unions. The Board ruled that it is legal for an employer to prohibit "fraternization" among employees—both on and off the job.

The ruling "severely weaken(s) the rights of free association and speech, and violate(s) basic standards of privacy for America's workers," according to American Rights at Work, an organization that monitors U.S. labor rights.

Guardsmark, the security company that issued the fraternization ban in the first place, rushed in with assurances that its rule doesn't affect its employees' rights regarding unionization. In fact, since the Service Employees International Union filed the complaint two years ago that led to the NLRB's ruling, Guardsmark and the Union have "reached an accord on unionizing" its San Francisco employees, according to a *Washington Post* column by Harold Meyerson. But,

Meyerson adds, the NLRB ruling sets a broader precedent.

The NLRB's 2-1 majority predicted that workers will interpret the ruling to mean a simple ban on dating coworkers—a ban that is often needed to avoid sexual harassment. But the dissenting member, Wilma B. Liebman, pointed out that since the ruling mentions both dating and fraternization, many workers would understand fraternization to mean collective action, and would consequently refrain from exercising their right to organize.

"That kind of association is the essence of workplace solidarity," Liebman wrote.

Columnist Meyerson wrote that the ruling harkens back to feudalism. "The brave new world that emerges from this ruling looks a lot like the bad old world where earls and dukes had the power to control the lives of their serfs—not just when the serfs were out tilling the fields but when they retired in the evening to the comfort of their hovels."

Matson names director of new East Asia service

Qiang Gao has been appointed director, Asia for Matson Navigation Company. Based in Shanghai, Gao will oversee all aspects of Matson's new weekly service from Ningbo and Shanghai, China, to Long Beach, California, to launch in February 2006.

In this new position, Gao will have an ongoing role in all Matson activities in China, including sales, customer service, government affairs, international corporate compliance and operations. He will be responsible for the overall operations in Shanghai and Ningbo and service as the primary liaison with agents in both ports.

Gao joined Matson's market planning department at its Oakland headquarters in 2003. Prior to Matson, Gao worked for the U.S. companies Meet World Trade, Booz Allen and Hamilton, and Bechtel, and for Chinese companies DiChain Systems and Tianjin Marine Shipping Company.

Gao reports to Dave Hoppes, Matson's Senior Vice President, Ocean Services.

Jones Act ...continued from page 1

transportation movements are made more efficient by the waiver. We also have emphasized that there is a substantial fleet of U.S.-flag tank vessels standing by and ready to assist in the movement of refined product within the U.S. We also point out the absurdity of a situation where U.S.-flag vessels manned by American crews stand idly by while foreign vessels with foreign crews transport domestic cargoes.

Moreover, we remind them that these waivers could substantially harm the American maritime industry. This is particularly true in the Gulf region, where the maritime industry is a major employer and where there is an urgent need to get American workers back on the job. For example, charters with Jones Act vessels have been canceled to send the work to foreign vessels immediately after the waivers were announced."

The Jones Act, a provision of the Merchant Marine Act of 1920, mandates that only U.S.-built, U.S.-flagged and U.S.-crewed vessels can carry cargoes between American ports.

It should be noted that in the last week of September the Bush Administration denied a request by the large and influential American Farm Bureau Federation to waive the Jones Act for grain barges and bulk agricultural commodities.

Funds may be lacking at the start of new Maritime Security Program

There may not be sufficient funds appropriated for the new Maritime Security Program (MSP) for the first three months of the 2006 fiscal year (October to December 2005).

The problem arises because the Congress has not yet completed action on the Fiscal Year 2006 appropriations legislation for the Department of Transportation and therefore DOT and all its agencies and program, including MSP, will be temporarily continued and funded through a Continuing Resolution (CR) under the Fiscal Year 2005.

For the Maritime Security Program, this means that MSP will be temporarily funded at the \$98.7 million level that supported 37 ships at \$2.1 million per ship, rather than the \$156 million level needed to support 60 ships at \$2.6 million each. The *West Coast Sailors* has learned that the United States Transportation Command (USTRANSCOM) has told the Maritime Administration (MarAd) that if this occurs, USTRANSCOM wants MarAd to fund all 60 ships under a reduced amount (equal to approximately \$1.6 million per ship), rather than funding 38 ships at \$2.6 million each.

It is clear that it is important to USTRANSCOM that it has all the ships and their crews available. It is also understood that MarAd will proceed accordingly and will indicate to MSP companies that once the Fiscal Year 2006 appropriations are available MarAd will make up the shortfall in payments that the companies incur during the first three months of Fiscal Year 2006.

Bills to reinstate Davis-Bacon introduced by Congressional Democrats

In the wake of President Bush's executive order of September 8, to suspend the Davis-Bacon Act for workers on federally financed hurricane-related projects in parts of Louisiana, Mississippi, Alabama and Florida, the AFL-CIO and members of Congress have been demanding that this Act, which requires employers pay prevailing wages on construction projects, be revoked.

On September 16, forty-one members of the House of Representatives (all Democrats) sent the following letter to the White House:

Dear President Bush:

We are extremely disappointed by your recent action indefinitely suspending the Davis-Bacon Act in the disaster area along the Gulf Coast. Davis-Bacon requires federal contractors to pay construction and mechanical workers a prevailing wage, that is, merely the typical wage for their work in their locality. For almost 75 years it has been successful in ensuring that workers on government contracts are paid a competitive and fair wage. For just as long, there have been those opposed to the provision looking for any opportunity to overturn it.

We urge you to reverse your recent decision to suspend Davis-Bacon in areas affected by Hurricane Katrina. Moreover, we are alarmed by the article in the September 14 edition of the *Washington Post* that claims your administration is considering a "similar move" with the McNamara-O'Hara Service Contract Act. McNamara-O'Hara requires federal contractors to pay service workers the prevailing wage. At a briefing on Capitol Hill the same day, Secretary of Labor Elaine Chao disavowed claims that the Department of Labor would move to exempt Hurricane Katrina workers from McNamara-O'Hara.

For the same reasons that Secretary Chao should disavow any attempts to undermine the Service Contract Act, you should rescind your suspension of Davis-Bacon. Davis-Bacon and McNamara-O'Hara ensure that workers get a fair day's pay for a hard day's

work. Leaving aside the legalities of such suspensions, suspending Davis-Bacon or the Service Contract Act is the wrong policy in the wrong place at the wrong time. At a time when hundreds of thousands of people have been dislocated—losing their jobs, their homes, their property, and even family members—the government should not be in the business of adding insult to injury by driving down their wages. Prevailing wages ensure that workers can pay for gas, their children's school books and clothes, rent, mortgage, or healthcare premiums. As the people of the Gulf Coast go about rebuilding their communities and their lives, the single best aid we can provide them is a decent job at a fair wage.

It would be unconscionable for you to attempt to use the disaster of Hurricane Katrina to serve an ideological agenda, limit workers' rights, and cut the wages of people whose lives have been destroyed in this disaster. We call on you to restore Davis-Bacon protections to Gulf Coast workers and to reject calls to deprive other workers of the protection afforded by McNamara-O'Hara.

Since the President was not responsive, legislation was introduced in both Houses of Congress to rescind the executive order and reinstate the Davis-Bacon Act.

In the Senate, Edward Kennedy (D-MA) introduced Senate Bill 1749. Among the thirty-five cosponsors are California Senators Barbara Boxer and Dianne Feinstein, Hawai'i Senators Daniel Akaka and Daniel Inouye, Washington Senators Maria Cantwell and Patty Murray, Senator Ron Wyden (D-OR), Minority Leader Harry Reid (D-NV) and Senator John Kerry (D-MA). The bill was referred to the Senate Committee on Health, Education, Labor and Pensions. The House version of the bill entitled Fair Wages for Hurricane Victims Act (H.R. 3763) was introduced by former SUP member Representative George Miller (D-CA) and cosponsored by over two hundred other House members (again, all Democrats). The measure was referred to the Committee on Education and the Workforce.

Vote November 8

SAILORS' UNION OF THE PACIFIC

COMMITTEE ON ELECTION 2005-2006

In accordance with the SUP Constitution, Article XII: Nomination, Election and Term of Officers, the Committee on Election convened at 0900 on October 17, 2005, at Headquarters.

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

The Committee recommends the Pacific Election Services, Inc. be used for this election. Pacific Election Services, Inc. will print, mail and count the ballots in accordance with the SUP Constitution. The approximate cost will be \$8,200.00.

Also, the Committee has the duty to verify the eligibility of candidates for office. In accordance with Sections 3, 4, and 5 of Article XII, all candidates duly nominated (as per Section 2 and published in the September 23, 2005 edition of the *West Coast Sailors*), who had returned acceptance letters (as per Section 5) were found eligible.

