



West Coast Sailors

Official Organ of the Sailors' Union of the Pacific

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SAN FRANCISCO, CALIFORNIA

Friday, September 21, 2012

Senators issue bipartisan call for full use of Harbor Maintenance Trust Fund on dredging projects

A bipartisan group of 25 senators sent the following letter dated August 14, to Jeffrey Zients, Acting Director of the Office of Management and Budget:

"As you develop the budget for Fiscal Year 2014 (FY2014), we want to call your attention to important provisions in the surface transportation reauthorization act (Public Law 112-141) concerning harbor maintenance.

Among other things, Section 1536 of the law lays out a clear statement by Congress that "the Administration should request full use of the Harbor Maintenance Trust Fund for operating and maintaining the navigation channels of the United States." At the beginning of FY2014, the balance of the trust fund is estimated to total \$8,098,000,000. In stark contrast, over the past few years, the budget requests for operations and maintenance of harbors and ports for which this trust fund is intended to be used has averaged around \$800 million. Clearly, the revenues that are collected into the trust fund are not being used for their intended purposes.

Ports and harbors are a critical component of our nation's transportation infrastructure, and

regular maintenance is required to ensure their efficient use. Yet, the nearly 1,000 federal ports and harbors have not been adequately maintained by the Army Corps of Engineers due to insufficient budget requests and appropriations. The Army Corps of Engineers has estimated that the so-called top-priority harbors, those that handle about 90% of the commercial traffic, are dredged to their authorized depths and widths only 35% of the time. Inadequate funding has resulted in channels getting narrower and shallower due to inadequate dredging, which has resulted in ships having to lighten load, increasing the cost of shipping, the risk of vessel groundings, collisions, and pollution incidents. This situation is totally unacceptable.

We urge you to include in the budget sufficient funds for operations and maintenance of federal harbors and ports equivalent to the estimated revenues collected into the fund for FY2014. With 13 million jobs and \$4 trillion in economic activity dependent on these ports and harbors, we cannot let them fall into further disrepair. Because waterborne transportation

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Republicans chart course to dismantle workers rights, wages, working conditions and benefits

Now that the Republican and Democratic Party conventions are over, it is important to compare party platforms on issues of concern to workers. The following are some of the major differences:

Labor

The Democratic platform states that party members: "Believe that the right to organize and collectively bargain is a fundamental American value; every American should have a voice on the job and a chance to negotiate for a fair day's pay after a hard day's work. We will continue to fight for the right of all workers to organize and join a Union."

The platform adds: "We oppose the attacks on collective bargaining that Republican governors and state legislatures are mounting in states around the country."

The Republican platform praises states that passed "right to work" for less laws: "We support the right of states to enact right-to-work laws and encourage them to do so to promote greater economic liberty. Ultimately, we support the enactment of a national right-to-work law to promote worker freedom and to promote

greater economic liberty."

The Republican platform also blames public employee Unions for state fiscal crises: "We salute the Republican governors and state legislators who have saved their states from fiscal disaster by reforming their laws governing public employee Unions. We urge elected officials across the country to follow their lead in order to avoid state and local defaults on their obligations and the collapse of service to the public."

In addition, the Republican platform states: "We demand the end to Project Labor Agreements, and we call for the repeal of the Davis-Bacon Act."

Medicare

The Democratic platform explains that the Mitt Romney-Paul Ryan Republican budget plan to give seniors vouchers or "coupons" for health care "would end Medicare as we know it."

The platform states: "Democrats adamantly oppose any efforts to privatize or voucherize Medicare; unlike our opponents, we will not ask seniors to pay thousands of dollars more

every year while they watch the value of their Medicare benefits evaporate. Democrats believe that Medicare is a sacred compact with our seniors."

The Republican platform cynically claims it will "save Medicare by modernizing it". It calls for block-granting Medicaid and giving future seniors, those under age 55, a voucher to pay for health care. Vouchers are designed to cover less and less, leaving seniors with large out-of-pocket health care expenses.

Social Security

The Democratic platform pledges to "find a solution to protect Social Security for future generations" and to "block Republican efforts to subject Americans' guaranteed retirement income to the whims of the stock market through privatization".

The Republican platform wants to carve out private accounts as "supplements" to the Social Security system: "While no changes should adversely affect any current or near-retiree, comprehensive reform should address our society's remarkable medical advances in longevity and allow younger workers the option of creating their own personal investment accounts as supplements to the system."

Taxes

The Democratic platform says that President Obama will fight to extend tax cuts for those making less than \$250,000 — while "asking the wealthiest and corporations to pay their fair share". This means, only the wealthiest 2% of Americans would see their taxes go up.

The Republican platform calls for extending all the Bush-era tax cuts, which experts agree are enormous drivers of the federal budget deficit.

It's pretty clear which platform lays the groundwork for an economy that works for everyone, not just the 1%.

Turning the rich against the poor is Romney's campaign tactic and his plan for governing

It turns out that Mitt Romney was right. There is class warfare being waged in the 2012 campaign. It is Mr. Romney who is waging it, not President Obama, and he's stood the whole idea on its head.

When you think of class warfare, you probably think of inciting anger, resentment and jealousy among the have-nots against the haves. That's what Mr. Romney has accused Mr. Obama of doing, but those charges have always been false. The truth is that Mr. Romney has been trying to incite the anger of a small slice of the rich-

est Americans who need no government assistance but get it anyway, against the working poor, older Americans, the disabled workers and veterans, and even a significant chunk of middle-class Americans.

That was the message of remarks that Mr. Romney made in May at a private fund-raiser held at a private equity manager's estate in Florida, a moment when he thought he was safe from annoying reporters and cameramen, and other Americans who are not rich enough to have bought a ticket to the event.

A video made public on September 17, by the magazine *Mother Jones* showed a Mitt Romney who felt free to speak candidly about his campaign and how he would conduct a presidency. In that safe zone, Mr. Romney spoke with a bone-chilling cynicism and a revolting smugness. If he is elected, he said, capital will come back and "we'll see — without actually doing anything — we'll actually get a boost in the economy." That's the state of trickle-down economics in the 21st century.

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SUP Honor Roll

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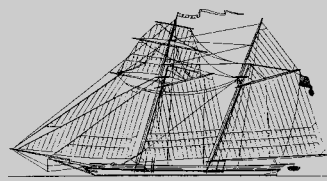
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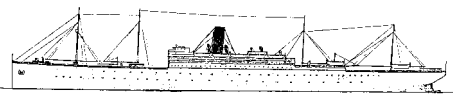
Annual information return (IRS Form 990) for the Sailors' Union of the Pacific and the SUP Building Corporation are available for public inspection. Interested parties should contact the office of Jihan Johnson, Controller, 450 Harrison Street, San Francisco CA 94105 or call (415) 777-3400 during normal office hours.

Final Departures

Matthew Ursin, C-Book No. 2328. Born in California in 1974. Joined SUP in 2011. Died at sea, July 13, 2012.

Steve Huggins, Book No. 5878. Born in California in 1953. Joined SUP in 2003. Died in Arlington, Washington, August 12, 2012.

Fletcher Davis, Book No. 2673. Born in North Carolina in 1925. Joined SUP in 1950. Died in North Carolina, September 2, 2012. (Pensioner)



SUP Meetings

These are the dates for the regularly scheduled SUP meetings in 2012:

	<i>Hdqs.</i>	<i>Branch</i>
October	Tues. 9	15
November	Tues. 13	19
December	10	17

Timely Reminder Fourth quarter 2012 dues are due and payable now!

SUP Constitution ARTICLE VI DUES AND INITIATION FEE

Section 1. The initiation fee shall be Sixteen Hundred Dollars (\$1600.00) payable in installments with the sum of One Hundred Dollars (\$100.00) being due and owing upon the members's admission into the Union and the balance of Fifty Dollars (\$50.00) per month for each month or part thereof in SUP-contracted vessels.

The initial installment of One Hundred Dollars (\$100.00) shall accompany the application of membership and the dues shall be One Hundred Fifty Dollars (\$150.00) per quarter, payable in advance.

Hostage killed by Somali pirates over delayed ransom payment

Somali pirates who have been holding a hijacked ship for nearly two years have murdered a hostage seafarer. The pirates killed the victim because they had "lost patience" with stalled ransom talks, Hassan Abdi, a pirate commander in Haradhere, Somalia, told *The Associated Press*.

Besides the Syrian mariner who was killed on August 29, another hostage was wounded, said the *AP*, which added that this was believed to be the first time Somali pirates taken deadly vengeance because of a ransom delay. However, captive seafarers have been the focus of abuse and even torture to speed ransom talks.

The Panama-flagged, UAE-owned, 27,915 dwt bulk carrier *Orna* was hijacked in December 2010 about 400 miles northeast of Seychelles.

"The killing was a message to the owners of the ship who paid no heed to our ransom demands," said Abdi, who also warned of more vengeance to come: "More killing will follow if they continue to lie to us; we have lost patience with them. Two years is enough." In May 2011 an electrical fire forced some pirates and hostages to abandon *Orna*, Abdi said.

With criminal gangs now dominating piracy, attackers have reacted with increased violence as international navies try to crack down on them.

Wisconsin's anti-Union law struck down

A Wisconsin judge ruled on September 14, that a controversial state law limiting Unions' rights is unconstitutional, a decision Governor Scott Walker is confident will be overturned on appeal.

Dane County Circuit Judge Juan Colas struck down the law, which essentially eliminated collective-bargaining right for most public employees, as a violation of the state and U.S. Constitution.

"This decision will help to reestablish the balance between employees and their employers," Democratic Assembly Minority Leader Peter Barca said. "The decision gives us an opportunity to get back to the Wisconsin values of sitting down and working together to iron out differences, not taken away the constitutional rights of our citizens."

After Wisconsin lawmakers passed Walker's proposed law last year, tens of thousands of people — many of them teachers — rallied outside the state's Capitol building in Madison, causing school closures. In February, the state's Democratic state senators left the state for Illinois, unsuccessfully attempting to stop the law's passage. In June, Walker won a recall election after more than 930,000 signatures called for him to be removed from office.

Bipartisan call for full use of Harbor Maintenance Trust Fund on dredging

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is often the least expensive means of transporting vital commodities and goods, maintaining this essential infrastructure bolsters our economic competitiveness and strengthens the economy.

We recognize the fiscal challenges our nation is facing. However, during these times of economic challenge, we can no longer afford to ignore the will of Congress

and flout the purpose for which these funds are collected. These waterways are simply too important to our nation's commerce and international competitiveness for this situation to continue. Thank you for your attention to our request, and we look forward to working with you to strengthen our nation's infrastructure and economy."

