




West Coast Sailors

Official Organ of the Sailors' Union of the Pacific

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Friday, March 25, 2011

Sailors' Union's 126th Anniversary

The Sailors' Union of the Pacific this month observed the 126th anniversary of its founding, March 6, 1885, on the old Folsom Street Wharf in San Francisco.

In that era, organizing a Union was a bold move as there were no laws on the books that addressed collective bargaining rights for workers. That would not occur until the passage of the National Labor Relations Act in 1935.



ANDREW FURUSETH

For sailors, there were no rights. Under federal law they were serfs at the beck and call of the shipowner, the crimp, bucko masters and mates. Recognition, respect and improved conditions did not come easy. Men bled and some died for it.

With a militant membership and the tenacious leadership of Andrew Furuseth (March 5, 1854) and Harry Lundeberg (March 25, 1901), tremendous obstacles were overcome and the Sailors' Union developed an enduring legacy of strength and integrity.

In addition to the anniversary of the organization of the Union and the birthdays of former secretaries Furuseth and Lundeberg, March is also the 96th anniversary of the Seamen's Act which was signed into law by President Woodrow Wilson on March 4, 1915, after a 20-year struggle by Furuseth to free seamen from indentured servitude.

The SUP is the oldest Union of seafarers in the world in continuous existence.



HARRY LUNDEBERG

April 4 Nationwide Day of Action and Solidarity

In the wake of Union-busting assaults on worker's rights to bargain collectively, the AFL-CIO, state labor federations and local labor councils have mobilized for a day of action and solidarity across the United States on Monday, April 4.

The date was selected because on April 4, 1968, Martin Luther King, Jr. was assassinated in Memphis, Tennessee, where he had gone to stand with striking sanitation workers demanding their dream: The right to bargain collectively for a voice at work and a better life.

This April 4, Unions, civil rights activists, students and other progressive allies will host a range of community actions.

SUP members and their families are urged to join in solidarity with working people in Wis-

consin, Ohio, Indiana and dozens of other states where well-funded, right-wing corporate politicians are trying to eliminate workers' rights.

Actions where the Sailors' Union does its primary business are as follows:

Seattle

Meet at Martin Luther King, Jr. Park from 5:30-7:00 P.M., 2200 Martin Luther King, Jr. Way.

San Francisco

Rally and march starting at 3:00 P.M. in Union Square then march to Justin Herman Plaza on the Embarcadero.

Oakland

Meet at 11:45 A.M. at Frank Ogawa Plaza.

Los Angeles

Solidarity action at 5:00 P.M. at the AME Church, 2270 South Harvard Boulevard.



Honolulu

Stand in solidarity at 4:30 P.M. at the State Capitol Rotunda.

If members on the beach in other parts of the country want to find out where and when April 4 solidarity actions will take place, contact the local labor council.

Maritime Unions respond to USCG on piracy

In January, the Coast Guard issued a docket (USCG-2011-0012) that was published in the *Federal Register*, requesting input from the public, industry and labor to deter-

mine if the current authorization in the United States Code provides an adequate framework for standard rules, regarding resistance of pirates, in the use of force for self defense of United States vessels.

The following response was submitted on February 25, by the SUP, MM&P, MEBA, MFOW, SIU-AGLIWD/NMU and AMO:

The Sailors' Union of the Pacific (SUP), the International Organization of Masters, Mates, and Pilots (MMP), the Marine Engineers' Beneficial Association (MEBA), the American Maritime Officers (AMO), the Seafarers International Union (SIU), and the Marine Firemen's Union (MFOW) represent substantially all the officers and crew of United States flagged merchant ships engaged in international trades. Our members serve on U.S. ships operating off the coast of Soma-

lia and areas of the Indian Ocean subject to the scourge of piracy and are exposed to the risks of being held hostage under appalling conditions, with threats of bodily injury or death at the hands of pirates. In 2009, the *Maersk Alabama*, manned by our members, was attacked off the Somalia coast and the ship's master was held hostage under threat of death until rescued by the U.S. Navy using deadly force. Shortly after the *Maersk Alabama* incident the U.S. flagged *Liberty Sun*, also manned by our members, was attacked with the stated intention of destroying the ship and its crew in retaliation for the action taken against the pirates in the *Maersk Alabama* incident. Because of the continuing risk that piracy poses for our members and our paramount concern for their safety, we welcome this opportunity to comment on establishing a USCG policy re-

garding standard rules for the use of force for self-defense of vessels of the United States.