The following candidates accepted the nomination and will appear on the ballot:

<u>President/Secretary-Treasurer</u>	<u>SUP Building Corp Trustees</u>
Gunnar Lundeberg	William Berger
<u>Vice President/Assistant</u>	Paul Calais
<u>Secretary-Treasurer</u>	Norman Christianson
David Connolly	David Connolly
Verness Johansen	Paul Fuentes
<u>San Francisco Business Agent</u>	Gunnar Lundeberg
William Berger	Trevelyan Motlow
Frank Portanier	(Five to be elected)
<u>Seattle Branch Agent</u>	<u>SIUNA Convention Delegate</u>
Vincent O'Halloran	William Berger
<u>Wilmington Branch Agent</u>	Norman Christianson
Robert Burns	David Connolly
Paul Calais	Gunnar Lundeberg
Michael Freng	Burrwood Yost
Harry Naeole	(Three to be elected)
<u>Honolulu Branch Agent</u>	
Michael Duvall	
Maea Loe	
William McAndrew	
James Meador	
Trevelyan Motlow	
Patrick Weisbarth	



Fraternally,

[Signature] #19047 *[Signature]* #4687
[Signature] #3120 *[Signature]* #3867
[Signature] #3249

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

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

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

Mate on tug gets prison term for oil spill

The chief mate on the tugboat *Evening Tide* that was involved in the massive Buzzards Bay, Massachusetts, oil spill has received a five-month prison term after he was found guilty of violating the Clean Water Act and the Migratory Bird Act. He admitted that on April 27, 2003, he left the helm unattended for 15 minutes to secure a towline connected to a barge carrying 4.1 million gallons of fuel oil. The barge hit an underwater obstruction

that tore a gash in the tank hull releasing thousands of gallons of oil into the bay.

As a result of the incident, 90 miles of pristine New England coastline were contaminated. Bouchard Transportation Co., which owned the barge, pleaded guilty last year to violating environmental laws, paid a \$9 million fine, and agreed to pay cleanup costs, which have already exceeded \$38 million.

Sailors in harm's way shine in *Cape Florida*



Bosun Sam Scott, AB Eddie Cathcart, and OS Mike Ruan, part of the SUP gang aboard the *Cape Florida* in Beaumont, Texas, on September 23. Photo: Bud Yost

In the aftermath of Hurricane Katrina, during the third week of September, the nation watched in trepidation as Hurricane Rita churned in the Gulf of Mexico. Rita had already hit the Florida Keys as a category one hurricane and was building strength as it entered the Gulf. Within a few days Hurricane Rita had reached category four status with sustained winds of over 175 miles per hour. On September 21, when it became obvious that the track of the storm would take it into Eastern Texas or Western Louisiana, the U.S. Maritime Administration (MarAd) gave the order to place the Ready Reserve Force ship, *S/S Cape Florida*, operated by Patriot Contract Services, in full operational status and put the ship to sea and out of harms way.

Already onboard were the Boatswain Sam Scott, Able Seaman Eddie Cathcart and Ordinary Seaman Michael Ruan. Answering the call to crew the ship were AB's Dale Gibson, Kim Colvin, Alan Eng, Wayne Simpson and Dave Hoffman. Also OS Terri White was dispatched to join.

Unfortunately, as the sailors arrived aboard ship, the Coast Guard closed the port of Beaumont to ship traffic. As a result the ship would have to bear the full brunt of the storm while still alongside the dock. Throughout the day on the 23rd, the crew of the *Cape Florida* put out additional lines and dropped the anchors to secure the vessel. Additionally, they put out more lines aboard the *Cape Flattery* and the tanker *Potomac*. Before day's end, it became obvious that Hurricane Rita would make a direct hit on Orange, Texas, and the ship would be in the path of the most dangerous part of the storm: east of the eye.

The crew had a safety meeting that day and discussed what actions they would take to ensure their safety and that of the vessel. Sea watches were set and all aboard waited for the storm to strike. Through the night the winds and rain increased and Rita finally struck Orange at 0200 hours, Saturday morning with the full force of a category three hurricane. By Saturday evening the hurricane began to abate as it continued its path of destruction inland.

Damage to the Beaumont/Orange area was horrific. Homes and buildings were completely destroyed. Power lines were down and the entire area was flooded. It would be several weeks before power would be restored to the region and still the damage has left businesses closed and most in the area homeless. The ships, however, suffered only minimal damage thanks to the preparatory efforts and first-class seamanship of the SUP deck gang.

On Monday morning, as damages were assessed, it was noted by MarAd officials that the barges integral to the LASH ships were scattered throughout the channel. Many had sustained damage and were aground. As the SUP sailors aboard the *Cape Florida* were the only available crew, they were called upon by MarAd to recover the approximate 325 barges. This difficult task began at 0700, when the sailors left the Florida on MarAd tugs and continued well into the night when they returned to the ship. Temperatures were in the upper nineties, food had to be rationed due to the inability to bring aboard stores, and on virtually each barge the mooring cables had to be spliced where they had parted during the storm. This work continues to date and will continue for the next several months as all of the barges are being returned to their parent ships, hauled from the water and surveyed for damage by the MarAd and the Coast Guard.

MarAd officials at all levels have heaped praise on the SUP sailors for the outstanding work they have done. The high morale and can-do effectiveness of these sailors working in the extremely difficult conditions of a hurricane and its aftermath demonstrate the latest version of the classic and unmatched work ethic contained in the old expression "SUP style."

**SUP members in California and
Washington State:
Be sure to vote on November 8!**

Unions make major difference for workers

A new report by the Bureau of Labor Statistics (BLS) details the difference collective bargaining can make in workers' lives. The report indicates that 88 percent of private-sector Union workers have access to retirement benefits through their jobs, compared with only 56 percent of nonUnion workers. Seventy-three percent of Union workers have access to defined-benefit pension plans, compared with 16 percent of nonUnion workers.

Among other things, 92 percent of Union workers have access to job-based health care benefits, compared with 68 percent of nonUnion workers. Seventy-three percent of Union workers have access to job-provided dental care, 57 percent have vision care and 87 percent have prescription drug coverage, compared with 43 percent, 26 percent and 61 percent among nonUnion workers, respectively. NonUnion workers' required health insurance premiums were over \$1,000 more per year than what Union workers had to contribute, on average.

The report also disclosed that Union workers also are more likely than nonUnion workers to have access to job-based life insurance (65 percent vs. 50 percent) and short-term disability benefits (67 percent vs. 37 percent). Eighty-seven percent of Union members have access to paid holidays and 86 percent had paid vacations, compared with 75 percent and 77 percent of non-Union workers, respectively. Fifty-eight percent of Union workers are offered education benefits, compared with 48 percent of nonUnion workers.

U.S. Coast Guard restores services to mariners on the Gulf Coast

The Coast Guard is opening temporary offices in Morgan City, Louisiana, and Memphis, Tennessee, to provide services to mariners affected by the closure of the Regional Examination Center (REC) in New Orleans following Hurricane Katrina. The Morgan City office, now open, accepts completed applications and offers fingerprinting services, identity verification, and administration of oaths for mariners.

On October 3, the USCG opened a temporary full-service REC in Memphis, staffed by employees from the REC in New Orleans whose offices were flooded after Katrina. This office will be dedicated to restoring services to mariners from the Gulf Coast who were affected by Katrina.

These new offices are being opened to quickly restore services to mariners from the areas affected by Hurricane Katrina. When recovery efforts in New Orleans permit unlimited entry into the city, a new office will open in the New Orleans area.

In a further effort to assist mariners affected by Hurricane Katrina, the Commandant of the Coast Guard has waived user fees for duplicate credentials to replace those lost as a result of the hurricane. The waiver only applies to mariners whose homes of record are in Louisiana, Mississippi or Alabama and who apply for a duplicate credential before February 28, 2006. The duplicate document will show the same qualifications and bear the same expiration date as the original credential. All other regulatory requirements for issuance of a duplicate credential remain in effect. Mariners meeting the criteria who have already paid the user fee for a duplicate credential may apply to the issuing REC for a refund.

The Morgan City office is located at 800 David Drive, Morgan City, Louisiana 70380. It is open weekdays from 0930 to 1600. Applicants may reach the office by phone at 985-380-5150 or by fax at 985-380-5379. The Memphis office is located at 200 Jefferson Ave., Suite 1301, Memphis, TN 38103 and may be contacted by phone at 901-544-3941 (select 1 for New Orleans REC) or by fax at 901-544-3172. The office will be open weekdays from 0800 to 1600 and closed from noon to 1300 (1400 on Wednesday). The office will also be closed on the last Wednesday of each month. Both offices will be closed on all federal holidays.

Lawyers blame God in New York ferry disaster case

Lawyers defending New York City against massive liability claims stemming from the 2003 *Andrew J Barberi* ferry tragedy are raising eyebrows with an 'Act of God' defence. New court filings argue that "injuries or losses were caused in whole or in part by an Act of God and/or other unforeseen circumstances".

The ferry smashed into a Staten Island pier and 11 passengers perished when its pilot, Richard Smith, collapsed at the helm. Smith admitted to lying about his medical history to the Coast Guard and to taking several medications at the time of the accident. New York City ferry director Patrick Ryan admitted to not enforcing the 'two pilot rule' aboard his vessels, while the National Transportation Safety Board has also condemned shoreside management lapses.

Attorney Anthony Bisignano, lead counsel for a plaintiffs' group, said that Ryan's admission negates the city's right to limit its liability, which the city is seeking under a 19th century statute that sets maximum damages at the value of the vessel. Bisignano also voiced scepticism over any potential use of the 'Act of God' defense.

Elena engineer faces long jail term for pollution

The chief engineer on the Panamanian-flagged *MSC Elena* could face up to 40 years in prison if convicted of the oil dumping related charges with which he was indicted on this month. Mani Singh, a 57-year-old Indian national, was indicted by a federal grand jury in Boston on charges of conspiracy, obstruction, destruction of evidence, false statements and violation of the Act to Prevent Pollution from Ships in connection with the use of a secretly concealed 'magic pipe' used to discharge sludge and oil contaminated waste overboard, the Coast Guard said. According to the indictment, the USCG discovered the bypass equipment during a May 16 inspection of the 2,394 TEU boxship owned and operated by Mediterranean Shipping Company.