Signing the letter were: Senators Richard Blumenthal (D-Connecticut), John Boozman (R-Arkansas), Barbara Boxer (D-California), Sherrod Brown (D-Ohio), Robert Casey, Jr. (D-Pennsylvania), Christopher Coons (D-Delaware), John Cornyn (R-Texas), Al Franken (D-Minnesota), Kirsten Gillibrand (D-New York), Kay Bailey Hutchison (R-Texas), Mark Kirk (R-Illinois), Amy Klobuchar (D-Minnesota), Mary Landrieu (D-Louisiana), Carl Levin (D-Michigan), Joseph Lieberman (D-Connecticut), Barbara Mikulski (D-Maryland), Bill Nelson (D-Florida), Rob Portman (R-Ohio), Charles Schumer (D-New York), Richard Shelby (R-Alabama), Debbie Stabenow (D-Michigan), David Vitter (R-Louisiana), Mark Warner (D-Virginia), Roger Wicker (R-Mississippi), and Ron Wyden (D-Oregon).

West Coast Sailors

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Federal mediator intervenes in East Coast longshore negotiations

Stalled contract talks between the International Longshoremen's Association (ILA) and the U.S. Maritime Alliance (USMX) resumed on September 17, two weeks before the critical September 30 cutoff date, under the auspices of a federal mediator.

The Federal Mediation and Conciliation Service (FMCS) said in a statement on September 6, that the two sides had acceded to its request to start bargaining again, after talks to hammer out a new wage contract for 15,000 dockers at ports along the U.S. East and Gulf Coasts collapsed, acrimoniously, on August 22. "The parties have agreed to resume negotiations under our auspices during the week of September 17, 2012," the FMCS statement said. "Due to the sensitivity of this high-profile dispute and consistent with the agency's longstanding practice, we will not disclose either the location of the meeting, or the content of the substantive negotiations that will take place."

ILA spokesman Jim McNamara said the Union appreciated the FMCS' help and was looking forward to resuming negotiations. USMX Chief Executive James Capo declined to comment.

The ILA and USMX met in March, June and July, when they appeared to have made progress on critical issues that included terminal automation and chassis. However, talks collapsed within minutes of the last bargaining round starting on August 22.

In subsequent statements, the two sides took hard-line positions against each other, with the ILA accusing USMX of tabling a "take it or leave it" offer and the USMX standing by its position that the Union must agree to renegotiate current guaranteed work-hour terms.

U.S. maritime security improved over last decade, report finds

The U.S. Government Accountability Office (GAO) on September 11, offered praise to the Department of Homeland Security's work towards improved maritime security on today's 11th anniversary of 9-11.

The GAO report, titled "Progress and Challenges 10 Years after the Maritime Transportation Security Act," GAO says that DHS and its component agencies, particularly the USCG and U.S. Customs and Border Protection (CBP), have all made substantial progress in implementing various programs that have contributed to overall improved maritime security for the United States.

In particular, GAO notes, the security programs have focused on four main areas including security planning; port facility and vessel security; maritime domain awareness and information sharing; and international supply chain security.

For security planning, GAO says they have seen success of the Coast Guard's Area Maritime Security Plans implemented around the country that identify and coordinate Coast Guard procedures at U.S. ports. The Coast Guard has also implemented programs to conduct annual inspections of port facilities and, in terms of vessels, both CBP and the Coast Guard receive and screen information on commercial vessels and crews prior to arriving at U.S. ports.

The DHS have taken steps to better vessel domain awareness by improving risk management and implementing a vessel tracking system. For example, in July 2011, CBP developed the Small Vessel Reporting System, deployed at eight different locations, to better track small boats arriving from abroad.

GAO says that DHS and component agencies have also taken action to improve international supply chain security, including developing new technologies to detect contraband, implementing programs to inspect U.S.-bound cargo at foreign ports, and establishing partnerships with the trade industry community and foreign governments. But despite this progress, the GAO report notes some challenges in implementing initiatives, particularly in areas of program management and implementation; partnerships and collaboration; resources, funding, and sustainability; and performance measures.

For example, CBP designed and implemented an initiative that placed CBP staff at foreign seaports to work with host nation customs officials to identify high-risk, U.S.-bound container cargo, but CBP initially did not have a strategic or workforce plan to guide its efforts. The Coast Guard has faced collaboration challenges when developing and implementing its information management system for enhancing information sharing with key federal, state, and local law enforcement agencies because it did not systematically solicit input from these stakeholders.

Meanwhile, budget and funding decisions have also affected the implementation of maritime security programs, GAO notes. For example, Coast Guard data indicate that some of its units are not able to meet self-imposed standards related to certain security activities, including boarding and escorting vessels. In addition, DHS has experienced challenges in developing effective performance measures for assessing the progress of its maritime security programs. For example, the Coast Guard developed a performance measure to assess its performance in reducing maritime risk, but has faced challenges using this measure to inform decisions.



In Alameda on August 25, after a no-notice activation SUP crew gathers near the bow of the Cape Orlando to elect a delegate with San Francisco in the background. The Orlando was one of four SUP-contracted military ships activated in the span of 48 hours. From left: ROS OS Giovanni Villalon, OS Lorenzo Otis, AB Cody Clark, Bosun Mike Worth (kneeling), AB and delegate Joel Schor, AB Marcelo Javier, AB Ponciano Sisquinia (kneeling) and AB Gabe Moreno. Photo: Dave Connolly.

Congressmen urge full use of Jones Act fleet in the event Strategic Petroleum Reserves are released

The following letter dated August 30, was sent by Representatives Rick Larsen (D-Washington) and Frank LoBiondo (R-New Jersey) to Department of Homeland Security Secretary Janet Napolitano, Department of Transportation Secretary Ray LaHood, and Department of Energy Secretary Steven Char. Representative LoBiondo is the chairman of the Subcommittee on Coast Guard and Maritime Transportation and Representative Larsen is the Ranking Member on the Sub-Committee.

"We are concerned by news reports that the White House is "dusting off old plans" for a potential release of oil reserves to dampen rising gasoline prices and prevent high energy costs from undermining the success of Iran sanctions. We hope that the administration is not contemplating the release of oil from the Strategic Petroleum Reserve (SPR) without the adequate notice and consultation of Congress. We urge you to meet requirements under the Jones Act to transport SPR oil on U.S.-flagged ships should you decide to release reserves.

On June 27, the Subcommittee on Coast Guard and Maritime Transportation convened an oversight hearing to review the administration's 2011 decision to release oil from the SPR, and specifically, to examine the administration's decision to grant waivers from the U.S. coast wise laws to allow SPR oil to be transported on foreign-flagged tankers between U.S. ports. This controversial decision to waive the Jones Act was viewed by many members as an unwarranted slight to U.S. carriers and seafarers. As such, the SPR release drew a bipartisan rebuke from Congress.

During the hearing, the consensus was that these types of waivers should not happen again. Department of Transportation Deputy Secretary John Porcari openly recognized the important lessons learned during the 2011 drawdown. He acknowledged that new legislative requirements Congress has imposed will not only ensure better coordination and improved procedures for the planning for future SPR releases, but will also "provide additional opportunities for Jones Act carriers."

It may make sense to reconsider options to release SPR oil reserves in light of the shutdown of Gulf Coast drilling operations due to Hurricane Irene and rising gas prices. However, we were very disappointed to first learn of the administration's renewed interest in this option from a media report, and not directly from the administration, especially considering Mr. Porcari's stated pledge to work closely with the Congress on such decisions.

At a time when far too many Americans remain unemployed, priority must be given to addressing the needs of our own maritime workers. Congress has sent a clear signal to the administration that it fully expects any future transport of SPR oil to be carried on U.S.-built, owned and crewed vessels. Should the administration decide to release SPR reserves, we look forward to working with you to uphold the longstanding tenets of the Jones Act to ensure that the transport of this oil results in jobs for U.S. mariners and business for U.S. carriers, just as the law requires. We appreciate your response and look forward to working with you to ensure that jobs created from any SPR release belong to Americans."

Arctic sea ice shrank to record low

Arctic sea ice shrank to its smallest area on record this summer before beginning to refreeze, according to the National Snow and Ice Data Center. The sea ice extent bottomed on September 16, at 1.32 million square miles, about 293,000 square miles below the 2007 record. Arctic sea ice extent has been monitored by satellite since 1979. This year's record low extend follows a long-term decline. The six lowest extents on record have all occurred in the past six years.

The National Oceanic and Atmospheric Administration (NASA) reported that the ice loss during August occurred at the fastest clip on record for the month, the ice shrinking at the rate of 35,400 square miles per day. "Climate models have predicted a retreat of the Arctic sea ice; but the actual retreat has proven to be much more rapid than the predictions," said Claire Parkinson, a climate scientist at NASA.

NASA said a large Arctic storm in early August played a role in the record low extent. "The storm cut off a large section of sea ice north of the Chukchi Sea and pushed it south to warmer waters that made it melt entirely," NASA reported. "It also broke vast extensions of ice into smaller pieces more likely to melt."

"If you want a you're-on-your-own, winner-take-all society, you should support the Republican ticket.

"If you want a country of shared prosperity and shared responsibility, a we're-all-in-this-together society, you should vote for Barack Obama and Joe Biden."

Former President Bill Clinton, Sept. 5, 2012, speaking at the Democratic National Convention

SUP Election

Report of the Committee on Candidates

SUP 2012-2013 ELECTION

September 18, 2012

In accordance with established SUP election procedure, the following members were nominated for regular officers of the Union at the September Headquarters and Branch meetings. As per Section 5(3)b of Article XII, of the SUP Constitution, the names of nominees appear as they do on the membership records at Headquarters.

President/Secretary-Treasurer

William Berger #4642
Dave Connolly #4792
Gunnar Lundeberg #4090
Vincent O'Halloran #2463

Vice President/Asst. Secretary-Treasurer

William Berger #4642
Robert Burns #5730
David Connolly #4792
Colin Dewey #2741
Vince O'Halloran #2463
Frank Portanier #3835
Jonathon Rose #3190

Seattle Branch Agent

Brendan Bohannon #5755
Norm Christianson #4770
Berit Eriksson #19107
Vincent O'Halloran #2463

Wilmington Branch Agent

William Berger #4642
Paul Calais #4781
Colin Dewey #2741
Mark Hurley #5870
Verness Johansen #4316
Eli Wegger #3637

Honolulu Branch Agent

Mike Dirksen #2739
Verness Johansen #4316
Robert Jones #4326
Maea Loe #4120
Duke Maringer #6518

San Francisco Business Agent

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Don Bohle #5681
Colin Dewey #2741
Berit Eriksson #19107
Paul Fuentes #2239
Frank Portanier #3835
Sam Scott #7515
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Gunnar Lundeberg #4090
Vince O'Halloran #2463
Wil Williamson #18370
Mike Worth #3629

This duly elected Committee on Candidates convened on September 10, and September 18, 2012, to compile this list and determine the eligibility of all nominees according to these criteria. Article XII, Section 3 of the SUP Constitution states that "Any member of the Union shall be eligible to be a candidate for and hold any regular office, provided he/she possesses the following qualifications:

- He/she is a member in good standing at the time of nomination;
- He/she achieved B seniority as defined in the SUP Shipping Rules; and
- He/she is not disqualified by law."