Overview

Any consideration of standard rules for the use of force for self defense of vessels has to take into account the ongoing situation off the coast of Somalia and the Indian Ocean, as well as U.S. statutes regarding the rights of U.S. merchant ships to oppose and defend against attempted acts of piracy¹, the intent of Congress in enacting new legislation limiting liability for the consequences of the use of force against acts of piracy², and statutory and common law rights to self defense. The number of ships attacked, the number of ships captured and the number of crew members held hostage continues to increase. The amount of ransom payments is increasing along with the length of time crew members are held hostage. The level of violence

is escalating with pirates torturing crew members and killing them in cold blood. The impact of ransom payments is having an effect on the economy of Somalia that is institutionalizing piracy as a way of life. The impact on the global economy of piracy in the area is estimated at \$7 to \$12 billion per year and the threat to ships and crews is placing the viability of the trade route from Asia to Europe via the Suez Canal in jeopardy. Apart from our concern over the safety of ships and crews there is a significant threat to the global economy, and a threat of piracy financing international terrorism.

The present strategy employed by naval forces and the current Best Management Practices (BMP) employed by merchant ships can be improved to reduce the escalating threat of piracy to ships' crews and the global economy, or to reducing

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SUP Honor Roll

Voluntary contributions from the membership to the following funds:

Organization/ General Fund

Donald Cushing 100.00
Phil Howell in lieu of dues
increase 100.00
Joseph McShane 200.00

Political Fund

Dave Connolly 200.00
Jennifer Corner 50.00
Donald Cushing 50.00
Michael Dirksen 50.00
David Fadoul 100.00
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West Coast Sailors

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Dues-Paying Pensioners

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Donald Cushing	Book #4777
Romaine Dudley	Book #2593
Alexander Earle	Book #1885
Duane Hewitt	Book #5748
Knud Jensen	Book #3940
John Jewett	Book #4291
Kaj E. Kristensen	Book #3120
Eli Lalich	Book #4062
Stanley Lane	Book #4106
James K. Larsen	Book #4055
Volkert Lories	Book #4097
Duane Nash	Book #2437
John Perez	Book #3810
Alex Romo	Book #3193
Francisco Salvatierra	Book #7498
James Savage	Book #7488
Ralph Senter	Book #7323

Mississippi Voyager



Part of the SUP crew in the *Mississippi Voyager* takes a break from tank cleaning in the shipyard to stand on the boat deck with San Francisco in the background on March 11. From the left: AB Cliff Matican, AB Dave Purganan, OS Antonio Campos, and AB and delegate Brian Waymire. Photo Dave Connolly.

China eclipses U.S. in goods production

Two recent items on the economy struck home in the past month. One, the United States no longer is the world's major goods producer. The nation has now been eclipsed by China which ended the United States' 110-year run as the largest goods producer.

The response by the U.S. Council on Competitiveness to this little-reported shift is as wrongheaded as it is dangerous. Said Deborah Wince-Smith, chief executive of the business lobby: "This shows the need for the U.S. to compete in the future not on the basis of commodity manufacturing but on innovation and new kinds of services that are driven by production industries."

Actually, it doesn't work that way. Manufacturing goods leads to research and development—R&D doesn't happen in a vacuum. That's one big reason manufacturing is still so important in a 21st century economy.

Meanwhile, former House Speaker and President-wannabe Newt Gingrich said last week that the North American Free Trade Agreement (NAFTA) worked because it created jobs—in Mexico and Canada.

And these people are supposedly representing the interests of the United States?