Singh is charged with making false statements to the Coast Guard by denying knowledge of the existence and use of the bypass equipment. In addition, he is charged with obstructing justice by directing subordinates to lie to investigators, with concealing evidence, and with concealing the discharges in a falsified Oil Record Book, a required log in which all overboard discharges must be recorded. If convicted, Singh faces a maximum sentence of five years in prison on the conspiracy charge, five years on the obstruction charge, five years on the false statements charge, 20 years on the destruction of evidence charge and five years on the violation of the Act to Prevent Pollution from Ships.

Controversial oil refinery bill passed

The House of Representatives narrowly approved a bill that seeks to spur development of new refining capacity and alleviate post-hurricane energy pressures. The Gasoline for America's Security Act was approved on October 7, after an unusually contentious debate by a vote of 212-to-210 and is expected to face a difficult challenge in the Senate.

The legislation would encourage new refinery and pipeline capacity and reform siting procedures; require President Bush to designate three closed military bases as refinery sites; reduce the number of gasoline and diesel fuels from 17 to 6 on the Federal Fuel List; push for construction of the Alaska Natural Gas Pipeline; encourage conservation and carpooling programs; and allow the U.S. government to draw down and sell products from the Strategic Petroleum Reserve (SPR) and finance additional capacity sufficient to permit filling the SPR to one billion barrels.

"We use 21 million barrels of oil a day and only have the refinery capacity for 16 million on a good day — and after Katrina and Rita, we haven't had many good days," said Texas Republican Joe Barton, who sponsored the measure.

SUP aloft and underway



Aboard the SUP-contracted Chevron Shipping Company's *Washington Voyager*, October 3, changing out two flame screens while the vessel was underway to El Segundo, California. Aloft in from left to right is Ron Gill and Robert Reed. Below assisting is Dave Purganan and supervising is Bosun Paul Seager. Photo submitted by chiefmate, Oscar Prada.

Indonesian sailors: No pay, no work

The crew of an Indonesian cargo ship is refusing to leave a port in Malaysia until they are paid back wages claimed to amount to \$300,000.

All the 22 crew members of the *Maznah* are Indonesians. Captain Silas Zola Makalew says they have not been paid since May. The ship was arrested in June following a court order obtained by a Singapore-based bunker supplier who claimed he had not been paid \$100,000.

The ship, which is anchored off Tawau port, had arrived to pick up a timber consignment for China. The Kota Kinabalu High Court lifted the order last month when the owner paid for the bunkers. The owner and operator is believed to be Bosowa Lloyd in Makassar, Indonesia. Company officials could not be reached for comment.

The Malaysian Trades Union Congress has been negotiating with both parties. The owner has offered to pay a month's salary, but the crew is insisting on being paid the full amount, Union official Bala Subramaniam stated.

APL Headquarters to remain in Oakland

American President Lines has renewed its lease for its corporate headquarters at 1111 Broadway in Oakland for ten more years. The 140,000 square foot renewal covering six floors culminate ten months of negotiations with the building's owner, The Shorestein Company.

APL spokesman Mike Zampa declined to state what the company is paying for the lease, but said that APL wanted to remain close to the Port of Oakland. The renewal, he said, "keeps us close to our marine terminal and keeps us close to public transit, which is good for our employees. And it renews our commitment to the city of Oakland."

SUP-contracted APL is a division of Singapore-based Neptune Orient Line.

ESU Office Assignments

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



OCTOBER 2005

Official Publication of the Exxon Seamen's Union

No increase to BCBS medical premiums for 2006

As previously reported in the September edition of the *West Coast Sailor/ESU News*, on September 14, 2005 members of the ESU Executive Board and legal counsel Ms. Sharon Groth met with Company and Blue Cross Blue Shield (BCBS) representatives in Houston, Texas, to review the Blue Cross Blue Shield medical and dental insurance plan for 2005 and set the new rates for 2006. The Board again retained the services of insurance consultant Chapman Schewe (from the Houston area) as an advisor.

For 2006 the licensed officer's medical plan will receive a subsidy increase from the Company and under Article XVIII, Section 2 (Me Too Clause) of our Contract, the unlicensed employees will likewise receive an increase to the company contribution. The effect of this increase coupled with the favorable experience in plan year 2005 will result in no increase in premiums for a single employee and a three dollar (\$3.00) decrease for an employee +1 and employee +2 or more for 2006. The employee contribution rates are at the minimum levels that are established by ExxonMobil Corporation.

Unfortunately the Dental plan will require a three dollar (\$3.00) increase for an employee +1 and employee +2 or more for 2006 and effectively negates the above mentioned medical plan decrease.

The Executive Board, acting on feedback from the membership was able to implement a change in the co-pay feature of the mail in portion of the prescription drug plan. Individuals that require maintenance medications normally use this feature. Currently, the amount is twice the co-pay for a ninety-day prescription for those that use this feature of the prescription drug plan.

The following table illustrates the co-pay change for mail order purchases in 2006 and explains the different categories of prescription drugs and the differences between purchases at network and non-network pharmacies.

	Mail Order Participant Co-Pay (Up to 90 day supply)		Retail Participant Co-Pay (up to 30 day supply)
	Network Pharmacy	PrimeMail	Non-network Pharmacy
Generic Drugs	\$10	\$10 Retail Co-Pay	Participant reimbursed
Formulary Brand Drugs ¹	\$25	\$25 Retail Co-Pay	90% of allowable amount
Non-Formulary Brand Drugs	\$40	\$40 Retail Co-Pay	Amount ²

¹ If a Formulary Brand Drug does not have an equivalent available Generic Drug, the Participant will pay no more than the applicable Formulary Brand Drug Co-Pay. If a Formulary Brand Drug does have an equivalent available Generic Drug, and the participant purchases the Formulary Brand Drug, the Participant Co-Pay amount will be the sum of (a) the difference between the Allowable Amount of the Formulary Brand Drug and the Allowable Amount for the Generic Drug, **plus** (b) the Formulary Brand Drug Co-Pay amount.

² Allowable Amount: Amount determined by BCBS that is typically below prices paid at retail pharmacies.

Revised monthly contributions are shown in the table below. The Company contributions reflect the current maximum amounts available under the agreement between the Company and the Exxon Seamen's Union.

BCBS Medical Plan/Current Rates

Class of Coverage	Employee Contribution	Surplus Transfer	Company Contribution	Total Rate
	Employee Only	\$81.00	\$0.00	\$270.00	$351.00
Employee +1	\$153.00	\$0.00	\$576.00	\$729.00
Employee + 2 or More	\$229.00	\$0.00	\$831.00	\$1,060.00

New Rates Effective January 1, 2006

Class of Coverage	Employee Contribution	Surplus Transfer	Company Contribution	Total Rate
	Employee Only	\$81.00	\$0.00	\$300.00	$381.00
Employee +1	\$150.00	\$0.00	\$642.00	\$792.00
Employee + 2 or More	\$226.00	\$0.00	\$926.00	\$1,152.00

BCBS Dental Plan/Current Rates

Class of Coverage	Employee Contribution	Surplus Transfer	Company Contribution	Total Rate
	Employee Only	\$9.50	\$0.00	\$19.00	$28.50
Employee +1	\$33.50	\$0.00	\$26.00	\$59.50
Employee + 2 or More	\$45.00	\$0.00	\$39.00	\$84.00

New Dental Plan Rates Effective January 1, 2006

Class of Coverage	Employee Contribution	Surplus Transfer	Company Contribution	Total Rate
	Employee Only	\$9.50	\$0.00	\$21.00	$30.50
Employee +1	\$36.50	\$0.00	\$28.00	\$64.50
Employee + 2 or More	\$48.00	\$0.00	\$43.00	\$91.00

The ESU Executive Board remains committed to monitor, work with consultants, the Company and BC/BS to explore options that will help defray the cost of future premium increases and deliver to the membership the very best medical coverage that can be obtained.

2005 election of ESU Officers and Representatives commences

Ballots and campaign statements for the 2005 ESU election of Union officials were mailed to the membership on October 10, 2005. Up for election this fall are two Executive Board positions and three Ship Representative positions. The voting period began on October 10, 2005 and will conclude on December 8, 2005 when the ballots are due at the American Arbitration Association office in New York. Following notification to the ESU Seabrook, Texas office on December 9, 2005, the results will be promptly announced to the membership.

On the official ballot, all candidates are listed in alphabetical order. This year the candidates running for the position of President are Kevin Conroy and Rowan Mallet. Thomas Thompson ran unopposed for the office of Recording Secretary and will serve another term.

Of the three Ship Representative spots that are up for election only the *S/R Wilmington* is unopposed with Ship Representative Charlie Pollard remaining in office. Candidates for the *S/R Baytown* position are Reid Decker, Joseph Bernavich and Johnny Navarro. Candidates for the *S/R Galena Bay* are Rudy Benavides, Charles Bell, Stephen Bowles, Mario Guarcello and Waverly Moore. No nominations were submitted for the *Kodiak* and *S/R Columbia Bay*, therefore those positions will be appointed by the Executive Board in accordance with the ESU Constitution and By-Laws.

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

The ESU thanks all the candidates involved for their support and willingness to serve the membership. Now it is up to you to vote for the candidate of your choice. All ESU members are encouraged to participate in the elective process and strive for 100% voter participation in this important election. PLEASE VOTE!