As per Section 5 of Article XII, all those "nominees who desire to become candidates shall have the necessary qualifications and acceptance in the office of the Committee on Election (c/o SUP, 450 Harrison Street, San Francisco CA 94105) prior to midnight October 14, 2012. The acceptance shall be by letter which shall be dated and shall contain the following:

- The name of the candidate;
- His/her home address and mailing address;
- His/her membership number; and
- 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.

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

Fraternally,
Committee on Candidates



Mike Duvall
Mike Duvall #2732 (Alternate)
Dave Frizzi
Dave Frizzi #2255
Randy Runyan
Randy Runyan #3192

Diane Ferrari
Diane Ferrari #2251
John C. Linderman
John Linderman #4094
Arthur Thanash
Arthur Thanash #3249

Mitt Romney, Class Warrior

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Gone was the pretense that he will be a president of all Americans. Mr. Romney rather neatly divided the country between the people who matter and the 47% he does not care about.

To Mr. Romney, that 47% consists of people who do not make enough money to be required to pay federal income tax. They are freeloaders, he said, "who are dependent upon government, who believe that they are victims, who believe the government has a responsibility to care for them, who believe that they are entitled to health care, to food, to housing, to you-name-it." It is not his job, he said, as a candidate nor apparently as president if he is elected, "to worry about those people."

By his definition, those undeserving freeloaders include workers in low-paying, menial jobs (sometimes more than one job) who don't even earn \$9,750 a year, the amount at which they would start to owe federal income

tax. Also included are older Americans whose Social Security pensions are too low to be taxed, disabled veterans and people who were maimed on the job.

This group also includes some middle-income Americans who make, say, \$50,000 a year but are not required to pay taxes after they take advantage of child credits, marriage penalty relief and other tax breaks, many of which are part of the Bush-era tax cuts that Mr. Romney backs with a blind ideological fervor.

But, of course, Mr. Romney was not talking about the Americans who make so much money that they are able to avoid paying any tax at all or who, like him, are able to shelter their incomes in overseas banks or tax loopholes that permit them to pretend that ordinary income comes from investment and thus pay lower taxes. Mr. Romney has been paying, by his own account, about 13% to 15% of his enormous income in federal income taxes. Just compare that with your own tax return.

Everything about Mr. Romney's characterization of this mythical slice of lazy, shiftless Americans was wrong. A vast majority of Americans pay federal taxes, either income tax or payroll taxes for Social Security and Medicare—or both—as well as other federal fees. They also pay state and local taxes and sales taxes.

The government's revenue problem does not start with the poor but with the richest people, through the Bush tax cuts and other changes. The tax cuts for the richest people should expire now, and the middle-class cuts should do so eventually. But that will not happen as long as people like Mr. Romney protect the rich by turning the working poor and middle class into the enemy.

Mr. Romney may have been talking about electoral tactics: those people are going to vote for Mr. Obama, so let's concentrate on our kind of people. It's also possible that he was mouthing the words of the extreme right without really believing them. But all the possible explanations say terrible things about Mr. Romney's character.

The right wing has long been whining about people who don't pay taxes and who, therefore, don't deserve a say in government. They have it backward. The shame is not that those people don't pay income taxes. The shame is how many poor people there are when the top 1% can amass uncountable fortunes fed by tax breaks and can donate tens of millions of dollars to political candidates to keep it that way.

Source: New York Times, September 19 Editorial

San Jose Mercury News calls California Prop. 32 deceptive

"If Proposition 32 did what supporters claim—limit all special interest money from corrupting the political system—we would heartily endorse it. It doesn't. It is a deceptive sham that would magnify the influence of wealthy interests while shutting out many middle-class voters. Vote NO on Proposition 32. Proponents call this initiative 'paycheck protection' because it bars the collection of Union dues from paychecks for political purposes, even if Union members give permission. Voters rejected attempts to do this in 1998 and 2005. This time, the measure is more cleverly framed to appear to limit political contributions from the wealthy and business interests, too. But as the good-government groups California Common Cause and the League of Women Voters said in a joint statement, "Proposition 32 claims to be 'political reform' but in reality was intentionally written to create special exemptions for billionaire businessmen and business special interests, giving them even more political power to write their own set of rules.

Here's how the scam works: It does ban corporations as well as Unions from using paycheck deductions for political purposes, but corporations don't do that. Their political donations come straight from the treasury or executives. By contrast, paycheck deductions are the primary method California's 2.5 million Union members use to fund political spending.

The measure would ban both Unions and corporations from making direct donations to politicians. Leaving aside the question of whether that's constitutional, it wouldn't apply to large numbers of businesses, including real estate investment trusts and sole proprietorships. But it would apply to all Unions.

The real elephant in the room for campaign reforms is super PACs, which can raise unlimited money, some anonymously, and which increasingly dominate political spending. Without paycheck deductions, Unions would have no way of participating, but billionaires and businesses could still spend freely.

According to data compiled by the Center for Investigative Reporting and analyzed by San Francisco State professor John Logan, the top labor Unions spent \$284 million on initiatives, candidates and parties from 2001 to 2011. But all together, the top contributors among the wealthy and business interests spent \$931 million, swamping labor. Eliminating Union spending would worsen this disparity, making it nearly impossible for millions of middle-class voters to make their voices heard. Indeed, some of the largest contributors to the 32 campaign are the same wealthy men who have spent millions to influence politics over the past decade. Some may have the public interest at heart. Others simply want to silence opposition. California needs real campaign finance reform. Proposition 32 would make a bad system worse. Vote NO." [Editorial published on August 31.]



SUP gang in Matson's ITB Moku Pahu assemble for a Union meeting and a photo at the C&H refinery wharf in Crockett on August 28. In the background the barge is discharging cane sugar from Hawai'i before shifting to Stockton for a backload of coal. From left to right: AB and delegate Cory Edgil, AB Diomedes Rebusura, Bosun Zbigniew "Ziggy" Lewandowski, and AB Ernesto Lagramada. Photo: Dave Connolly

Negligent training alleged in Costa Concordia disaster

Another multimillion-dollar lawsuit has been filed against Carnival Corporation, seeking compensation for passengers of the stricken *Costa Concordia*. The latest legal action was filed this month in the Southern District Court of Florida on behalf of 154 passengers of multiple nationalities: Italy (46), Germany (44), France (30), Brazil (7), Argentina (6), South Africa (6), Russia (4), Spain (2), Dominican Republic (2), United States (2), Greece (2) and one passenger each from Romania, Austria and Moldova.

While the total amount sought in a trial by jury is not specified, the suit asserted that the damages would exceed \$5 million.

The plaintiffs alleged negligence on behalf of Carnival and its Italian subsid-

iary Costa Crociere, and accused Carnival of negligent training. "Carnival, having undertaken to train and supervise *Concordia's* crew, negligently and carelessly failed to use reasonable care to fulfill this undertaking," alleged the plaintiffs, who are represented by the Florida firm Colson Hicks Eidson. "*Concordia's* crew did not conduct proper emergency drills with passengers, did not communicate the nature of the emergency to passengers, did not allow passengers to abandon ship to save their own lives, and did not know how to assist passengers in abandoning a listing ship," the lawsuit claimed.

Since the January 13, accident in which 32 passenger were killed, suits seeking more than \$1.4 billion have been filed against Carnival.

Appeal court upholds complaint against foreign-flag cruise line

The U.S. 11th Circuit Court of Appeals has upheld a complaint against Carnival Cruise Line made by the family of a young girl shot and killed while on vacation in St. Thomas, Virgin Islands. The case, *Chaparro v. Carnival Corporation*, stems from an incident that occurred in July 2010. Liz Marie Chaparro, her parents and her brother took a vacation on board a Carnival cruise ship. The complaint alleged that an unidentified Carnival employee encouraged the family to visit Coki Beach on disembarking the ship in St. Thomas. While on an open-air bus back to the ship, the 14-year-old girl was shot and killed in a gang-related crossfire. The family sued Carnival, claiming that the cruise operator was negligent in failing to warn them about crime and gang-related violence in St. Thomas and Coki Beach. Law firm Chalos & Co. said the complaint also alleged that this failure to warn the family resulted in Carnival's negligent infliction of emotional distress.

The District Court originally dismissed the complaint, stating the allegations were conclusory rather than based on fact. On appeal, Chalos & Co. said the 11th Circuit first considered whether Carnival had a duty to warn the Chaparro family of the general and specific dangers of crime in St. Thomas and Coki Beach.

The court first noted its own prior rulings that a shipowner owes a duty of "ordinary reasonable care under the circumstances" towards non-crew members who are lawfully on board their vessels.

The law firm said: "The court also looked to the decision of a Florida State appellate court, which held that a cruise line owes its passengers a duty to warn of known dangers beyond the point of debarkation in places where passengers are invited or reasonably expected to visit."

The court rejected Carnival's argument that the girl's death was unforeseeable, finding that such an argument was inappropriate at the pleadings stage of the proceedings. It also found that the facts alleged in the complaint were plausible and raised a reasonable expectation that discovery could supply additional proof of Carnival's liability. The 11th Circuit has passed the case to the District Court for further proceedings.

U.S. tightens up security on ships arriving from Yemen

Crews on ships bound for U.S. ports from Yemen must bolster security plans because Yemeni ports have fallen short of mandated anti-terrorism steps, Washington warned. Effective September 18, tightened security rules at U.S. ports took effect on commercial vessels that called in Yemen during their last five port calls. The measures are also meant to tighten controls to prevent smuggling.

The new plan excludes three locations in Yemen: the Ash Shihr Terminal, the Balhaf LNG Terminal and the port of Hodeidah.

Crews must ensure that ship access points are guarded and that the guards can see the vessel's entire exterior while in Yemeni ports, according to a U.S. Coast Guard directive. Depending on the results of a boarding inspection, crews also might be required to ensure that armed, private security guards are similarly used while the ship is in a U.S. port. "The number and position of the guards must be acceptable to the cognizant Coast Guard captain of the port prior to the vessel's arrival," the Coast Guard noted.

In addition to Yemen, the U.S. list of countries not maintaining effective anti-terrorism measures includes Cambodia, Cameroon, Comoros, Cote d'Ivoire, Cuba, Equatorial Guinea, Guinea-Bissau, Indonesia, Iran, Liberia, Madagascar, Sao Tome and Principe, Syria, Timor-Leste and Venezuela.