MarAd issues advisory for U.S.-flag vessels transiting Japanese waters

The Maritime Administration has advised U.S.-flag ships transiting to or from ports in Japan and in the vicinity of the northeast coast of Honshu Island to stay beyond 50 miles of the Fukushima Nuclear Power Plant, which was damaged during the March 11 earthquake and tsunami. The Coast Guard says this recommendation should be considered a minimum distance. It should be noted that Fukushima is approximately 165 miles from Yokohama where SUP-crewed APL vessels call.

In the event a vessel bound for a U.S. port transits within the 50-mile area, the Coast Guard recommends that the master submit transit information, including

the date and total time within the precautionary area, to the relevant Coast guard captain of the port using the comment block on the 96-hour advance notice of arrival.

Attend your Union meetings

SUP Meetings

These are the dates for the regularly scheduled SUP meetings in 2011:

	Hdqs.	Branch
April	11	18
May	9	16
June	Tues. 14	20
July	11	18
August	8	15
September	12	19
October	Tues. 11	17
November	14	21
December	12	19

Timely Reminder
**Second quarter 2011
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' 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.

Final Departures

Robert Oliver, Book No. 2400. Born in Michigan in 1927. Joined SUP in 1950. Died in Charles Town, West Virginia, February 13, 2011. (Pensioner)

Gunnar Kristiansen, Book No. 2970. Born in Denmark in 1924. Joined SUP in 1945. Died in California, February 15, 2011. (Pensioner)

Hubert Souldier, Book No. 7472. Born in Louisiana in 1927. Joined SUP in 1970. Died in Houma, Louisiana, February 10, 2011. (Pensioner)

Thomas Basford, Book No. 5650. Born in California in 1934. Joined SUP in 1956. Died in Healdsburg, California, March 5, 2011. (Pensioner)

Charles Edwards, Book No. 1774. Born in California in 1924. Joined SUP in 1944. Died February 28, 2011. (Pensioner)

Lincoln Lee, Book No. 3472. Born in California in 1916. Joined SUP in 1943. Died in Washington, February 26, 2011. (Pensioner)

Paul Smith, Book No. 6792. Born in Montana in 1926. Joined SUP in 1944. Died in Portland, Oregon, February 8, 2011. (Pensioner)



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What the Triangle Shirtwaist fire means for workers now

By Hilda L. Solis, Secretary of Labor

A century ago, in Lower Manhattan, a young social worker named Frances Perkins was having tea at the Greenwich Village townhouse of her friend, the socialite Margaret Morgan Norrie. They were interrupted by clanging fire truck bells. Then they heard the anguished screams: “Don’t jump!” They raced out of the townhouse and ran toward the commotion: a fire at the Triangle Shirtwaist Factory, just off Washington Square. Flames and black smoke shot from the top floors, and as they watched in shock, young girls and women, some alone, some clutching hands, inched up to the windows’ ledges—and jumped to their deaths.

Perkins would describe the scene in lectures later: “They couldn’t hold on any longer. There was no place to go. The fire was between them and any means of exit. It’s that awful choice people talk of—what kind of choice to make?” She

Loss forecast for Matson for the first quarter of 2011

Alexander & Baldwin, Inc. announced on March 18, that the recent surge in global fuel prices related to the unprecedented unrest in the Middle East and North Africa is negatively impacting Matson Navigation Company’s financial results, and that Matson is expected to post an operating loss for the first quarter of 2011.

Alexander & Baldwin’s real estate and agribusiness segments are performing as expected and continue to have a positive outlook for the year. A&B’s consolidated first quarter 2011 net income is expected to approximate break-even.

“Increased fuel prices are having a disproportionate effect on transportation companies as fuel is an unavoidable and significant component of operating costs. Matson’s ability to employ fuel price adjustment mechanisms to limit the impact of price fluctuations on its first quarter earnings has been outpaced by the steep acceleration in fuel prices,” said Stanley M. Kuriyama, A&B president and chief executive officer. “We expect to recoup a large percentage of fuel cost increases through surcharge mechanisms in 2011; however, an environment of continually escalating fuel costs could impair timely recovery of these costs and further impact financial results.”