ESU President will not seek third term

Dear fraternal members:

Regretfully, personal commitments in 2006 will preclude me from seeking a third term as your President. I would like to thank the entire membership for your support over the years and especially in the recent contract negotiations. As I have said many times before, everything that this Union achieves is due to the strength and solidarity of the Union membership. I have complete confidence in the candidates that have stepped forward to run for this position and consider them my friends as well as loyal Union members. Whoever wins the election I will assist them in any way possible to ensure a smooth transition.

Again, I thank you and salute each and every one of you.

Fraternally, Jerry Patterson

Contractual Holidays in November

November 11: Veterans' Day
November 24: Thanksgiving Day

ESU News

Fleet Chef Gerard Nelson retires



ESU President Jerry Patterson congratulates Fleet Chef Gerard Nelson on his retirement and thanks him for his ESU service on behalf of the membership. Nelson was presented with a Clock and Barometer set from the Officers and Crew of the SeaRiver Columbia Bay and a Wrist watch from ESU President Patterson

Ship reports

SR American Progress

Vessel took cargo at XOM in Singapore and departed on September 25, 2005 for Japan, then back loaded and is presently en-route to USWC with arrival expected on 10/26/05. Temporary Ship Rep. Tim Williams reported everything going well with the exception of mail problems in Singapore.

SR Baytown

Union Representative spoke with crewmember on 10/13/05 and reported no beefs. Regular Ship representative Mark Myser expected aboard. The ESU thanks Mr. Martin Sanderson for doing a fine job filling in as temporary Ship Representative.

SR Columbia Bay

Executive Board Officer visited ship at the Long Wharf in Richmond on 10/10/05 and at the Valero docks at Benicia, CA, 10/11/05. ESU President Jerry Patterson presented retiring Fleet Chef Gerard Nelson with gift from the Executive Board on behalf of the membership for his long time service to the Union. The Officers and crew of the S/R Columbia Bay presented him with a nice clock and Barometer set and had a nice retirement ceremony for him as well. Crewmembers on this vessel, as well as other vessels in the fleet are once again asking management for access to e-mail the same as officers have. When will this "two-pot" system be rectified? Temporary Ship Representative Lorenzo Fontana is filling in for Thor Floreen who went on P/L.

SR Galena Bay

Executive Board visit tentatively scheduled approximately October 28, 2005. Temporary Ship representative AB Rudy Benavides is now on P/L and AB George Rouark is filling in. Thanks to Rudy and George for helping out until this position is filled. Permanent Ship Representative position will be determined as of January 1, 2006 with Union officer elections presently underway. No beefs reported to Union.

Vessel continues on South Florida/Texas trade.

SR Hinchinbrook

Vessel is in lay-up in at Cascade General Shipyard in Portland Oregon. Temporary Ship Representative Mario Guarcello reported that the clean up went well with no beefs reported. The ESU thanks Mario and salutes the lay-up crew for a job well done.

Kodiak

Vessel is still undergoing a major overhaul in Singapore's Jurong shipyard. The ESU is fortunate to have two trustees (Pat Campbell and Joe Pereira) and temporary Ship Representative Marvin Marcum aboard. Some of the problems reported are sluggish MAIL service and the Captain running out of money and being unable to pay the crew draws and subsistence. This has happened on more than one occasion and is TOTALLY UNACCEPTABLE. It has been reported to management in Houston and the ESU has been assured that the situation has been corrected. The estimated time of departure for Valdez, AK is 10/10/05.

SR Long Beach

Vessel arrived in Prince William Sound from Singapore on 10/2/05 and anchored until 10/6/05. Ship Representative Joe Graca reported the trip back went well and everyone received most of the mail that had been forwarded. Vessel is presently in LA/Long Beach undergoing a major crew change.

SR Wilmington

Executive Board officer visited vessel October 4, 2005 at the ExxonMobil dock in Baytown, TX. ESU Representative Charlie Pollard went to paid leave during this port call and Pumpman John Munich is filling in during Charlie's absence. No beefs reported. Vessel continues to run "clean oil" from Louisiana and Texas facilities to the east coast.

Waiver policy revised

The Executive Board, after reviewing its present policy of limiting members to only one (1) early return/sell back waiver every two years, has determined it appropriate to revise this policy. Effective immediately, such waivers will be issued by the Union on a "case by case" basis.

The issuance of a waiver is effectively the Union agreeing to waive Article VII, Section 3 of our Agreement by permitting members to return to work with more than ten days of paid leave remaining. This Section, in part, contains the following language; "Up to ten (10) days prior to the end of his/her paid leave and if a job is available in his/her rating, an employee may:

A. Request assignment to a vessel taking the balance of his/her paid leave on a cash without time off basis

B. Be called by the COMPANY if mutually agreeable and may either elect a cash without time off settlement or the balance of paid leave days on his/her next paid leave. Refusal of early assignment will be without prejudice.

This negotiated language provides for some flexibility to the members in adjusting their tours while still providing protection to the Union in assuring that the company employs a sufficient number of employees, and in the proper ratings, to accommodate the contractually agreed upon work rotations. The language does not allow for early return to assignment with more than ten (10) days of paid leave. In a scenario wherein the company continually requires a large number of early return waivers to man their vessels properly, it is imperative that the Union takes actions necessary to persuade the company to increase the number of employees.

In July of 2004 the Union informed the members in these pages of the *ESU News*, and on August 10, sent follow-up letters to each individual member that the ESU would "not grant any early return waivers or waivers to sell time back, except in case of emergency until further notice." This policy was later modified by the Executive Board to allow for one (1) waiver every two years. These changes in Union policy were in direct response to SeaRiver's decision to demote ten (10) unlicensed members in a manner flagrantly in violation of the Collective Bargaining Agreement. In addition, the ESU fast-tracked its grievance concerning the unjust demotions to Arbitration.

The Union could not justify being a party to allowing any member to come back early, and outside the contractually agreed time period, particularly into ratings that members had improperly been demoted out of in consideration of. Vindication of the Executive Boards decision was achieved when in May of this year the Union received notification from the Arbitrator that the company had violated terms of the Agreement when they

demoted ten (10) of our members without proper notification or compensation. The Arbitrator stated in her written decision, in part: "The Union's grievance is sustained. The Company is directed to reinstate the employees affected by this grievance to the position they would have been in prior to the demotion letter at issue and make them whole for all lost wages, benefits and seniority."

Since the receipt of the Arbitrator's decision all members adversely affected by the wrongful demotions have been satisfactorily made whole. Furthermore, the company during the recent 2005 contract negotiations presented for bargaining modifications to the language in Article VII and Section 3, changes that would have reduced the Unions ability to monitor early returns to work and as a result, would have greatly reduced the Unions ability to assure that the company maintained sufficient personnel levels to facilitate contractual sea tour/ paid leave ratios. During these negotiations the ESU was able to protect this important language without significant changes.

The original decision by the Executive Board to implement a moratorium on issuing waivers and later its decision to modify the parameters in which waivers would be granted were arrived at only after considerable discussion, thought and debate by Union officers. The Executive Board was at all times mindful of the ramifications that its decision would have for some members desiring to return to work early and appreciates the sacrifice that those members made in the successful fight to correct an intolerable situation precipitated by the company's wrong doing.

Member's requesting waivers must make such requests to the ESU office in Seabrook, Texas. A phone call will be acceptable. One reason for this call is for the Union officer to confirm that the member in fact wants to return to work early and is not being unduly pressured or coerced. Additionally, it is necessary for the Union to be aware when members are returning to work early and others are being relieved to insure that reliefs are being conducted fairly and in compliance with the Agreement.

Executive Board officers, when granting waivers will consider the following:

- Waiver must benefit more than one individual;
- Issuance of a waiver should not have an adverse impact on a fellow employee;
- Waivers given for shortages in a rating shall address where the need is greatest in the fleet; and
- Waivers for step-ups will take into consideration the individual's seniority on a promotion list.

The above described criteria is not new or a deviation from the procedure that the Executive Board has used in past years in granting waivers.

EXXON SEAMEN'S UNION

Founded March 28, 1941

Affiliated with the Sailors' Union of the Pacific

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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

SUMMARY ANNUAL REPORT FOR SUP MONEY PURCHASE PENSION PLAN

This is a summary of the annual report for SUP Money Purchase Pension Plan FIN 94-3134523, Plan Number 001, for the year ended December 31, 2004. The annual report has been filed with the Department of Labor, as required under the Employee Retirement Income Security Act of 1974 (ERISA).

Basic Financial Statement

Benefits under the plan are provided by a trust fund. Plan expenses were \$2,421,548. These expenses included \$197,493 in administrative expenses and \$2,224,055 in benefits paid to participants and beneficiaries. A total of 1,092 persons were participants in or beneficiaries of the plan at the end of the plan year, although not all of these persons had yet earned the right to receive benefits.

The value of plan assets, after subtracting liabilities of the plan, was \$20,197,604 as of December 31, 2004, compared to \$19,867,758 as of January 1, 2004. During the plan year the plan experienced an increase in its net assets of \$329,846. This increase includes unrealized appreciation or depreciation in the value of plan assets that is, the difference between the value of the Plan's assets at the end of the year and the value of the assets at the beginning of the year or the cost of assets acquired during the year. The plan had total income of \$2,751,394, including employer contributions of \$2,051,445 and earnings from investments of \$699,949.

Minimum Funding Standards

Enough money was contributed to the plan to keep it funded in accordance with the minimum funding standards of ERISA.

Your Rights to Additional Information

You have the right to receive a copy of the full annual report, or any part thereof, on request. The items listed below are included in that report.

1. An accountant's report;
2. Financial information and information on payments to service providers;
3. Assets held for investment;
4. Transactions in excess of 5% of plan assets; and
5. Information regarding any common or collective trusts in which the plan participates.