Export carriers seek rate increase

Container carriers in the TransPacific market have decided to seek rate increase to \$200 per feu. The 10-member Westbound TransPacific Stabilization Agreement (WTSA) said, this month, that the increase, effective October 1, would apply to all dry commodities to all origins and destinations. The increase for teu containers is \$160.

Cargo volume in the first quarter of 2012 increased 3.3% to 800,000 feu, compared with the same period last year, WTSA noted. However, the volume gains were lost during the summer as demand in Asia for U.S. imports slowed. "The problem is that rates for many commodities have slipped to levels that no longer

reflect the value of the service or make an adequate contribution to the round-trip voyage," said WTSA Executive Administrator Brian Conrad. He added: "Carriers anticipate an upturn in the typically busy months ahead and feel a need to make up lost ground in terms of revenue."

The rate increase follows WTSA's announcement in late August that its members would be adding a new bunker surcharge to recoup the added costs of low-sulphur fuel requirements that went into effect on August 1. Beginning on October 1, carriers will add \$11/feu to bunker charges for Asia-bound containers originating on the U.S. West Coast and \$38/feu from the U.S. East and Gulf Coasts.

How the GOP-backed Ryan plan threatens middle-class retirement security

by Nancy Altman, *Social Security Works*, Eric Kingson, *Syracuse University*, and Benjamin W. Veghte, *Scholars Strategy Network*, *Harvard University*

Generations of Americans have worked together to build our nation's Social Security system. Each citizen contributes through a lifetime of work, and each is entitled to claim an assured benefit to see him or her through retirement and old age, or in the event of a serious disability or the death of a working parent or spouse. The vast majority of Americans support this system, because it works. In an economy where most are dependent on wages, Social Security insures a worker and his or her dependents can continue to get a portion of those wages during old age or if death or disability strikes.

Much controversy currently surrounds a radical federal budget overhaul designed by Representative Paul Ryan of Wisconsin (the Republican VP nominee) and overwhelmingly backed by House Republicans. The Ryan plan calls for trillions of dollars in cuts in Medicaid and other safety-net programs for low-income and disabled Americans. It also goes after Medicare, one of the pillars of middle-class retirement, aiming to turn it into a voucher system that would force the typical retiree to pay about \$6,000 more per year just to get the same benefits Medicare now guarantees.

What about Social Security? Ryan would effectively gut that program, too, supposedly to address a looming national fiscal crisis. But in fact Social Security's long-term shortfall is manageable, and we need to invest more not less in this effective system.

How Ryan Plans to Undermine Social Security

Because Social Security is so popular, the 2011 Ryan budget backed by almost all House Republicans tiptoes around planned changes in the program—and simply includes procedural changes that would "fast track" modifications and make it possible for legislators to accept them without full political accountability. When procedural tricks are put in place, we have to ask why. What changes do Representative Ryan and his colleagues have in mind? In each of the past two years, Ryan has issued documents about the GOP's long-term budget plans. Neither has the force of law yet, but the preferred changes in Social Security are clear:

- Along the lines of a proposal former President George W. Bush unsuccessfully advocated in 2005, Ryan would move toward giving all Social Security beneficiaries a basic pension set at a low level and largely unrelated to each person's prior wages. Beyond that, people would have to fend for themselves, supplementing their modest benefits from savings or paid work.

- Ryan praises the idea of increasing Social Security's early and normal retirement ages to ages 64 and 69 respectively—and he would also further lift these ages in the future based on how much longer an average American lives. This may sound fair, but there are big drawbacks. Many workers who do jobs involving physical labor do not live anywhere near as long as lawyers or managers who sit in offices, so raising the age of eligibility for Social Security can take their retirement away. More important, though, for all older Americans, a higher age for claiming Social Security simply amounts to a big across-the-board benefit cut. A "retirement age" of 69 translates into approximately a 13% cut for everyone, even for workers who work until age 70 or beyond (and that cut would be in addition to the 13% cut that



The combined ROS crews of USNS Gordon and Gilliland in Baltimore on September 10. From the left: Wiper Chris James, AB Andy Facundo, OS Aaron Mitchell, Bosun James Bailey, AB Tonci Jaram, Bosun AJ Cafarelli and OS Ben Tagud. Photo: Dave Connolly

Japan raids offices of car carrier giants

Japan's antitrust regulator on September 6, raided the offices of five shipping lines that control about 70% of the global market for transporting vehicles. Fair Trade Commission officials conducted the searches at the offices of NYK, Wilh. Wilhelmsen ASA, Mitsui OSK Lines, Kawasaki Kisen Kaisen (K Line), and Seoul-based EUKOR Car Carriers. All the companies except K Line, whose executives were in a meeting, confirmed the searches and said they were cooperating with inspectors.

Wallenius Wilhelmsen Logistics, a unit of Wilhelmsen, is being investigated in Japan for a possible breach of an anti-monopoly act that involves price fixing, Benedict Gude, WW's corporate communications vice president, told *Bloomberg* from Lysaker, Norway.

About 10 shipping lines are suspected of discussing raising rates together for transporting cars to the United States, Europe and other parts of Asia from Japan since 2008, the newspaper *Kyodo News* reported.

all Americans younger than 52 will experience because the retirement age is already scheduled to move to age 67 for them).

Can Personal Savings Make Up for Reduced Benefits?

Ryan argues that individuals should save more for their retirement, and proposes allowing them to place in retirement savings accounts up to a third of what they now pay for Social Security. Savings accounts are a good thing, but we should never confuse savings and insurance. Social Security was designed to provide a certain core benefit that everyone can count on for all the years they live between retirement and the end of life. No individual can know how long that will turn out to be, and it is just not realistic to expect most people to save enough for all or most of what they may need over an uncertain span after employment. One can outlive savings but not an insurance annuity like Social Security. Inflation can devastate savings, but not Social Security benefits as Americans now know them, which are regularly adjusted for inflation. Unexpected drops in the stock market can greatly diminish the value of savings, but not Social Security.

Crying Wolf about a Modest Shortfall

Ryan and others proclaim that Social Security is "in crisis" and cannot be sustained. But we can tell that they do not really believe this by looking at Ryan's own budget plan. He and his GOP colleagues want to shower more and more tax cuts on the very wealthiest Americans, including continuing the 2001 and 2003 Bush tax cuts. Interestingly, the amount that those cuts alone would cost America in future decades is roughly equivalent to the additional funds needed to address Social Security's manageable shortfall in long-term revenue. And here's the kicker: Ryan's budget calls for even greater tax cuts for millionaires and billionaires, on top of the continued Bush cuts. Clearly, the deficit and fiscal constraints are not the real issue here. Ryan and his supporters just want to cut Social Security—that is their political choice, not a necessity.

The Social Security Agenda Americans Really Need

Working Americans in their forties and fifties are already headed for economic difficulties in retirement. Employers have cut back on assured pensions; housing values have declined and 401(k)s have taken hits; and hard-strapped families are dipping into savings rather than building them up. The Center on Retirement Research at Boston College estimates that 51% of U.S. households are at risk of seeing their standard of living decline during retirement years (closer to two-thirds when rising health care costs are factored in). Social Security's modest benefits—currently around \$14,800 a year for a typical retired worker—are more important now than ever.

Too often Social Security is discussed in technocratic terms as a "problem," when it is actually a solution to people's worries that they might not be able to get by after employment ends. The cuts pushed by Ryan and other free-market radicals would threaten retirement security for all but the very wealthy—and these cuts are so unpopular that they can pass only if regular democratic accountability to the voters is avoided. The debate we Americans should be having is not about how to cut Social Security, but about how to improve and extend its protections long into the future.

ESU Office Assignments

For the month of October, Leo DeCastro will be in the Seabrook office.

ESU NEWS

SEPTEMBER 2012

Official Publication of the Exxon Seamen's Union

Aker Shipyard and Crowley reach agreement on two product tankers

Aker Philadelphia Shipyard announced on August 20, 2012, that certain wholly owned subsidiaries of AKPS and Crowley Petroleum Services, Inc. have entered into binding agreements which will result in the sale of two product tankers by Aker Philadelphia Shipyard, Inc. to Crowley Tankers, LLC. These vessels are designated as APSI Hulls 017 and 018. Akers has been building these vessels for its own account since 2011 and they are scheduled for delivery in August 2012 and February 2013, respectively.

AKPS, through its subsidiaries, will receive compensation for each vessel in the form of a fixed purchase price of USD 90 million at delivery and a variable component based on the vessel's actual performance in the market. Based on current market conditions, AKPS anticipates receiving a nominal amount in excess of USD 35 million per vessel through the variable component. This amount has the potential to be significantly higher if market conditions continue to improve. The variable component is payable on an annual basis over the life of the vessel and will adjust upwards or downwards

based on actual charter rates and other factors. There is no cap on the amount of the annual payment.

AKPS anticipates that the transaction will result in cumulative gains in excess of USD 25 million, recognized as each vessel is delivered, with the potential for future additional income based on the variable component.

"We are pleased to partner with a first-class owner and operator like Crowley. Both APSI and Crowley share deep commitments to run safe and efficient operations, and I am confident that this transaction will bring significant value to both parties for years to come," said Kristian Rokke, AKPS President and CEO. "This is a major milestone for the shipyard and we are greatly appreciative of the support we have received from many, including the Commonwealth of Pennsylvania, City of Philadelphia, and Aker ASA."

In addition to the product tankers, APSI is currently constructing the first of two contracted 115,000 dwt crude oil carriers for SeaRiver Maritime, Inc., Exxon Mobil Corporation's U.S. marine affiliate. Both of these crude oil tankers are scheduled for delivery in 2014.

Reminder on Ship Representative vacancy

As previously announced due to the resignation of Ship Representative Rudy Benavides, the Exxon Seamen's Union Executive Board is charged with the responsibility of appointing a new Ship Representative to the *S/R American Progress*.

In accordance with the ESU Constitution and By-laws, Article V, Section 4(a) which reads in part with regard to vacancies relating to the Ship Representative position, "When a vacancy occurs in a Ship Representative position due to resignation or for other reasons, the Executive Board can then appoint a member to fill the vacancy until the next scheduled election." The remainder of the term for the *S/R American Progress* will run through the end of 2013.

The Union requests that any members interested in being considered for this appointment contact the ESU office and request consideration for this position. The Executive Board tentatively anticipates making this appointment the first week of October and asks that you contact the Union either by phone or mail no later than September 30, 2012.

Ship reports

S/R American Progress

The vessel arrived Valdez, Alaska on September 14, after a long Pacific crossing and resumed normal service to the Puget Sound area after a slight delay due to a big storm outside Hichinbrook. Ed Stoeckel has been handling the Ship Rep. duties and doing an excellent job. Some issues with the satellite TV upon arriving the US but after some hard work the ship's crew was able to get the reception back on line. The vessel expects to have a big crew change when it arrives south.