“We are carefully monitoring the impact of fuel, as well as the ongoing freight-rate environment in China, where spot-market container rates are relatively soft. We expect to have more clarity on China rates with the commencement of the new annual contract cycle in May and the beginning of the peak season this summer,” Kuriyama continued. “In addition, we are paying close attention to the potential impacts of the recent tragic events in Japan on the Hawai’i and Mainland economies, and how that may affect our business.”

Horizon Lines to pay \$45 million fine for price-fixing

Horizon Lines, Inc. on February 24, confirmed that it has entered into a plea agreement with the Antitrust Division of the United States Department of Justice (DOJ). Under the agreement, which is subject to court approval, Horizon Lines will plead guilty to a charge of violating federal antitrust laws in regards to the Puerto Rico tradelane and pay a fine of \$45 million over five years without interest.

Under terms of the plea agreement, Horizon Lines will plead guilty to a charge of violating Section 1 of the Sherman Anti-Trust Act with respect to the Puerto Rico trades between May 2002 and April 2008. The fine will be payable over a five-year period as follows: \$1 million within 30 days after imposition of the sentence by the court, \$1 million on the first anniversary thereafter, \$3 million on the second anniversary, \$5 million on the third anniversary, \$15 million on the fourth anniversary, and \$20 million on the fifth anniversary.

The plea agreement provides that Horizon Lines will not face additional charges relating to the Puerto Rico tradelane. The DOJ also agreed that the company will not face any charges in connection with the DOJ’s investigation into the Alaska trade, and indicated that the company is not a subject or target of any investigation by the DOJ into the Hawai’i and Guam trades. Additionally, the DOJ has agreed that it will not bring criminal charges against any current director or officer, although this agreement does not extend to the company’s current Chief Executive Officer or to the company’s current Chief Operating Officer.

Horizon Lines has been cooperating

with the DOJ since it became aware of the investigation in April 2008, and has strengthened its corporate compliance and training programs to prevent recurrence of the conduct giving rise to the investigation.

Horizon Lines also entered into a Memorandum of Understanding (MOU) on February 22, 2011, with the Commonwealth of Puerto Rico and attorneys representing indirect purchasers alleging they paid inflated prices for goods imported to Puerto Rico as a result of the alleged price fixing conspiracy. Under the MOU, the company has agreed to pay \$1.8 million in exchange for a full release. The settlement agreement, when negotiated and entered into by the parties, will be subject to court approval.

The company also announced a shake-up of top management. It named Alex Mandi as chairman and Stephen Fraser as interim president and chief executive officer. They replaced Chairman, President and CEO Charles Raymond, who is retiring, Horizon Lines said. In addition, Brian Taylor was named executive vice president and chief operating officer, succeeding John Keenan, who is taking a leave of absence. Taylor will take over the chief operating officer duties in addition to his current position as chief commercial officer. The changes take effect March 11.

Horizon Lines also said it is in talks with some of its lenders to waive a judgment default that will result from its plea agreement and to suspend its debts as it seeks new long-term financing.

Horizon Lines operates 16 U.S.-flag vessels in the Hawai’i, Alaska, Puerto Rico and Far East trades.

added: “I shall never forget the frozen horror that came across as we stood with our hands on our throats watching that horrible sight, knowing that there was no help.”

The sewing factory employed more than 500 people, who worked long hours for low wages, in wretched and unsanitary conditions. They turned out “shirtwaists” — blouses with puffed sleeves and tight bodices popularized by the “Gibson Girl.” The factory owners had locked the fire-escape doors. The seamstresses were trapped when fire raced through the sweatshop just before closing on March 25, 1911.

In less than 20 minutes, 146 people, mostly Italian and Jewish immigrant women and girls, were dead. The last six victims were officially identified just a few weeks ago. Triangle outraged the public and offered a grisly example of how powerless workers were without collective bargaining, because unionized garment workers received better pay and had safer conditions. And it galvanized Frances Perkins.