To obtain a copy of the full annual report, or any part thereof, write or call the office of SUP Welfare Plan Inc., who is the plan administrator, 730 Harrison Street, Suite 415, San Francisco, CA 94107, 415-778-5490. The charge to cover copying costs will be \$4.00 for the full annual report, or \$0.25 per page for any part thereof.

You also have the right to receive from the plan administrator, on request and at no charge, a statement of the assets and liabilities of the plan and accompanying notes, or a statement of income and expenses of the plan and accompanying notes, or both. If you request a copy of the full annual report from the plan administrator, these two statements and accompanying notes will be included as part of that report. The charge to cover copying costs given above does not include a charge for the copying of these portions of the report because these portions are furnished without charge.

You also have the legally protected right to examine the annual report at the main office of the plan, 730 Harrison Street, Suite 415, San Francisco, CA 94107 and at the U.S. Department of Labor in Washington, DC, or to obtain a copy from the U.S. Department of Labor upon payment of copying costs. Requests to the Department should be addressed to: Public Disclosure Room, Room N1513, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Attend your Union meetings!

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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SUMMARY ANNUAL REPORT FOR SUP 401(k) PLAN

This is a summary of the annual report for SUP 401(k) Plan, EIN 94-3134523, Plan No. 002, for the year ended December 31, 2004. The annual report has been filed with the Department of Labor, as required under the Employee Retirement Income Security Act of 1974 (ERISA).

Basic Financial Statement

Benefits under the plan are provided by a trust (benefits are provided in whole from trust funds). Plan expenses were \$97,659. These expenses included \$72,226 in administrative expenses, and \$25,433 in benefits paid to participants and beneficiaries. A total of 774 persons were participants in or beneficiaries of the plan at the end of the plan year, although not all of these persons had yet earned the right to receive benefits.

The value of plan assets, after subtracting liabilities of the plan, was \$2,162,883 as of December 31, 2004 compared to \$1,619,564, as of January 1, 2003. During the plan year, the plan experienced an increase in its net assets of \$543,319. This increase includes unrealized appreciation or depreciation in the value of plan assets; that is, the difference between the value of the plan's assets at the end of the year and the value of the assets at the beginning of the year, or the cost of assets acquired during the year. The plan had total income of \$640,978. This income included employer contributions of \$49,230, employee contributions of \$395,638, and earnings from investments of \$196,110.

Your Rights to Additional Information

You have the right to receive a copy of the full annual report, or any part thereof, on request. The items listed below are included in that report.

1. An accountant's report;
2. Assets held for investment;
3. Financial information and information on payments to service providers; and
4. Delinquent Participant Contributions.

To obtain a copy of the full annual report, or any part thereof, write or call the office of SUP 401(k) Plan, Inc., at 450 Harrison Street, Suite 415, San Francisco, California 94107. The charge to cover copying costs will be \$3.75 for the full annual report, or \$.25 per page for any part thereof.

You also have the right to receive from the plan administrator, on request and at no charge, a statement of the assets and liabilities of the plan and the accompanying notes, or a statement of income and expenses of the plan and accompanying notes, or both. If you request a copy of the full annual report from the plan administrator, these two statements and the accompanying notes will be included as part of that report. The charge to cover copying costs does not include a charge for the copying of these portions of the report because these portions are furnished without charge.

You also have the legally protected right to examine the annual report at the main office of the plan at 730 Harrison Street, Suite 415, San Francisco, California 94107, and the U.S. Department of Labor in Washington, D.C., or to obtain a copy from the U.S. Department of Labor upon payment of copying costs. Requests to the Department should be addressed to: Public Disclosure Room, Room N1513, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D. C. 20210.

SUP Welfare Plan Notes

Medicare Part D Prescription Drug Plans

Medicare Part D is the optional prescription drug program available to all people eligible for Medicare beginning January 1, 2006. Medicare Part D will be available for a monthly premium from a variety of private companies over a six-month open enrollment period beginning November 15, 2005 and ending May 15, 2006. Medicare Part D plans will vary in terms of cost, prescription drugs that are covered and pharmacies that may be used.

Companies providing Medicare Part D programs may soon be contacting Medicare eligible Pensioners to advertise their programs. Telemarketers are free to call to give information about their programs, but unsolicited callers cannot enroll people over the phone.

Phone signups are permitted if you call a company directly or you are contacted by your Medicare managed care plan. Be sure to protect your private information such as your social security number from unsolicited callers.

If you are in a Private Fee-for-Service plan or a Medicare cost plan that does not offer drug coverage, you can enroll in a stand-alone prescription drug plan. If you are in a Medicare HMO such as Kaiser, you must receive all of your medical and drug coverage through that plan.

Medicare also recommends that you write down a list of the drugs you use on a regular basis before trying to determine which Part D plan is best for you. You may also wish to contact your doctor to see if your prescriptions may change during the course of treatment.

If you are currently enrolled in Medicare or will be eligible for Medicare in January 2006, your initial enrollment period for Part D will be November 15, 2005 through May 15, 2006. You can still sign up after May 15, however, a penalty of 1% of the average national premium will be applied to your premium for each month you delay your enrollment. The Medicare website www.medicare.gov lists 101 questions and answers about the new Part D program. You can also call 1-800-MEDICARE for help in making your decision.

SUP Welfare Plan

730 Harrison St., Ste. 415, San Francisco CA 94105
Telephone Numbers: 415 778-5490 Toll Free: 1 800 796-8003
Fax: 415 778-5405 Pension: 415-764-4987 Supplemental 415-764-4991



SUP President's Report

September 11, 2005

FOREIGN MARINER PROVISION IN COAST GUARD BILL

Shortly after the Coast Guard and Maritime Transportation Act of 2005 (H.R. 889) was unanimously passed by the House of Representatives on September 15, it was revealed that Congressman Don Young (R-AK), Chairman of the House Transportation and Infrastructure Committee, had inserted a last minute amendment to the bill which would allow an unlimited number of foreign seamen on U.S.-flag ships in the international trades to perform work in those vessels.

Specifically the amendment, Section 425 of H.R. 889, amends Section 8103(b) of Title 46 of the United States Code (Citizenship and Naval Reserve requirements) as follows:

“(4) Paragraph (1) of this subsection and section 8701 of this title do not apply to individuals transported on international voyages who are not part of the crew complement required under section 8101 or a member of the Stewards Department, and do not perform watchstanding functions. However, such individuals must possess a transportation security card issued under section 70105 of this title, when required.”

In simple terms, if enacted, this provision would permit an unlimited number of foreign seamen to perform routine maintenance and repair work on American vessels for indefinite periods. The only exceptions are for watchstanding work and steward department work. In addition, it specifically exempts U.S.-citizen requirements for persons who are not part of the unlicensed and licensed crew listed in the vessel's Certificate of Inspection (COI) and it exempts the requirements to possess a merchant mariners document for this new class of workers hired to perform traditional seamen's work.

This outrageous provision would gut the jurisdiction and scope of work of all U.S.-maritime Unions, threaten maritime security and open the door for U.S. shipowners to call for crew reductions.

Apprised of the offensive provisions of Section 425, your secretary on September 29, sent the following letter to all members of the Senate Commerce, Science and Transportation Committee (including the Surface Transportation and Merchant Marine Subcommittee and the Fisheries and Coast Guard Subcommittee), the House Transportation and Infrastructure Committee, the House Armed Services Committees and to other key members of Congress who do not serve on those committees:

Dear Senator/Representative

This is to express our opposition to an amendment on “Citizenship and Naval Reserve Requirements,” contained in Section 425 of H.R. 889. This amendment would allow U.S.-flag vessels to carry an unlimited number of foreign seamen on international voyages performing tasks traditionally performed by American seamen. The purported rationale for this change is to merely confirm existing practices in the name of economic viability and military readiness. But, not only is that rationale incorrect, it ignores several extremely negative consequences.

If adopted, the influx of foreign nationals doing the standard and traditional work of U.S. citizen mariners has dangerous security implications. It is widely understood, and the Coast Guard agrees, that the screening process of foreign mariners is far below U.S. standards.

Unlike U.S. mariners, many foreign mariners do not submit to background checks and often do not require proof of identification before the issuance of mariner credentials in their country of origin. Because much of the Coast Guard's protection against maritime security breaches depends on the mitigation of security risks via the advance identification of potential terrorists, any inability to screen mariners is fundamentally inimical to adequate port

and ship security. Congress has directed the Coast Guard to tighten security requirements with regard to maritime credentialing—the proposed amendment would do the exact opposite.

Proponents of the legislation have argued that the use of large foreign “riding crews” for maintenance and other work is an already “well established” manning practice. We dispute the assertion: none of the Sailors' Union of the Pacific's contracted companies utilize foreign personnel, other than in extremely limited circumstances as defined by law and our collective bargaining agreements. Simply because it is a “well established fact” does not make it legitimate under the law. Why should the refusal of some to comply with existing law serve as adequate grounds for Congressional elimination of the law?

If military readiness in terms of manpower is the question, then the Military Sealift Command, and some of its contracted operators are failing in their responsibility to attract and retain qualified U.S. seamen. Studies have shown that reducing the number of U.S. merchant mariner jobs exacerbates, instead of alleviates, manning shortages. As opportunity declines, so does the attractiveness of the profession, and this amendment's elimination of vital entry-level positions would intensify the long-term manpower problems. Accordingly, the Military Sealift Command should be redirected to meaningful recruitment and retention programs that expand, rather than limit, the opportunities of American seafarers.