Kodiak

The vessel continues the normal run between Valdez with multiple discharge ports in the Puget Sound then down to San Francisco. Regular Ship Representative Joe Butler aboard and reports everything going well. Joe continues to conduct Union meetings regularly. Chevron Richmond still shut down in the Bay area and consequently it will be awhile before SeaRiver vessels resume deliveries to the Long Wharf.

Sierra

After loading in Valdez, the Sierra steamed south with discharges in Puget Sound and also Long Beach, CA at the Tesoro 86 terminal. The vessel took advantage of some anchor time in Port Angeles to make repairs. Engine Trustee Will Ackley filling in for regular Ship Representative Thor Floreen. Will reports everything running smooth so far.

Rudy Benavides retires

Effective October 1, Rudy Benavides has decided to retire with over 19 years of combined Company Service. Rudy joined Exxon Shipping Company in August of 1991 and was first assigned to the *Exxon North Slope* as Maintenance Seaman. After sailing on various Exxon/SeaRiver vessels throughout the fleet, Rudy moved up the ranks and was promoted to Able Seamen in 1995. He left the Company for a brief period at the end of 1998 but returned in early 2000.



The Benavides family: Rudy, Troy, Imelda, and Amanda.

Rudy was a strong and dedicated supporter of the ESU throughout his career. A dedication that was demonstrated when he drove from his home in Corpus Christi with family in tow to participate with picketing efforts at the Exxon building in Houston during 2001. His support, along with other ESU members, led to an eventual wage increase of 9% across the board for the two year period of 2000-2001. Rudy also served the membership from 2008 until recently as the ESU Ship Representative for the *S/R American Progress*.

We will all miss Rudy and we sincerely thank him for his contributions and wish him and his family all the best during his retirement years!

Merchant Mariner Medical Advisory Committee meeting

It appears there could be more changes in the works concerning merchant mariner physical fitness requirement by the US Coast Guard. The Merchant Mariner Medical Advisory Committee (MMMAC) will meet on September 25-26, 2012, to discuss matters relating to medical certification determinations for issuance of merchant mariner credentials, medical standards and guidelines for physical qualifications of operators of commercial vessels, medical examiner education, and medical research. The meeting will be open to the public and will be held at the Paul Hall Center for Maritime Training and Education, in Piney Point, Maryland.

Areas that the MMMAC are reviewing include: Revision of the Navigation and Vessel Inspection Circular (NVIC) 04-08, Medical and Physical Guidelines for Merchant Mariner Credentials; Top medical conditions leading to denial of mariner credentials; Revising the CG-719K Medical Evaluation Report Form from mariner physicals; Creating medical expert panels for the top medical conditions; and Developing Designated Medical Examiner Program.

Then U.S Coast Guard established the Merchant Mariner Medical Advisory Committee in 2009 with the purpose of an advisory role with matters relating to the medical evaluation process and evaluation criteria for medical certification of merchant mariners. The MMMAC is comprised of 10 health care professionals with certain expertise, knowledge or experience in occupational medicine or the medical examination of merchant mariners. Four more committee members are professional mariners who possess knowledge and experience in the occupation requirements for mariners. The MMMAC will advise the Commandant of the Coast Guard on the evaluation processes and evaluation criteria for medical certification of merchant mariners. Including physical qualification requirements.

EXXON SEAMEN'S UNION

Founded March 28, 1941

Affiliated with the Sailors' Union of the Pacific

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Engine Trustee William Ackley

Steward Trustee Kurt Kreick

The U.S.-flag's real shades of gray

The following article is by Klaus Luhta, Director of Government Relations for the Masters, Mates & Pilots: "If you are looking for some licentious and lascivious reading relating to shipping, look no further than the Paris MOU list of vessel registry rankings. The greatest obscenity of the rankings is the United States demotion from the white list to the gray list. At first glance the demotion is nothing short of disastrous. To make matters worse, the U.S. Coast Guard Chief of Commercial Vessel Compliance published a knee-jerk commentary on the ranking blaming "U.S.-flag vessel owners and operators" and said the ranking was "illustrative of a decline in registry performance." The author of those comments is incorrect on a number of counts and the maritime unions took umbrage with the Coast Guard's unfair characterization. Here are the real facts.

Flag registries ensure vessels operating under their country's flag comply with current international regulations ranging from size of crew complement to the size and number of fire hoses required on deck as well as everything in between. A flag like the United States is a registry that actually has its government overseeing regulatory compliance. In the U.S. this task is managed by the U.S. Coast Guard, the same body that is publicly admonishing the U.S. flag fleet. Under a "Flag of Convenience" registry like the Republic of the Marshall Islands, for example, there are a few people in cubicles in Virginia performing the same work that the Coast Guard does for the United States. Where the United States has a vested national interest in proper regulatory compliance of its fleet, the Republic of the Marshall Islands has very little, if any, direct involvement in the regulatory process.

The Marshall Islands flag registry is merely a business.

The Marshall Islands, for the sake of continuing the illustration, has an interest in ensuring the vessels flying its flag comply with regulations because it reflects well on the registry, which in turn means more ships that want to fly that flag, which generates more revenue. As a result, the regulations tend to be simple so that compliance is easy. Development of the regulations occurs quickly. On the other hand, the United States regulatory process is cumbersome and complicated. The unfortunate outcome is that compliance becomes difficult.

Enter the Paris MOU rankings.

Think of them this way. The white list means your vessels operate efficiently and safely. The conditions on board are satisfactory and your vessels are structurally sound. The black list means your ships are rusty clunkers with ragtag crews that can barely cross an ocean. The gray list is somewhere in between. Somehow the United States went from the white list to the gray list and now joins the company of countries such as Egypt, Belize, and Kazakhstan. While it is hard to believe Kazakhstan even has ships, it is more difficult to acknowledge that our great nation is lumped in with these other mediocre flags. It is a black eye on the United States to be sure, but when we dig deeper we see that perhaps the ranking is not indicative of the true performance of the U.S. flag commercial fleet.

Of 174 U.S. flag vessels inspected by port state control regimes, seven were detained. Of the seven detained, only one was a legitimate deep sea commercial vessel manned with a union crew. And this one vessel, the *APL Agate*, was detained because the engine room was not clean and a security certificate had not been properly filed. To be fair, this vessel had only recently transferred over to the U.S. flag from foreign operation. The crew was still trying to bring the vessel up to U.S. standards and into compliance. Here are the other six vessels:

Maria Brusco: a tug detained in Canada for the certificates of master and officers "not as required." Given the U.S. Coast Guard approach to standards for tugs, this detention comes as no surprise.

Brendan J. Bouchard: another tug detained in Canada for certificates of master and officers "not as required."

Hos Shooting Star: an offshore supply vessel detained in Spain for International Safety Management not as required and missing a garbage management plan.

Lorelei: a vessel listed as "special activities" of only 99 gross tons detained in Italy for a laundry list of violations. One has to wonder if this vessel really was a commercial SOLAS vessel that should affect U.S. flag white list status.

Ryan T: an offshore supply vessel detained in Spain for certificates of masters and officers invalid; crew certificates not endorsed by flag state.

Transatlantic: a general cargo ship detained for not having a Civil Liability for Bunker Oil Pollution Damage Certificate. This ship is a low bidder for government cargo and operates with non-union crew. This vessel is notorious throughout the industry for subpar compliance. She is not typical of U.S. vessels in the commercial trade particularly because she does not use the more highly trained union mariners as crew.

It is easy to see that the Coast Guard remonstrance of the U.S. flag industry is off the mark. To assume the entire registry is in decline because of violations of a few subpar flag participants that are atypical of the broader commercial fleet is incorrect. To publicly state as much is disingenuous and irresponsible. Furthermore, the Coast Guard approach to regulation makes compliance with international rules extremely difficult. To wit, the industry is still waiting for Coast Guard guidance on the new STCW work/rest hour requirements that came into effect January first of this year.

Let's be clear; there is no gray area here. U.S. flag commercial vessels with Union crews continue to operate at the highest standards and set the mark for the international maritime community. This has not changed simply because a few tug boats and small supply vessels were too complacent to maintain required paperwork and adhere to generally accepted standards. To believe anything otherwise would be obscene."

Klaus Luhta is a graduate of the United States Merchant Marine Academy at Kings Point, New York and Cleveland-Marshall College of Law in Cleveland, Ohio. He is a U.S. Coast Guard licensed Master and an attorney licensed to practice in Ohio and Michigan. Klaus has sailed all types of ocean-going vessels around the world for more than a decade before coming ashore to practice law in the areas of maritime law and consumer litigation.

Welfare Notes

September 2012

Unfit For Duty

If you are Unfit for Duty, your eligibility for coverage may be extended; however, you must inform the Plan office of your Unfit for Duty status with documentation from your attending physician. Periodic updates of your status should be submitted if your disability continues.

Unfit for Duty does not automatically add time onto the eligibility period. The extension of eligibility due to Unfit for Duty is dependent upon the Unfit For Duty dates and the Fit For Duty date.

When an eligible member becomes Fit for Duty he has 3 months starting in the month after becoming Fit for Duty to work 60 days to continue his eligibility.

As an example if a member's eligibility period is 02/01/12 through 01/31/13 and he becomes Unfit For Duty in July 2012 and becomes Fit for Duty in September 2012, his eligibility is not extended. In this example the Fit For Duty date would make October, November, and December the time frame for him to work the 60 days needed to keep eligibility from lapsing. The eligibility period, however, covers him through January 2013 so the Unfit for Duty would not affect the eligibility period.

If a member with an eligibility period of 02/01/12 through 01/31/13 became Unfit for Duty in October 2012 and Fit for Duty in February 2013, his eligibility would be extended for February 2013, as well as, the months of March 2013, April 2013, and May 2013 when he would have to work at least 60 days to keep his eligibility from terminating.

If the member in this example failed to work 60 days between March 2013 through May 2013, eligibility would terminate in the month following the last extension month (May 2013) and the member must work 120 days within 12 months to become eligible again.

Time worked in the extension months after becoming Fit for Duty does not count in the 120 days within 12 months required if eligibility is terminated. Participants who regain eligibility after being terminated must re-enroll in a plan.

Please check with the Plan office if you have any concerns about your eligibility or enrollment in a Plan.

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A look astern...