Twenty-two years later, President Franklin D. Roosevelt appointed her secretary of labor, the first woman to serve as a Cabinet secretary. During her 12-year tenure, she directed the formulation and implementation of the Social Security Act, one of the most important pieces of social legislation in our history. Among other extraordinary accomplishments, she helped create unemployment insurance, the minimum wage, and the legislation that guarantees the right of workers to organize and bargain collectively. She also established the department’s Labor Standards Bureau, a precursor to what is now the Occupational Safety and Health Administration (OSHA). Perkins clearly had the Triangle victims in mind as she weaved the nation’s social safety net.

Now I have the same job she once held, with the responsibility of repairing and strengthening that net. And although our passion for workers’ rights came from different paths (she was the daughter of privilege; I am the daughter of immigrant union members), I understand the impact that moment had on her work. I had my own moment involving a sweatshop. Although it was not as horrifying as that afternoon was for Perkins, it fueled my beliefs. In 1995, 75 Thai immigrants were freed from a so-called factory in the city of El Monte, California, part of the district I represented in the state Senate. They had been forced to eat, sleep and work in a place they called home. Their employer confiscated their passports and kept them like slaves. Threatened with violence to themselves or their families, the workers hunched over sewing machines in dimly lit garages bound by barbed wire, sewing brand-name clothing for less than \$2 an hour. Most of them were women. I met them shortly after they were freed and heard their stories. And at that moment, the unthinkable became real for me. I had assumed that sweatshops were a thing of the past. But they had just spread—from Perkins’s New York City to my Los Angeles, from the Italian and Eastern European immigrants victimized in her day to the Asian and Latino immigrants victimized in mine.

Combating garment sweatshops is, sadly, still on the labor secretary’s agenda. In the past fiscal year, the department’s Wage and Hour division conducted 374 investigations and collected \$2.1 million for 2,215 workers, primarily in the major U.S. garment centers of Southern California and New York. In these cases, vulnerable immigrant workers have been deprived of minimum-wage pay, overtime pay and safe working conditions—all the haunting echoes of Triangle.

We have had many improvements in the past century. Today, we have more tools to pursue violators who deny workers their pay, including issuing subpoenas and preventing companies from shipping goods produced in violation of the law.

In 1911, more than 100 workers were estimated to have died on the job each day. In 2010, 4,340 workers were killed on the job—and more than 3.3 million were seriously injured. Last April 5, in a fiery explosion at the Upper Big Branch Mine in West Virginia, 29 miners died in one day. I was at the mine the next day, while rescue efforts still were underway.

In times of crisis, one often becomes two people. In one sense, I was simply Hilda, the person I’ve always been, there just to be by the family members’ sides as they kept vigil. In another sense, I was Labor Secretary Hilda L. Solis, trying to convey to them the depth of their government’s commitment. In either case, no words can adequately express your emotion and sympathy. A grief that great can be endured only if it is shared—and then acted upon in good time.

Both Triangle and Upper Big Branch became calls to action. New York quickly implemented groundbreaking workplace safety laws and regulations, including fire exits. But nearly one year after Upper Big Branch, the Mine Safety and Health Administration, part of the Labor Department, still needs additional tools that only Congress can provide. And OSHA needs better tools, such as stricter penalties against employers who put their workers’ lives at risk, and stronger protections for whistle-blowers. In both cases, if these workers had a voice—a Union—and the ability to speak up about conditions, these events probably could have been prevented, because unions play an important role in making workplaces safer. In both cases, they had tried to organize and faced virulent opposition.

Today, workers and their allies are being met with that same kind of opposition. In states nationwide, working people are protesting the actions to strip them of collective bargaining. The Triangle fire and the Upper Big Branch explosion a century later make clear to me that workers want and need that voice—about wages and benefits, yes, but about more, too. Collective bargaining still means a seat at the table to discuss issues such as working conditions, workplace safety and workplace innovation, empowering individuals to do the best job they can. And it means dignity and a chance for Americans to earn a better life, whether they work in sewing factories or mines, build tall buildings or care for our neighbors, teach our children, or run into burning buildings when others run out of them.