Finally, in addressing the economic interests of the United States, Congress should not ignore the continued interests of the working men and women of the U.S. merchant marine whose support of our nation's military pre-dates the formation of the United States. If the U.S. merchant marine is to remain vital, dependable, and capable of performing its historic defense and new security functions, it must be crewed by U.S. citizens. These mariners have routinely put their lives on the line for the nation, and will be routinely called to do it again in future conflicts. Reducing their employment opportunities will compound maritime manpower problems. At the same time, the amendment will increase the security risks to the United States. These are negative consequences that deserve your immediate action.

We urge you to delete Section 425 from H.R. 889. We are willing to discuss this issue in greater detail at your convenience.

Sincerely,
GUNNAR LUNDEBERG
President/Secretary-Treasurer

Although this intolerable bill passed the House, it must still clear the Senate where it will first be reviewed by the Commerce, Science and Transportation Committee. The Senate has the option of passing their own version of the Coast Guard bill or working from the House version.

Following the lead of the SUP, the MFOW, MEBA and MM&P have also voiced strong opposition to the onerous provision of the legislation. It has also been reported that the Coast Guard itself, for security reasons, is opposed to Section 425.

Will travel to Washington this week to torpedo this egregious threat to our work and will keep all hands fully informed.

MATSON NAVIGATION COMPANY

Prompted by a call from MM&P President Tim Brown regarding the future ownership status of the *m/v Maunalei*, currently under construction at Kvaerner Philadelphia Shipyard, the SUP and MFOW requested a meeting with Matson to clarify the situation.

On October 10, along with MFOW President Anthony Poplawski, your secretary met in San Francisco with Captain John Sullivan, Vice President Vessel Operations and Offshore Labor Relations, Captain Gary

Fleeger, Senior Vessel Manager Marine Operations, and Tom Percival, Manager Labor Relations and Vessel Operations.

As the membership will recall, in 2003, Matson threatened not to purchase two ships (*Manukai* and *Manulani*) then being built at Kvaerner but to time-charter them back from a new owner with lower crew costs. Faced with compelling evidence that the company was ready to go forward with a double-breasted operation that would be the beginning of the end of our long-time relationship with Matson, the SUP, MFOW, and the other maritime Unions ratified agreements that covered *Manukai*, *Manulani* and *Maunawili*. In bargaining with Matson in June of this year, the SUP, MFOW, and the SIU-Marine Cooks agreed to language that covers the new *Maunalei*, which is projected to go into service in June, 2006.

Specifically the collective bargaining agreement states (see the July West Coast Sailors) that **“it is agreed that the CV 2500 (*m/v Maunalei*) under construction and all other new vessels of comparable characteristics the company may purchase or operate through June 30, 2013, shall be covered by the April 18, 2003-June 30, 2013 Memorandums of Understanding...”**

Now it appears that Matson has revived this duplicitous tactic due to the fact that the company has not completed negotiations with the Masters, Mates & Pilots and the American Radio Association for the *Maunalei*. Sullivan stated that if agreement was not reached by the end of this month with the two Unions, Matson would solicit another operator to purchase the vessel and time-charter it back to Matson.

Just when it was assumed that the kinky maneuvers of this outfit were over, or at least dormant, they are again being resurrected.

However, Sullivan stated that he was “sure” that the as yet undisclosed prospective operator would agree to the collective bargaining agreements negotiated with the SUP, MFOW, SIU-Marine Cooks, MEBA and Matson, but not the unresolved agreements with the MM&P and ARA. The SUP and MFOW requested a letter from Sullivan to memorialize his verbal commitment. As of today's meeting the letter has not been received.

The SUP and MFOW advised the company to return to the bargaining table with the affected Unions and reach agreement for the sake of labor stability in the Matson fleet.

Will keep a weather eye on this perilous situation as—despite Matson's assurances regarding our work in the *Maunalei*—the Union could again find itself facing the specter of outsourcing in the future.

JONES ACT

After waiving the Jones Act 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 for a month beginning on September 26.

At the same time, members of the American Farm Bureau Federation are calling for a waiver for agricultural commodities. The Maritime Cabotage Task Force, of which SUP is a member, has called on President Bush to reject this request and to stop the tanker waiver as U.S. tonnage is available.

Although Congress remains solid in support for the Jones Act, the White House and its corporate allies continue to hypocritically attempt to weaken this key law in the name of “national security”.

More information on the Jones Act situation will be in this month's *West Coast Sailors*.

AMERICAN PRESIDENT LINES

The transition from American Ship Management to American President Lines has thus far gone smoothly. The turnover ports reported last month were revised so

continued on next page

SUP President's Report continued

that all vessels come under the control of APL Marine Services, Ltd. in San Pedro.

The remaining ships will turnover in San Pedro on the following dates:

<i>APL Korea</i>	October 15
<i>President Grant</i>	October 17
<i>APL China</i>	October 22
<i>President Truman</i>	October 27
<i>APL Philippines</i>	October 29
<i>President Jackson</i>	November 3

SUP ELECTION

As per Article XII of the SUP Constitution, all members nominated for elective office at the September coastwise meetings and who desire to become candidates for the 2006-2008 term of office shall have their acceptance in the office of the Committee on Candidates at Headquarters (450 Harrison Street, San Francisco, CA 94105) prior to midnight, October 14, 2005.

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

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

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

The Committee on Candidates/Election Committee will turn-to at Headquarters at 9:00 A.M., Monday, October 17, to verify the eligibility of the candidates, select and recommend for membership approval an Impartial Balloting Agent and otherwise prepare the ballot. The Committee's report will be acted upon at the November coastwise meetings.

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

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

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

The secret mail ballot election of officers for the 2006-2008 term and refer-

enda on proposed amendments to the SUP Constitution will begin on December 1, 2005 and end on January 31, 2006.

**BANE & TULENKEN
v. SUP**

As reported last month, SUP members Sefuluono F. Bane and Ruta A Tulenken filed suit against the Union with the United States District Court for the District of Hawai'i on September 7, alleging race and gender discrimination against them in the dispatching process by the Honolulu Branch.

On September 27, SUP defense attorney Charles Khim filed a motion with the court requesting that Ms. Bane and Ms. Tulenken make a more definite statement regarding their claims and allegations on the grounds that their complaint is so vague or ambiguous that the Union cannot reasonably frame a responsive pleading. Ms. Bane and Ms. Tulenken have approximately one month to respond to the Union's motion.

**QUARTERLY FINANCE
COMMITTEE**

In accordance with Article XVII, Section 2 of the SUP Constitution, a Quarterly Finance Committee shall be elected at today's Headquarters meeting to review the finances of the Union for the third quarter of 2005, and report back to the membership at the December coastwise meetings. In the event the committee cannot be filled today, recommend that when the quarterly audit of the Unions funds is completed, which will be in about three weeks, necessary committee members be shipped off the hiring hall deck as per past practice.

The Quarterly Finance Committee will turn to on Thursday, November 10.

HOLIDAYS

All SUP Halls will be closed on Friday, November 11, in observance of Veterans' Day and Thursday, November 24, for Thanksgiving Day.

Veterans' Day is not a holiday under the Ready Reserve Force agreements with Matson Navigation Company and Patriot Contract Services.

ACTION TAKEN

Nominated to the Quarterly Finance Committee: Art Thanash, Paul Calais, Romaine Dudley, Sonny Cooper and Lou Frazier.

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

Gunnar Lundeberg

Labor has been willing to fight long and hard even when its own narrow, institutional interests were not involved. Can anyone recall the last crusade for economic justice waged by the Gucci-shod Wall Street crowd so dedicated to cutting their own capital gains taxes?

Mark Shields, columnist, political analyst, commentator for The News Hour with Jim Lehrer, Public Broadcasting System.

Vice President's Report

October 2005

What to do

On ships, boats, barges and docks, at Headquarters and in the Branches, on the telephone and cell phone, via email and voicemail, sailors sometimes ask me that question—what can I do? It usually comes at the end of a long conversation, after all the real and hypothetical contractual questions are asked and debated and resolved, after the next negotiations are charted, after the political landscape is explored and dismissed, and after the job outlook for the Union is fully considered: what can I do to help?

I love that question. Of course, there is much to do. This is an election year in California, and in several propositions there is a direct attack on Unions. All hands are needed on the phone banks and precinct walks in San Francisco, Alameda, and Los Angeles County. But there are a million other ways to do something for the Union. For example, you can read your contract and the West Coast Sailors; attend a Union meeting; accept the delegate's job; serve on a committee; write your Congressional representatives on issues important to the Union; make a contribution to the political fund; vote in the Union election; instruct new members on SUP traditions and expectations.

Most of all, you can contribute to the Union by perfecting your craft. I am certain that we improve the long-term prospects of our Union by repeated demonstrations of quality seamanship. Our reputation for squared-away professionalism is not some internal myth—it is an acknowledged fact in our industry and government and it gives us an advantage in contracts and politics. Every voyage we complete with composure and proficiency, every watch we stand with skill and confidence—even the smallest task adroitly performed—builds on that reputation, increases our advantage, and ensures our continued success.

Those are some of the answers, but there's something telling about the question itself. What kind of an organization can inspire its members to want to volunteer? It can only be an organization that has a record of success in service to its members. It must have an open, honest, and democratic structure. And it must be engaged in meaningful work that improves the lives of people. That's us—that's the SUP.

Ships Checked

APL China: delegate Herb James. Clarification on barge tie-up/let go after 1700.