From the *San Francisco Chronicle*, September 3, 1912

"For two hours yesterday morning the labor host passed in review at the judges' stand at the junction of California, Drumm and Market streets. At 10:30 o'clock, Grand Marshal John L. Nolan, with his guard of honor, rode by and then swung into the reviewing line, escorting the automobile containing famous labor attorney Clarence Darrow and Mrs. Darrow. From then until 12:30 o'clock, the judges of the parade watched carefully the appearance, marching and uniforming of the various unions, and received the cheers of the workers. It was a good-natured, flag-waving crowd out to celebrate the biggest day in the year for labor. Awards were doled out to the best floats—those of the Horseshoers Union, the Beer Bottlers Union and that of the Plasterers. Best marchers were the Retail Shoe Clerks. Special mention was made of the Hod Carriers, Ice Wagon Drivers, the Butchers and the Sugar Workers. The Horseshoers float consisted of a complete blacksmith's shop with a live, full-grown horse being shod. The shop was draped with bunting and the horseshoers— with leather aprons, light shirts with a bright red horseshoe on the breasts and wearing white caps — followed. The blacksmiths' float caught the popular fancy, and there was a wild scramble to secure as souvenirs the horseshoes, made in full view of the people by the workers on the float, who at intervals tossed them toward the sidewalk. The float of the Waitresses' Union was cheered time and time again as were the carriages carrying the pretty girls of the United Garment Workers. **Perhaps the most popular float was the last in line — the Sailors' Union of the Pacific. The float represented a fully rigged ship, and the marching sailors made a most excellent showing. And, as everybody loves a sailor, the Union received plenty of applause.**"

APL MSP Wage and Overtime Rates

Maritime Security Program Vessels (C-11 Class & 5-12 Class)

Effective October 1, 2012

Rating	Wages		Supp. Benefit Base		Supp. Benefit		Money Purchase Pension Plan Daily
	Monthly	Daily	Monthly	Daily	Monthly	Daily	
Bosun	\$5,142.83	\$171.43	\$5,299.96	\$100.12	\$3,003.49		\$25.00
A.B.	\$3,627.01	\$120.90	\$3,961.06	\$74.82	\$2,244.73		\$25.00
AB Watchstander/							
Daystander	\$3,627.01	\$120.90	\$3,961.06	\$74.82	\$2,244.73		\$25.00
O.S.	\$2,781.99	\$92.73	\$3,108.95	\$58.73	\$1,761.84		\$18.51

OVERTIME RATES

The hourly overtime rate for all ratings except the Ordinary Seaman		Money Purchase Pension Plan Daily
Ordinary Seamen	\$29.60	
Ordinary Seamen	\$22.21	

CARGO RATES

The hourly cargo rate for all ratings:

Straight Time Hours	\$22.21
Overtime Hours	\$36.57

SHORTHANDLED (Section 7 SUP Work Rules)

Bosun	\$50.53
A.B.	\$38.08
STOS	\$28.56

STANDBY RATES (Section 43 SUP Work Rules)

Bosun		
Straight Time Hours	\$28.26	\$25.00
Overtime Hours	\$46.47	
A.B.		
Straight Time Hours	\$27.08	\$25.00
Overtime Hours	\$44.63	

SHIFT SHIP GANGS (Section 44 SUP Work Rules)

Bosun		
Straight Time Hours	\$25.03	\$25.00
Overtime Hours	\$41.63	
A.B.		
Straight Time Hours	\$23.61	\$25.00
Overtime Hours	\$39.80	

DECK PORT WATCHES (Section 55 SUP Work Rules)

Bosun		
Straight Time Hours	\$33.70	
Overtime Hours	\$50.55	
A.B. and STOS		
Straight Time Hours	\$25.38	
Overtime Hours	\$38.07	

FUEL OIL SPILL CLEANUPS

Straight Time, all ratings	\$17.27
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Maintenance & Extra Maintenance Rates

Effective October 1, 2012

Rating		Money Purchase Plan
Rigging-Splicer and Sail Maker		
Straight Time	\$33.14	\$25.00
Overtime	\$54.96	
Rigging-Wire Splicer's Helper		
Straight Time	\$30.45	\$25.00
Overtime	\$51.05	
Rigging-General Maintenance Work		
Straight Time	\$29.13	\$25.00
Overtime	\$48.99	
Spray Painting, Sandblasting, Steam Cleaning and Welding		
Straight Time	\$31.68	\$25.00
Overtime	\$52.82	
Storekeeper-General Maintenance		
Straight Time	\$30.74	\$25.00
Overtime	\$51.29	
Bosun		
Straight Time	\$35.46	\$25.00
Overtime	\$58.13	
Bosun's Mate or Leaderman		
Straight Time	\$33.15	\$25.00
Overtime	\$54.96	
Carpenter		
Straight Time	\$32.43	\$25.00
Overtime	\$54.06	
Spraying, Sandblasting enclosed spaces additional per hour		
	\$1.65	

EXTRA MAINTENANCE CREW PERSONNEL AGREEMENT

Bosun		
Straight Time	\$35.41	\$25.00
Overtime	\$58.13	
A.B. (Rigging-General Maintenance Work)		
Straight Time	\$29.08	\$25.00
Overtime	\$48.99	

Patriot Contract Services

Effective October 1, 2012

USNS Waters

Rating	Base Wages		Supp. Benefit Daily	Hourly OT Rate	Money Purchase Pension Plan Daily
	Monthly	Daily			
Bosun	\$4,392.15	\$146.40	\$37.06	\$27.39	\$11.03
A.B.	\$3,347.17	\$111.57	\$28.24	\$21.13	\$11.03
O.S.	\$2,561.57	\$85.38	\$21.62	\$16.39	\$11.03

SUP Officers' Wages

In accordance with Article XV, Section 3, of the SUP Constitution: "Every time the new wage scale is printed in the *West Coast Sailors* showing the seagoing [dry cargo-offshore] members and standby gang wage scale, the benefits and wage scale of the Union officials shall be printed right along with, and in the same issue, of the *West Coast Sailors*."

Weekly Wages for SUP officers effective October 1, 2011:

President/Secretary-Treasurer	\$1,654.14
Vice President/Assistant Secretary-Treasurer	\$1,380.77
Branch Agent	\$1,380.77
Business Agent	\$1,356.04

Benefits: Medical and dental coverage (SUP Welfare Plan); four weeks vacation per year, participation in the SIU-Pacific District Pension Plan and a \$100 per week auto allowance. SUP officials are participants in the SUP 401(k) Plan. No contributions are made for SUP officials to the SUP Money Purchase Pension Plan.

E-mail Mailers and Cell Phone Sailors

The technology changed since I started
as an Ordinary going to sea
It's changed the Brotherhood of the SUP
Now the messroom's empty and the coffee room too
Where are the sailors and what do they do

There's a line by the computer to check their mail
If nobody's there, oh how do they whine
It's almost as bad as no overtime
There's no mail bag on the ship anymore
Cause nobody writes letters to shore
We're E-mail senders and cell phone geeks

When you get to a berth, no phone booths in sight
There's no need now to walk to a phone
Just reach in your pocket and pull out your own
Technology has changed a sailor going to sea
Technology has torpedoed the "Old SUP".

Tom Larkin AB, M.V. Maunawili

**SUPPORT THE
SUP POLITICAL FUND
AND
VOTE NO ON PROP. 32**

"Republicans can hear the whispers of
business, but not the yells and screams of
working people."

President Harry S. Truman



SUP President's Report

September 10, 2012

SUP ELECTION: NOMINATIONS

In accordance with Article XII of the SUP Constitution, nomination of regular officers of the Sailors' Union of the Pacific for the 2013-2016 term shall commence at today's Headquarters' meeting and conclude at next week's Branch meetings. Written notice of this fact was published in last month's *West Coast Sailors* and posted at all Union halls.

Any eligible member may place his or her own name in nomination for any regular office or may be nominated by another member. Nominations may be made either in person or by mail; however, any nomination made by mail must be received at the Branch or Headquarters at least one day prior to the meeting at which nominations will be received.

The following are the regular offices of the Sailors' Union of the Pacific:

- President/Secretary-Treasurer
 - Vice President/Assistant Secretary-Treasurer
 - Seattle Branch Agent
 - Wilmington Branch Agent
 - Honolulu Branch Agent
 - San Francisco Business Agent
 - Trustees of the SUP Building Corporation (5)
- It should be noted that delegates to the 2017 SIUNA Convention will be elected in 2016.

All nominees shall be notified by mail of their nomination. A list of names and nominees for each office shall be conspicuously posted in each Union hall and will be published in the September issue of the *West Coast Sailors*.

A Committee on Candidates will be elected at today's Headquarters' meeting and will meet after today's meeting, and again on Tuesday, September 18, to review the list of nominees and mail notification of their nomination.

All nominees who desire to become candidates for and hold any regular office shall have the following qualifications:

- He or she is a member in good standing at the time of nomination.
- He or she achieved "B" seniority as defined in the SUP Shipping Rules; and

- He or she is not disqualified by law. A member shall not be eligible to be a candidate for and hold any regular office if within the past five years he/she has been convicted of, or served any part of a prison term resulting from conviction of robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, assault which inflicts grievous bodily injury, or violation of Title II or III of the Landrum-Griffin Act, or conspiracy to commit any such crimes.

All nominees who desire to become candidates shall have the necessary qualifications and acceptance of the nomination in the office of the Committee on Candidates at Headquarters prior to midnight, Sunday, October 14, 2012.

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.

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

The election itself shall be conducted by secret mail ballot from December 1, 2012, through January 31, 2013. In addition to the election of officers, the bal-

lot will include a referendum on two proposals to amend the SUP Constitution and one proposal to amend the SUP Shipping Rules.

[At this point in the meeting, Chairman Worth called for nominations.]

PATRIOT CONTRACT SERVICES

On August 22, the SUP was notified by Patriot that the Military Sealift Command (MSC) was conducting a "turbo" activation of the Large, Medium-Speed, Roll-On/Roll-Off (LMSR) vessels *USNS Gilliland* and *USNS Shughart*. Turbo activation is a no-notice exercise that measures the activation time and personnel and material readiness of selected MSC vessels.

The *Gilliland* which is homeported in Baltimore and the *Shughart* in Violet, Louisiana, needed full crews within 24 hours to comply with the provisions of the activation. Spearheaded and organized by Vice President Dave Connolly and ably assisted by Seattle Branch Agent Vince O'Halloran, Wilmington Branch Agent Mark Hurley, Honolulu Branch Agent Mike Dirksen and Headquarters Dispatcher Knud Anderson, the five ABs and two Ordinaries for each vessel were dispatched and enroute within a day: not an easy task.

On August 24, the SUP was again tested when the Union was notified that the LMSR *USNS Yano*, berthed in Violet, was to be activated the following day to avoid Hurricane Isaac. All ports again worked cooperatively to fill the necessary billets.

If that wasn't enough, the Maritime Administration notified Patriot that the Ready Reserve Force vessel *Cape Orlando* was to take a full crew for sea trials on August 24. Members registered at Headquarters stepped up to the plate and filled the five AB jobs.

All vessels made their respective short trips without incident and are back in Reduced Operating Status.

A tip of the Stetson to the members and officials that made these activations a success.