I’ll be thinking about all of this as I make my way to New York on March 25, for the 100th anniversary of the Triangle factory tragedy. The building is still there; it now houses offices for New York University. Thousands are expected to mark the occasion with a march, speeches, the reading of the victims’ names and the laying of flowers in their honor at the site by schoolchildren. It will be a powerful reminder of what we’ve lived through, and what we still have to do.

History is an extraordinary thing. You can choose to learn from it, or you can choose to repeat it. For me, the choice is clear, as it was for Frances Perkins. We must always be a nation that catches workers before they fall.

Source: *Washington Post*, March 21, 2011

USCG's request for comments on piracy

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the distortions to the Somalia economy that contribute to its continuance as a failed State. But, currently, it appears the rules of engagement adopted by the military command and the shipping industry make piracy a relatively risk free and profitable venture for organized criminal activity operating out of Somalia.

The right to self defense under Port Security Advisory (3-09)

PSA (3-09) is intended to restate the existing law of self defense and to illustrate how self defense principles should be applied to the issue of piracy. PSA (3-09) defines deadly force ("any force that is likely to cause great bodily harm or death") and great bodily harm ("an injury to the body that results in unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty"). PSA (3-09) advises that mariners may only use deadly force when the mariner has a reasonable belief that the aggressor poses an imminent danger of causing great bodily harm to themselves or others. Because this advisement on the use of deadly force actually allows less force to be used than American common law and the statutory law of most states, the Coast Guard should develop standard rules for the use of force for self-defense of vessels of the United States when on the high seas that permit the use of deadly force by any means, including armed resistance, when the master, mariner, embarked personnel including security personnel, or individuals who use force, or authorizes the use of force, reasonably believes the vessel or a mariner is being subjected to an "act of piracy" as defined in 46 USC §8107 (c)³.

The Use of Deadly Force Permitted by PSA (3-09) Is not as Extensive as the Use of Deadly Force Permitted at Common Law

Congress recognizes the danger mariners face from pirates on the high seas; nearly 200 years ago, Congress authorized U.S. merchant ships and crews to use force to resist aggression by pirates against their vessels. Despite this recognition, the United States Coast Guard has advised mariners in PSA (3-09) that their right to use deadly force in self defense is not as extensive as the right to use deadly force under common law in most U.S. jurisdictions. Because U.S. ships and mariners need greater, not lesser, self defense rights at sea, the Coast Guard should establish rules that authorize deadly force in defense of the vessel as intended by Congress in 33 USC §383.

Since the general introduction of firearms, the common law has recognized that one is not "required to retreat when he is assailed in a place where he has a right to be."⁴ Likewise, one may defend his domicile or his property to the extent of taking life, when necessary in defense of his property.⁵ Although any American would be justified in using deadly force to protect his home or property, PSA (3-09) advises that only non-deadly force should be used in defense of the vessel or in defense of property the master and crew are authorized to protect. Of course, it is impossible for a mariner to retreat from attack when he is at sea. At the same time, the vessel is the mariner's domicile and contains all the property with which the mariner travels. The Master is charged with the protection of both the vessel and a ship's cargo—often valuable military and humanitarian aid owned by the U.S. government. Faced with these realities, mariners or embarked security forces must be able to use deadly force in defense of the vessel; if pirates are permitted to board a vessel with only non-lethal resistance because the pirates were not actively threatening the crew with imminent death or great bodily harm, it will often be too late for the vessel and too late for the crew.

In addition to the use of deadly force in defense of a mariner's domicile, PSA (3-09) fails to address the use of deadly force when the mariner has a reasonable fear of kidnapping. Because PSA (3-09) only advises mariners to use deadly force when faced with a threat of great bodily harm, a mariner who reasonably fears he will be kidnapped for ransom is not entitled to use deadly force. This is a serious oversight because ransoming vessels and crew is the main motivation behind pirate attacks off the Somalia coast.⁶ Indeed, when the *Maersk Alabama* was attacked in 2009, the pirates were unable to seize the ship due to the valiant efforts of the crew; however, the attackers kidnapped the Master as they fled the vessel.⁷ Although the threat of kidnapping, which under present conditions may lead to torture or murder, is serious and very real, mariners or security personnel would not be permitted to use deadly force to prevent their own kidnapping or kidnapping of the crew under current guidelines.