APL Philippines: delegate John Drolla. Clarification on one-man watch implementation.

President Wilson: delegate R. Mendoza. Reports of unkempt staterooms.

Cape Florida: delegate Dale Gibson. In advance of Hurricane Rita clarification on lodging and subsistence, stores, and working on barge retrieval as longshore work and thus payable at the penalty rate.

Cape Fear: delegate Joe Richwagen. Running smooth.

Cape Jacob: delegate Steve Thompson. Clarifications on jurisdiction.

Cape Orlando: delegate Steve Zombro. No problems.

Kauai: delegate, James Clay. Clarification on lodging claim in a shipyard: no water.

Washington Voyager: delegate, Ron Gill, Jr. Discussion on items for next negotiations.

Colorado Voyager: delegate, Lee Crandley. Clarification on weekend shift.

Foss Maritime Company: co-delegates Mike Worth and Tom Tynan. Delegates continue to donate copious amounts of their precious time off for projects, issues and discussions that benefit not only the Foss members but by virtue of stronger union contracts all workers everywhere.

San Francisco Bar Pilots: delegate Terry O'Neill. Working on schedule change polling and potential implementation. Meetings on health care contributions with the Pilots.

Dave Connolly

**Support the SUP
Political Fund**

**Record of SUP Shipping
September 2005**

	Hdq	.....	Seattle	.....	Wilm	.....	Hono	.....	Total
Bosun	8	.....	1	.....	5	.....	1	.....	15
Maint. Man	10	.....	0	.....	0	.....	2	.....	12
A.B. Dayworker	0	.....	0	.....	7	.....	3	.....	10
A.B.	16	.....	9	.....	12	.....	5	.....	42
O.S.	3	.....	0	.....	2	.....	4	.....	9
Standby	18	.....	0	.....	95	.....	39	.....	152
TOTALS	55	.....	10	.....	121	.....	54	.....	240

SUP Branch Reports

Seattle

September 19, 2005

Shipping: 1 Boatswain/return shipped to an A-card. 8 Able Seaman jobs shipped to 3 A-card/returns, 5 B-cards to RRF ships and 1 B-card to Chevron. 2 Ordinary Seaman jobs to RRF and 1 Utility to Chevron. Registered: 5 A cards for a total of 18; 7 B cards for a total of 19; 4 C cards for a total of 11.

Ships Checked

R.J. Pfeiffer running smooth with Art Thanash as Serang and Rich Reed as delegate. The *Maui* had little or no problems with Tommy James as the snapper and Duke Maringer as delegate.

I attended the King County Labor Council meeting; the Puget Sound Harbor Safety meeting and the Area Maritime Security Committee meeting.

Pensioner Dick Price called from Sand Point, Idaho; to report that he was assisting nurses at Bonner Hospital in their organizing effort and we were able to help by putting them in touch with the nurses union organizing director from SEIU 1199 NW.

The Machinist's Union (IAM) with over 16,000 union members in the Puget Sound area has polled their membership and has hit the bricks for better pension and health care benefits by voting to go on strike against the Boeing Company. We have communicated to Mark Blondin, District President of IAM Lodge 751 that the SUP will fully support and stand in solidarity with his members on their picket lines.

I visited former Seattle Branch Agent John Battles recently as he has moved back into the Seattle area to be closer to his daughter. John listened closely as I reported what was current in the Seattle Branch and he said to say hello to everyone and looks forward to seeing old friends.

We continue to work with the labor movement in this region on the upcoming state and county elections. I urge all members to go the Washington State Labor Council's website wslc.org which will provide you with the information on what initiatives and candidates will best serve the working and retired membership and their families.

Vince O'Halloran, Branch Agent

Wilmington

September 19, 2005

Shipping: 5 bosuns, 13 ABs, 8 AB Maints., 14 OSs and 98 standbys for a total of 128 jobs shipped.

Registered: 48 A cards, 51 B cards, 7 C cards and 6 D cards.

Ships Checked

Mokihana: OK, Bill Woods, delegate; *APL Philippines*: OK Tom Gatmaitan, delegate; *Manoa*: OK, Harry Naeole, delegate; *APL Thailand*: OK, Morris Thibodeaux, delegate. Delayed sailing, beef squared away. Delay due to cargo. *Mahimahi*: OK, Manny Roxas, delegate. All hands for stores. No one pays off and leaves the ship. *Maunalani*: OK, George Simpier, delegate. *President Polk*: OK, Daniel Gabaree, delegate. *Manukai*: OK, Lee Dancer, delegate. Second mate and cadet counting and handling cones; one hour overtime paid to two men. *APL Singapore*: OK, Bill Remoto, delegate. Customs beef. Ship was tied up but net was not rigged and customs called for everyone to stop work and get inspected. It took an hour so crew got continuous time because ship was not fast yet. *President Wilson*: OK, Bill Bailey, delegate. *APL Korea*: OK, Rick Goen, delegate. *President Grant*: OK. Joel Schor, delegate. *President Truman*: OK.

September 5 was the Labor Day Parade in Wilmington. SUP and MFOW members assembled at our hall at 8:00 A.M. and then proceeded to Broad and E Streets to begin the march at 10:00 A.M. All the waterfront Unions and others in the Los Angeles area including longshormen (2500), teachers, teamsters, pile drivers, bikers, low riders and antique cars proceeded down Avalon Boulevard to Banning Park, where the festivities began. The speakers included John Sweeney, President of the AFL-CIO Barbara Kerr, president of the California Teachers' Association and the Mayor of Los Angeles, Antonio Villaraigosa. This is the only Labor Day Parade west of the Mississippi River and possibly the United States.

Also took care of the duties of the port for the membership during the period.

Keith Miller
Branch Agent

Honolulu

September 19, 2005

Shipped during the month of August, 1 bosun, 1 bosun relief, 2 ABs, 3 AB reliefs, 1 ABD, 2 ABD reliefs, 1 ABD return and 1 AB maint. These jobs were filled by 6 A members and 6 B members. Also shipped 41 standby jobs filled by 7 A members, 14 B members, 18 C members, and 2 D registrants for a total of 53 jobs shipped.

During the month of August, registered the following: 13 A members, 10 B members, and 1 C member. 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 smoothly with Monte Kalama as bosun.

On September 21, attended the Hawai'i Ports Maritime Council meeting. Discussions on Jones and Davis-Bacon Act waivers. Also preparations for Hawai'i State AFL-CIO Convention on November 3.

Mike Duvall
Branch Agent

Chinese crew held for fake passports

The Japanese Coast Guard arrested seven Chinese seafarers this month for holding falsified or outdated seaman passports. During a port call at Toubi in Okayama Prefecture, six seafarers of a crew complement of ten, including the master and chief engineer, on the Tuvalu-registered general cargo ship *Sophie* were found to have fake passports and one had a passport that was no longer valid. A spokesman for the agency said the organization was "very concerned" about the development and that other crew documentation would be subjected to careful scrutiny. The ship is owned by Hong Kong's Sheng Feng Shipping.

Dispatcher's Report

Headquarters—Sept. 2005

Deck	
Bosun	8
Carpenter	0
MM	10
AB	16
OS	3
Standby	18
Total Deck Jobs Shipped	55
Total Deck B, C, D Shipped	19
Engine/Steward	
QMED	0
Pumpman	0
Oiler	0
Wiper	0
Steward	0
Cook	0
Messman	0
Total E&S Jobs Shipped	0
Total E&S B, C, D Shipped	0
Total Jobs Shipped - All Depts. ...	55
Total B, C, D Shipped-All Depts. .	19
Total Registered "A"	66
Total Registered "B"	53
Total Registered "C"	11
Total Registered "D"	11

San Francisco Business Agent

October 12, 2005

Visited and paid off the following ships:

Lihue— Steve Clemens, delegate: Crew having trouble with washing machine, stock tenders are using them. The washing machine, dryer, ice maker and T.V. were negotiated by the Unions and paid for out of package with the shipowner. That means these are to be used by the ship's crew only, not outsiders.

Lurline— Art Kardinal, delegate: Car and van carrier on Island run. No disputes.

Manoa— Harry Naole, delegate: Voyage pay off. Clean, no disputes. Question on carpenter work.

Maui— Chuck Maringer, delegate: Coastwise/Hawai'i run. No disputes.

Mokihana— Julio Nunez, delegate: Voyage pay off. Clean with no disputes.

Moku Pahu— Steve Garrett, delegate:

In from Island with a load of sugar. New bosun Teo Rojas.

R.J. Pfeiffer— Rich Reed, delegate: Bosun Mark Littlejohn returned from a trip off. No disputes.

APL China— Dmitri Seleznev, delegate: Voyage pay off. Clean; no disputes.

APL Korea— David Eriksen, delegate: Voyage pay off. No disputes. Relief bosun Jose Angeles. Part of "SUP style" means you keep a clean fo'c'sle.

APL Philippines— New delegate John Drolla: No disputes; in good shape.

APL Thailand— Miguel Palacios, delegate: Voyage pay off. No disputes. Good gang.

President Grant— Joel Schor, delegate: Voyage pay off. Repaired washing machine, which is now in working order.

Bill Berger

Jacksonville

September 2005

For the month of September, six Able Seamen, and one Ordinary Seaman were dispatched to the *S/S Cape Flattery* and *S/S Cape Florida*. These jobs were filled by three B-cards, one C and two D's.