Effective October 1, there shall be a 2% increase in Total Labor Cost (TLC) -wages, overtime, Supplemental Benefits, SUP Money Purchase Pension Plan, etc.- for those employed aboard the Military Sealift Command's Special Mission ship *USNS Waters* and the Maritime Propositioning Force vessel *USNS 1st Lt. Harry L. Martin*.

Wages, rates, etc. for the *Waters* will be published in the September *West Coast Sailors* and the *Martin* in October.

APL MARINE SERVICES

In accordance with the 2005-2015 collective bargaining agreement between the SUP, MFOW, SIU-Marine Cooks, and APL Marine Services, Ltd., a 3% increase in wages and wage-related items (overtime, supplemental benefits, etc.) becomes effective October 1. This agreement and the wage increase covers the nine company vessels enrolled in the Maritime Security Program (MSP) - *President Adams*, *APL Agate*, *APL China*, *APL Cyrine*, *APL Korea*, *APL Pearl*, *APL Philippines*, *APL Singapore* and *APL Thailand*. It should be noted that the *APL Coral* will replace the *President Adams* in MSP in mid-October. Those employed under the Maintenance Agreements shall receive a 3% increase.

Recommend that the wage increase be applied to wages and wage-related items. New wage rates, etc. will be published in the September *West Coast Sailors*.

Also effective October 1, all APL contributions to the SUP Welfare Plan shall be increased by the percentage increase of the Medical Care Services component of the Consumer Price Index (United States City Average for Urban Wage Earners and Clerical Workers) during the previous 12-month period for which such index has been calculated by the Bureau of Labor Statistics.

BUNKER TAX LEGISLATION

As reported in April and May, legislation (S.1243) drafted by California State Senator Alan Lowenthal (D-Long Beach) would remove the sunset date for the ex-

isting partial Sales and Use Tax exemption on the purchase of marine fuels (bunkers) which is set to expire on December 31, 2013.

The tax, if reimposed, would have an adverse on Foss Maritime Company and SUP members employed in the company's bunkering operation on San Francisco Bay.

The bill overwhelmingly passed both houses of the legislature and is now on the desk of Governor Jerry Brown who has until the end of the month to either approve or veto the bill.

On August 20, sent the following letter to Governor Brown:

"On behalf of the membership of the Sailors' Union of the Pacific (SUP), I write in support of SB 1243 (Lowenthal), which will extend the sunset date for the existing partial Sales Use Tax (SUT) exemption on the purchase of marine fuels in California that is consumed out-of-state. This exemption is scheduled to expire on December 31, 2013, and unless this sunset date is extended, California will experience the third collapse of the marine fuel industry in the last 20 years. This tax increase would result in the loss of the jobs, associated business, and tax receipts this industry provides. Members of the SUP are employed in the marine fuels industry on San Francisco Bay.

The partial exemption was allowed to expire in 1993 and 2003. Following both of these lapses, the state experienced a drop of about 60 percent of marine fuel sales before the exemption was signed back into law. This devastated the industry and led to the closing of businesses and loss of jobs. Each time the Legislature and Governor responded by immediately reinstating the partial exemption, which allowed for a slow but painful recovery. Unfortunately with each lapse, some market share was lost to competing fueling ports in other states and nations. Had the partial exemption not been quickly renewed each time, the industry and associated infrastructure would have been nearly driven out of the state entirely, **leading to a drop in sales that would be closer to 90 percent and a loss of thousands of jobs.**

Ships that purchase marine fuels have the ability to shop for that product from many ports located around the world. Being a highly competitive market, and with fuel costs comprising over 60 percent of a ship's variable operating costs, the imposition of the full SUT on fuel sales would price California out of this market. All other competing ports throughout the US and in other nations do not tax but rather exempt the sale of fuel used in international commerce. **Without this partial exemption, there will be virtually no fuel sales to tax!**

The non-partisan Legislative Analyst Office (LAO) studied and reported in depth on this exemption twice: once in 2001 and again in 2007. The LAO came to the following conclusions:

- The partial SUT exemption for bunker fuel is still an appropriate tax policy.

- The revocation of the SUT exemption on bunker fuel during 2003 and 2004 produced impacts similar to those that occurred during the early 1990s. **If anything, because of recent increases in fuel prices, revoking the SUT exemption now would likely have an even larger adverse impact than it did previously.**

- **On this tax policy basis, LAO recommended that the Legislature remove the existing sunset for the current partial SUT exemption for bunker fuel sales, and make the exemption permanent.**

The Sailors' Union of the Pacific, again, urges your signature on SB 1243."

Sincerely,

GUNNAR LUNDEBERG

President/Secretary-Treasurer

Editor's Note: On September 11, Governor Brown signed Senator Lowenthal's bill which extends the current partial sales tax exemption on marine fuels and lubricants purchased in California. With the signing of this bill, the exemption will remain in place until January 1, 2024.

continued on next page

President's Report continued

SAN FRANCISCO BAR PILOTS

As reported in February, SUP member Mike Sposeto was terminated from his job as Chief Operator of the *P/V California* for allegedly failing to report a mechanical problem in the vessel. The Union met on several occasions with Captain Bruce Horton, Bar Pilots Port Agent, to resolve the issue. However, Captain Horton was adamant in his refusal to reinstate Brother Sposeto.

In the face of total intransigence by the Pilots, the SUP determined that this unjust and capricious firing could not stand. Therefore, the Union decided to pursue the grievance via the arbitration process stipulated in the collective bargaining agreement.

The case was heard before Arbitrator John F. Wormuth on June 12, and 14. The Union was ably represented by Peter Saltzman of the law firm of Leonard Carter. In addition to Brother Sposeto, Mr. Saltzman called several SUP members employed by the Pilots as well as Vice President Connolly and your secretary to testify in Brother Sposeto's behalf. Four Bar Pilots also submitted letter for the record in support of Brother Sposeto requesting that he be reinstated.

The Pilots were represented by R. Scott Erlewine of the law firm of Phillips, Erlewine and Given.

It should be noted that arbitration is a slow and uncertain process and one that the Sailors' Union has avoided, if possible, throughout its history.

The arbitrator's decision, which vindicated Brother Sposeto and validated the Union's position, was made on September 4.

Arbitrator Wormuth ruled that "The Bar Pilots did not have just cause to terminate" Brother Sposeto and ordered the Pilots to immediately reinstate Sposeto to his position as a Station Boat Operator and to make him whole for all lost rights and benefits and for all lost income, plus interest, less unemployment insurance benefits and less other earned income, if any. The Arbitrator retains jurisdiction over any dispute that may arise out of the implementation of the remedy.

SUP OFFICERS' WAGES

Article XV, Section 1(a) of the SUP Constitution states: "**The salaries and supplemental pay [of Union officers] shall be adjusted automatically on the same percentage basis whenever the membership has a percentage adjustment in wage and vacation pay for the offshore agreements.**"

On July 1, members working aboard Matson's liner vessels and those employed under the SUP/Matson Maintenance and Extra Maintenance Agreements received a 3.5% increase in wages and wage-related items. As reported, effective October 1, members employed aboard APL Marine Service's nine vessels enrolled in the Maritime Security Program (MSP) and those working under the Maintenance and Extra Maintenance Agreements will receive a 3% increase in wages and wage-related items.

Therefore, by blending the two rates, recommend, consistent with the Constitution, that officers of the Union receive a 3.25% increase in wages and vacation pay effective October 1.

COLUMBUS DAY

All SUP halls will be closed for Columbus Day, Monday, October 8, a holiday under all SUP agreements. Due to the holiday, the Headquarters membership meeting will be on Tuesday, October 9.

ACTION TAKEN

Election of Committee on Candidates: Nominated and elected were: Mike Duvall (alternate), Diane Ferrari, Dave Frizzi, John Linderman, Randy Runyan and Arthur Thanash.

M/S to concur with the APL wage increase. Carried unanimously.

M/S to concur with officers's pay increase. Carried unanimously.

M/S to concur with the President's report in its entirety. Carried unanimously.

Gunnar Lundeberg



AB Leznek Jeziorski and AB Victor Noble greasing the lifeboat winch APL Singapore in Oakland on August 31. Photo Dave Connolly

Vice President's Report

September 2012

USNS Shughart: Jesse Williams, delegate. Late on August 22, SUP Headquarters received word that this ship and the **Gilliland** would immediately commence the kind of no-notice hurry-up activation that is designed to put severe strain on our trained pool of mariners testing the ability of the Union to live up to its contractual obligations. The next day they added sea trials for the *Cape Orlando* and then the cooked up emergency was shortly followed by a real emergency: hurricane sortie for the *Yano* downriver from New Orleans. It was an elaborate choreography of precision and speed as the SUP came together to progressively fill the billets whose each open status became more urgent as the hours went by. It culminated in the *Yano* jobs, shipped in just a few hours on Friday afternoon. SUP sailors responded to the call with vigor and determination. They cancelled their appointments and plans, said goodbye to their families, and renounced for the call of duty all the benefits of vacations hard earned by many months at sea. Enroute they blithely overcame the lousy airport connections and the damnable wait for the shuttle arriving at the ship just hours before it was time to turn to on deck. As the heat rose with the sun they stood listening as the bosun laid out the work, understanding that even today withstanding deprivation and hardship with poise is elemental to seamanship. To all those that doubt us and think we are history, witness this crew and the others who turned to in the *Gilliland*, *Yano* and *Orlando* that weekend before Labor Day. Know that our independent hiring hall system works, and know that despite our freedom to work or not to work as we please, we own this work today the same as we have for centuries.

USNS Gilliland: Randy Fogle, delegate. An all Seattle gang took the deck in Baltimore and completed sea trials with flawless execution. Visited the ship in Baltimore after activation and found her in good shape. Jim Bailey is the bosun.

USNS Gordon: Andy Facundo, delegate. Like the Gilliland, this ship in outstanding condition due to the continuous maintenance of the ROS crew. Not propaganda: when sailors bust out the work to produce a ship that is recognized at a level of superior readiness then for the SUP that is called victory. AJ Cafarelli, bosun.

USNS Yano: Saul Townsend, delegate. This last LMSR activation was to get the ship underway to evade Hurricane Isaac but nevertheless happened at the same time as the *Shughart* and *Gilliland*. SUP Branch Agents O'Halloran, Dirksen, and Hurley deserve enormous credit for working together to get qualified sailors in the air and joining in less than 24 hours. On the return the ship lost steering and anchored safely in the river. Steering restored the crew worked through the night to finish the tie-up and securing of the ship departing for the airport soon after.

Cape Orlando: Joel Schor, delegate. Sailors registered at SUP Headquarters answered the call on Friday August 24th to immediately crew up this ship in Alameda for sea trials. Unlike the LMSR's the workweek remains 40 hours M-F in FOS for the United States Ready Reserve Force. Voyage without incident and a clean payoff. In good shape with Mike Worth as the Bosun.