PSA (3-09)'s oversight in not permitting the use of deadly force under threat of kidnapping is especially glaring given that many U.S. jurisdictions explicitly authorize the use of deadly force to prevent kidnapping.⁸ A person would have the right to use deadly force to prevent their own kidnapping in many jurisdictions, but under PSA (3-09), a mariner would be expected to allow themselves to be kidnapped provided they would only be held as a prisoner and eventually ransomed back—this absurd result illustrates the need for stronger rules for self defense of ships on the high seas, rules that address the dangerous and harsh realities our members face every day.

The right to defend the ship against piracy is broader than the common law right to self defense.

Notwithstanding the discussion of the common law right to self defense discussed above, which is the minimum base line right to protect life and property, a U.S. flagged ship and its crew under 33 USC §383 may oppose and defend against any aggression, search, restraint, depredation, or seizure attempted by pirates. The opposition and defense of the ship is not limited to common law principles of self defense. There is no need to wait until the pirates are actually onboard and the crew is in eminent danger of death or bodily harm. There is no confusion in splitting legal hairs to determine when defense of the ship is authorized. It recognizes the reality that a high speed skiff with boarding ladders approaching your ship in the middle of the Indian Ocean manned by a crew waving AK-47's and RPG's is not intent on a social visit. 33 USC §383 should be construed liberally and in conjunction with 46 USC §8107 (a)⁹ to include individuals embarked as security guards.

Recognizing the military type arms used by pirates against merchant ships and the possible escalation of the type of weaponry used, embarked private security person-

nel who are properly trained should be permitted to carry on board and use military type weapons not permitted under U.S. laws for civilian ownership and use.

The responsibility of governments

It has consistently been the position of the maritime unions that the suppression of piracy is primarily a government responsibility using embarked military security detachments under rules of engagement enforced by military command and control procedures. It is our understanding that the German shipping community and German Navy are in discussions to provide such protection to German flagged ships. Such a practice provides protection that is consistent in nature and under the sovereign protection and diplomatic immunity of the flag state. It is still our position that embarked U.S. military security teams are the most efficient use of military assets assigned to suppression of piracy and a legally sound basis for protecting U.S. flag ships from pirates.

In the absence of a willingness of the military to provide such protection, ships are left with the need to rely on contracted private security teams. To attain some level of consistency and adherence to rules of engagement it is recommended that the USCG establish a vetting process that reviews the security team's training and qualifications.

The United States Should Provide Legal and Diplomatic Support to Individuals Alleged to have Violated the Rights of Pirates

As explained above, the Coast Guard should revise its guidance in PSA (3-09). Merely updating the guidance, however, may not sufficiently protect U.S. mariners and private security personnel from criminal or civil liability in foreign jurisdictions when they oppose and defend against piracy accordance with U.S. law. Regardless of where on the high seas it is, a U.S. Flag vessel applies United States law because the ship "is deemed to be a part of the that sovereignty [whose flag it flies]."¹⁰ Thus, the American common law principles of self defense and the right to oppose and defend against piracy under 33 USC §383 will apply on U.S. Flag vessels, and U.S. Flag mariners and private security personnel should be able to use those defenses permitted under U.S. law. In the event that a U.S. ship owner, mariner or security personnel faces civil or criminal liability in a foreign jurisdiction for their lawful use of force, the U.S. government must be prepared with diplomatic and legal assistance to ensure U.S. law is applied to actions taken by U.S. ships. "There can be no doubt" that it is a "privilege of a citizen of the United States ... to demand the care and protection of the Federal government over his life, liberty, and property when on the high seas."¹¹ At the very least, it is an obligation of the United States to ensure only its laws are applied to its citizens on U.S. flag vessels on the high seas. The U.S. should have a reaction procedure in place to be implemented and coordinated by the relevant U.S. agencies in the event that a ship is detained by a port state after an incident.