Ships Checked

The month of September has seen major devastation on the Gulf Coast due to Hurricanes Katrina and Rita. Travel to check ships has been virtually impossible because of damage to regional airports and to Interstate 10, thus communications have been mostly by telephone when service has been available. I did manage to check the *Chevron Arizona Voyager*, which was discharging in Panama City, Florida, on September 14. Matt Rutan is the delegate and Mike Fox, the boatswain. As the refinery in Pascagoula, Mississippi has been closed, the ship has been calling on Florida and Texas ports. There were no beefs reported and all aboard were enjoying going to different ports than the normally scheduled Pascagoula/Port Everglades run.

Also have had numerous telephone conversations with members aboard the *Cape Jacob* and all is well there. The ship had been in Korea transited to Saipan and is now in Guam. Additionally, communicated with members aboard the *Cape Flattery*, which was crewed on September 8, to support relief efforts for Hurricane Katrina. This was a short lived assignment lasting only four days before MarAd put the ship in "Cold Lay-Up".

On September 21, received a call that the *Cape Florida* was placed in FOS and needed to be crewed immediately in order for the ship to put to sea to avoid Hurricane Rita. The ship is berthed in Orange, Texas and the port was closed just after the dispatch and prior to the arrival of the sailors, and remained at the dock in the direct path of a category three hurricane. Not only did the gang secure the *Cape Florida* for the storm, but also they secured the *Cape Flattery* and the SIU-contracted *Potomac*. These sailors not only withstood the fury of this dangerous hurricane, but kept these vessels safe from damage. After the storm passed through Orange doing tremendous damage, they have been working recovering approximately three hundred lash barges belonging to the MarAd ships in Beaumont/Orange and have done this task under horrendous conditions—heat, food rationing, a lack of communications and unable to go ashore because of flooding and no facilities in the area. These valiant sailors are indeed a credit to the SUP.

Since Hurricane Katrina, I have been in contact with Deborah Blanchard, attorney with the Seamen's Church Institute, securing grants and no interest loans for our members residing on the Gulf Coast, who were affected by the devastation of Hurricane Katrina. These grants were established to assist mariners with funds to assist with their losses and other expenses. Happily, this has been successful and all members and their families, that I am aware of, who reside in Louisiana, Mississippi and Alabama have received monies to help with their recovery. If there is anyone I missed, please call me so I may be able to direct you.

Bud Yost

SUP East/Gulf Coast Representative



Washington State Labor Council Ballot Recommendations

OPPOSE Initiative 900 — This Tim Eyman-sponsored initiative would drain money from our state's general fund — money better spent elsewhere — when the legislature already passed a sweeping performance audit measure this session. I-900 is not needed.

SUPPORT Initiative 901 — The Healthy Indoor Air for All Washington initiative would ban indoor smoking in public places and the workplace, protecting workers from toxic secondhand smoke.

OPPOSE Initiative 912 — The convention affirmed earlier Executive Board action to oppose this gas tax repealing initiative that removes funding for hundreds of highway safety and bridge maintenance projects. To save a few pennies per gallon, I-912 would cost us more by neglecting our roads, killing jobs and harming our economy.

OPPOSE Initiative 330 — The convention affirmed earlier Executive Board action to oppose I-330. Supported by the prescription drug and insurance industries, I-330 would hurt victims with legitimate medical malpractice cases. It caps non-economic damages at \$350,000, even in serious cases of medical negligence resulting in brain damage, loss of limb, permanent paralysis, or death.

SUPPORT Initiative 336 — This I-330 alternative offers an effective solution to providing liability insurance for good doctors and improving patient safety. It forces insurance companies to justify rates, allows good doctors to continue to practice at affordable costs, limits frivolous lawsuits and guarantees citizens fair restitution for damages caused by bad medical practices. Remember: "330 is dirty; 336 is the REAL fix!"

OPPOSE Initiative 342 — This Tim Eyman-sponsored initiative would repeal transportation weight fees and other fees. Along with I-912, this further prevents our state from maintaining and repairing its roads and transportation infrastructure.

OPPOSE Initiative 343 — This would require proof of citizenship at the time of voter registration and every time you vote. It is targeted at immigrants and aims to intimidate them from voting. It is sponsored by a man who filed challenges of 2004 votes in some Washington communities because the voters had "foreign-sounding" names.

OPPOSE Initiative 344 — This would require that all candidates for elected state office take and pass the 10th grade WASL test before they are allowed to file and run for office. Intended to be a humorous dig at the student achievement test, it is very likely unconstitutional.

Schwarzenegger vetoes wage increase for California workers

On September 29, Governor Arnold Schwarzenegger vetoed a bill passed with bipartisan support to raise the wages of the lowest-paid workers in California. Assembly Bill 48 (Sally Lieber, D-Mountain View) would have provided fifty-cent increases in the minimum wage in each of the next two years, raising it from \$6.75 to \$7.75 and then adjusting it for increases in the cost of living.

"This modest increase in the minimum wage was past due. Even with this legislation, California's nearly 3 million low-wage workers would still have fallen below the federal poverty level in one of the most robust economies in the world," said Art Pulaski, Executive Secretary-Treasurer of the California Labor Federation, AFL-CIO.

Seventeen states and the District of Columbia have enacted increases in the minimum wage including Hawaii, which this year approved a two-step increase to reach \$7.25 in January 2007. Many of these states also adjust the minimum wage annually to keep pace with inflation.

"Wealthy companies set new records in political contributions to buy this veto," Pulaski said. "Schwarzenegger bends whichever the way the corporate winds blow. Just two weeks ago, the Restaurant Association, a major opponent of the bill, hosted a fundraiser for Schwarzenegger in Los Angeles. Coincidence? I don't think so."

Wal-Mart, the California Chamber of Commerce and other opponents of a mini-

mum wage increase have also contributed to campaign committees for Prop 75, one of the initiatives on Schwarzenegger's special election ballot. Unions argue that the corporations funding Proposition 75 are attempting to silence the voice of the nurses, teachers and firefighters who oppose the Governor's corporate-backed agenda. Prop 75 restricts union political contributions but places no limits on corporate spending.

"They want to guarantee that corporations are the only voice in politics," Pulaski said. "It's undemocratic."

Schwarzenegger said he vetoed AB 48 because it would raise wages based on indexing; which establishes increases to keep pace with inflation. Pulaski dismissed the Governor's rationale.

"The fact is, a cost of living adjustment is the fairest way to increase the minimum wage for both employees and employers," said Pulaski. In good economic times, wages will grow; in tough times, wages won't, sparing businesses the burden of higher costs and ensuring fairness for workers."

Approximately 1.65 million working Californians earn \$7 or less an hour. Although opponents of a minimum wage increase often contend that most minimum wage workers are part-timers or teenagers, recent studies show the majority are in fact adults who are the primary breadwinners in their families. California currently pays the lowest minimum wage of all West Coast states.



California Labor Federation State Ballot Recommendations

Prop. 74 - NO

Proposition 74 would increase to five years the length of time public school teachers must work to be granted permanent employee status. It would allow a school district to expedite the firing of a teacher by a written notice after only two unsatisfactory evaluations.

Prop. 75 - NO

Proposition 75 would stifle the ability of public employee unions to represent the interests of teachers, nurses, police, firefighters and other public employees in the halls of the Legislature, in the courts, and in many other arenas where they are continually under attack. The "paycheck deception" measure would prohibit a union that represents any public employee from using union dues or fees for political contributions unless a member provides annual written consent.

Prop. 76 - NO

Proposition 76 is the governor's "Live Within Our Means Act," which allows him to make devastating mid-year budget cuts if revenues fall below expenditures. It weakens checks and balances—concentrating too much power in the hands of the Governor and it slashes funding for education, health care and law enforcement.

Prop. 77 - NO

Proposition 77, the governor's redistricting measure, would take the power to redraw Congressional, State Legislature, and Board of Equalization districts away from state legislators and turn it over to a panel of retired judges. It is a partisan attempt to win more seats for business-friendly conservatives.

Prop. 78 - NO

Proposition 78 is a prescription drug measure promoted by the pharmaceutical industry to trick voters into voting against Proposition 79. It would rely on the drug industry to voluntarily reduce prices.

Prop. 79 - YES

Proposition 79 is the "Cheaper Prescription Drugs for Californians Act," a labor and consumer-backed solution offering enforceable discounts to more Californians. It establishes an oversight board and makes prescription drug profiteering unlawful. Under Prop. 79 the state could enforce drug discounts.

Prop. 80 - YES

Proposition 80, the "Affordable Electricity and Blackout Prevention Act," subjects electric service providers to control and regulation by California Public Utilities Commission. It establishes an energy policy that protects ratepayers from the market manipulation of private energy companies, "greens" our energy portfolio by increasing environmentally clean renewable energy sources, assures that utility industry personnel are well trained, and repeals the failed electricity deregulation scheme that exposed Californians to blackouts and cost ratepayers billions of dollars.

Prop. 73 - NO Position

Proposition 73 bans abortions on teenagers until 48 hours after a physician notifies the teen's parents.

Attention California Voters

STOP
Arnold's Power Grab

Corporations already outspend unions by **24 to 1**, according to non-partisan Center for Responsive Politics

Now Arnold and his greedy corporate allies are using **Prop 75 to silence workers** when it comes to the issues that matter most, like pensions, pay and working conditions.

They want to make it more difficult for working families to fight their agenda of cutting spending on schools, transportation and public safety and their attempts to balance the budget by **cutting wages, increasing health care premiums, and gutting pensions.**

"Get it straight...
it's the **UNIONS** that I'm against."
Arnold Schwarzenegger (MSNBC, 3/14/05)

Vote NO on 75
TUESDAY NOVEMBER 8