Maunawili: Rich Reed, delegate. Text from the delegate in Guam indicates crew and P&R gang turned to for a full-blown USCG COI in Honolulu banging out a large fire and boat drill complete with station bill interrogations without a hitch. Kudos.

Manoa: Teo Rojas, delegate. Signing standing orders not required. Parts of said orders disputed with the Company. Carpenter's work still applies although there is no carpenter on the ship. Jurisdiction for that work is the entire ship. In good shape with Bosun Don Bohle.

Lurline: John Linderman, delegate. STCW rest hours discussion with the gang and then with the C/M and delegate. Ventilation issue under control with filters in vents. Time starts at gang turn to for the watch on deck when tying up and letting go as per intent of Section 11(o) of the SUP Work Rules.

Mokihana: Joe Moniz, delegate. Back to normal in Oakland. Keeping a weather eye on Matson's use of vendors. All secure with Bosun Vern Johansen.

APL Agate: Peter Leo, delegate. Extra bottled water loaded while potable water contamination investigated. Gangway rigging safety still under Company review. Despite the opposite in allotments, no direct deposit available on payoff. Two different systems and under Union review.

APL Pearl: Morris Thibodeaux, delegate. Mark Hurley handled various issues on storing and elevator use among other things. Gunnar Lundeberg pressed management to allow the continuation of the SUP coffee room and to fix the rusty water problem and collected pre-boarding briefing time. New ships always take time to get up to our standards.

APL Philippines: Joe Wolff, delegate. In at Oakland with few problems. Time back is taken at mutually agreeable ports. In good shape with Dave Sylstra as bosun.

APL Thailand: Billy Sullivan, delegate. After the Union insisted on an Oakland exterminator, and objected to the lame response that there was no approved vendor for Oakland, the Asian voyage revealed that the bedbugs persisted at sea. Another room sealed off. Exterminators came aboard in Pusan and again in L.A. All new mattresses and pillows delivered.

APL Coral: Roger Berioso, delegate. Aborted sailing due to fog in Savannah with tie-up at a different berth does not qualify for weekend shift minimum but same time paid.

APL Korea: Gabriel McDonald, Jr., delegate. In at Oakland with no problems. Jon Rose is the bosun. Clarification on co-pays and coverage.

Moku Pahu: Cory Edgil, delegate. Arrived at Matson Howard Street Terminal, shifted to Crockett to offload sugar and then to Stockton to backload coal. Clarification on cargo rates and 1500 knock off.

continued on page 12

SUP Branch Reports

Seattle

August 20, 2012

Shipped 4 Boatswain jobs filled by 2 A's and 2 B's; 7 Able Seaman jobs filled with 3 A-cards and 3 B-card; and 3 standby jobs filled by 3 A's.

Registered 9 A cards for a total of 21; 5 B cards for a total of 20; and 2 C cards for a total of 9.

Ships Checked

Matson vessels *MV Manoa* and *SS Maui* called twice in Seattle with little or no problems. The *President Polk*, *APL Japan* and *APL Coral* called for SUP/MFU crew members.

I represented the SUP at the following meetings: the Seattle Central Waterfront Stakeholders meeting; the King County Labor Council E-Board and Delegates meeting; the Puget Sound Harbor Safety Committee meeting; and a meeting with both City and County Council Members on the proposed NBA Arena location.

The SUP/MFU attended a meeting with Stevedoring Services of America, the Washington State Labor Council and the IBU, ILWU. IAM and Washington State Building Trades on the Gateway Pacific Terminal. Although coal will be a primary commodity from site this state of the art terminal also will handle grain and other agricultural products. It was not in the too distant past that APL was hauling grain to India out of Washington State harbors.

Vince O'Halloran
Branch Agent

Wilmington

August 20, 2012

Shipped during the period: 3 Bosuns, 9 ABs, 9 AB maints., 1 STOS, 1 OS and 38 standbys. Total jobs shipped: 61.

Registration: 33 A cards, 24 B cards, 8 C cards and 11 D cards.

Ships Checked

APL Singapore, *R.J. Pfeiffer*, *SS Lane Victory* (good feeder), *Matsonia*, *Manukai* (time back issue resolved), *APL Korea*, *Mokihana*, *Manulani*, *APL Thailand*, *Matsonia*, *APL China*, *Maunawili*, and *Mokihana*.

Attending Harbor Labor Coalition Labor Day Parade meetings number eight and 10. The 33rd annual parade will be on September 3. Hopefully we get a good turnout. Attended a Los Angeles County Federation of Labor strike sanction meetings —IBU vs. Westoil Marine Services. They may strike Matson's Terminal.

Headquarters Patrolman, Bill Berger, is on the mend. Should be back to work in September.

Remember to register to vote and Vote NO on Proposition 32.

Mark Hurley
Branch Agent

Honolulu

August 20, 2012

Shipped the following jobs in August: 1 Bosun steady, 2 AB Day return, 1 AB Watch relief, 1 AB Watch return, and 2 AB Watch steady. The shipping jobs were filled by 4 A cards, 2 B cards, and 1 C card. Also shipped 11 standby jobs for the month of August. The standby jobs were filled by 3 A cards, 3 B cards, and 5 C cards.

Registered in August: 5 A cards; 2 B cards; 2 C cards; 2 D cards. To date totaled registered: 12 A cards; 7 B cards; 6 C cards; 4 D cards.

Ships Checked

The *Manukai*, *Maunawili*, *Maunalei*, *Manulani*, *R.J. Pfeiffer*, *Manoa*, *Maui*, *Mokihana*, *Matsonia*, *Lurline*, and the Paint and Rigging gang. All running with few or no problems.

I represented the SUP at the Hawai'i AFL-CIO Executive board meeting, where Tulsi Gabbard was in endorsed by the Hawai'i AFL-CIO for U.S. Representative District 2, the Hawai'i Port Council, and a luncheon held by the Hawai'i Venture Capital Association (HVCA). This luncheon was all about the Jones Act and as you can tell by the association's name it was mostly anti Jones Act people there. The Hawai'i Port Council reserved a table there and we had at least 10 pro-Jones act people there, out of 50 plus people. But we also had a Colleen Hanabusa (U.S. Representative District 1) there to stand up for us and the Jones Act. She went toe to toe with the anti Jones Act people, to the point of where she was standing up and yelling at the anti Jones Act people of how much the Jones Act has done for the state of Hawai'i and the American people. If you only get one thing out of this report, I want it to be of how Colleen Hanabusa

stood up for us and has our backs and be sure to vote for her, in this election and any other elections she is in. Mahalo,

Michael Dirksen, Branch Agent

Dispatcher's Report

Headquarters—Aug. 2012

Deck	
Bosun	3
Carpenter	0
MM	6
AB	15
OS	2
Standby	35
Total Deck Jobs Shipped	61
Total Deck B, C, D Shipped	22
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. ...	61
Total B, C, D Shipped-All Depts. .	22
Total Registered "A"	27
Total Registered "B"	21
Total Registered "C"	21
Total Registered "D"	49

SUP members join pension ranks

The following SUP members joined the rank of pensioner, bringing the total number of SUP members to 430:

Albert T. Laurel, 70, Book No. 4109, joined SUP in 1989, 7 years seetime.

Robert Vandermeij, 65, Book No. 865, joined SUP in 2001, 10 years seetime.

Roger Vreeland, 65, Book No. 575, joined SUP in 1983, 27 years seetime.

VP Report

continued from page 11

USAV Worthy: Dearl Scarboro, delegate. Called for crew from Honolulu to fly to Kwajalein for an activation of 30 to 60 days or longer. This unique contract which was organized by SUP Headquarters more than eight years ago continues to provide work for our members, particularly those registered in Honolulu.

Mississippi Voyager: Brian Dixon, delegate. In at Richmond Long Wharf before heading back to El Segundo. SUP tankermen counting professional stamina among their skills as the already fast pace of coastwise tanking is stepped up with the shorter voyages and faster turn-arounds necessary to support Richmond refinery with feedstock while the crude unit is down due to fire. Michaela Carnes doing a great job as steward.

Florida Voyager: Mike Fox, bosun. In at Richmond before short yard period in Portland. Then back to El Segundo. In good shape with riding gang regular Danilo Perez busting out the work.

Dave Connolly

SUP MEMBERS

Is your current address on file at Headquarters? **If not, mail, fax or email it to: Sailors' Union of the Pacific**
450 Harrison St.
San Francisco, CA 94105
Fax: 415 777-5088
email: editor_wcs@msn.com

Ballots for the 2012-2013 SUP election will **not** be mailed to the Union halls.

Anti-Union tactics have to go at Hawai'i hotel

The 9th Circuit chastised the parent company of a Honolulu hotel on September 6, for a decade of Union-busting and defiance of federal labor laws.

The federal appeals court affirmed a 2011 injunction from the National Labor Relations Board against HTH Corp. It forces HTH to bargain in good faith with the Union that represents its workers at Pacific Beach Hotel; to rehire Union representatives that were fired without cause; and to "rescind all unilateral changes to conditions of employment."

This is the second time the Honolulu-based federal appeals panel has upheld such an injunction against HTH. In 2010, the panel affirmed an injunction based on similar charges. Despite the prior injunction, "HTH repeated the very actions that had been enjoined that year, prompting yet another round of litigation before the board," the ruling states.

The International Longshore and Warehouse Union, Local 142, and the NLRB had found that HTH consistently defied labor laws and worked against the Union since 2002. Local 142 alleged that the company had "withdrawn recognition of the Union without just cause, unilaterally changed the terms and conditions of employment, threatened and terminated hotel employees who were active with the Union, and failed to release to the Union information necessary for collective bargaining."

HTH countered that its "demands reflected hard bargaining, not bad faith," and argued that the Union had lost majority support. Nonetheless, the NLRB ruled in 2011 that HTH had, between 2005 and 2008, illegally failed to bargain in good faith; improperly altered work loads and employment conditions without consulting the Union; wrongfully fired Union organizers for nonexistent or minor offenses; and attempted to sway employees away from organizing.

A three-judge panel unanimously agreed to enforce the NLRB judgment, deny HTH's challenge, and affirm the District Court injunction. "Our rulings likely come as no surprise to the parties," Judge Mary Schroeder wrote for the court. "Two themes repeat themselves in the decade-long history of this dispute. The first is HTH's defiance of the Labor Act and its employees' statutory rights. The second is HTH's consistent losses before the agency and the courts. A skeptical adjudicator might question whether HTH has ever taken seriously its obligations under the law. We hope that we do not need to consider that question again."



SUP and MFOW members readying themselves for the Labor Day Parade Solidarity March on September 3, in Wilmington.