¹ 33 USC §383. Resistance of pirates by merchant vessels

The commander and crew of any merchant vessel of the United States, owned wholly, or in part, by a citizen thereof, may oppose and defend against any aggression, search, restraint, depredation, or seizure, which shall be attempted upon such vessel, or upon any other vessel so owned, by the commander or crew of any armed vessel whatsoever, not being a public armed vessel of some nation in amity with the United States, and may subdue and capture the same; and may also retake any vessel so owned which may have been captured by the commander or crew of any such armed vessel, and send the same into any port of the United States.

² 46 USC §8107. Use of force against piracy

³ 46 USC §8107. Use of force against piracy

(c) DEFINITION.—For the purpose of this section, the term 'act of piracy' means any act of aggression, search, restraint, depredation, or seizure attempted against a vessel of the United States by an individual not authorized by the United States, a foreign government, or an international organization recognized by the United States to enforce law on the high seas.

⁴ *Laney v. United States*, 294 F. 412, 415 (D.C. Cir. 1923)

⁵ *Id.* (citing *Beard v. United States*, 158 U.S. 550 (1895))

⁶ See Stephanie McCrummen & Ann Scott Tyson, *Navy Kills Three Pirates, Rescues Ship Captain*, WASH. POST. (Apr. 13, 2009) (noting that pirates have earned millions in ransom in recent years).

⁷ *Id.*

⁸ *E.g.*, V.T.C.A., Penal Code, §9.32 (authorizing the use of deadly force to prevent an aggravated kidnapping); see *Rue v. State*, 288 S.W.3d 107, 110 (Tex. Ct. App. 2009) (instructing the jury that it should find the defendant not guilty if he shot the victim in order to prevent an aggravated kidnapping).

⁹ 46 USC §8107. Use of force against piracy

"(a) LIMITATION ON LIABILITY.—An owner, operator, time charterer, master, mariner, or *individual* who uses force or authorizes the use of force to defend a vessel of the United States against an act of piracy shall not be liable for monetary damages for any injury or death caused by such force to any person engaging in an act of piracy if such force was in accordance with standard rules for the use of force in self-defense of vessels prescribed by the Secretary. (Emphasis added)

¹⁰ *Lauritzen v. Larsen*, 345 U.S. 571, 585 (1953) (alteration in original).

¹¹ *Slaughter-House Cases*, 83 U.S. 36, 79 (1873).

A definition of piracy

PIRACY. Robbery, murder, or forcible depredation on the high seas, without lawful authority, in the spirit and intention of universal hostility. Piracy includes acts which, while differing very much in detail, have one thing in common: they are done without authority from any sovereign state.

Source: International Maritime Dictionary by Rene de Kerchove

USA Maritime urges Congress to re-charter U.S. Export-Import Bank

The USA Maritime coalition, which the Sailors' Union is a member, submitted the following statement on March 10, when the House of Representatives Committee on Financial Services' Subcommittee on International Monetary Policy held a hearing of the role of the Export-Import Bank in U.S. competitiveness and job creation.

USA Maritime, a coalition of ship owning companies, maritime labor organizations and maritime trade associations, strongly supports the re-chartering of the Export-Import Bank of the United States. The continued vitality of the Bank is not only important to the promotion of U.S. exports, but is also essential to supporting a fleet of U.S.-flag ships that are critical to U.S. national security.

Cargo Preference Background

The term "cargo preference" refers generally to statutory requirements which mandate that a certain percentage of U.S. Government-impelled ocean cargoes be carried on U.S. registered vessels (referred to as "U.S.-flag" vessels) for the purpose of promoting a sealift capability sufficient to meet the Nation's wartime and foreign policy objectives. The United States has had cargo preference requirements since at least 1904.

Cargo preference rests on the common sense idea that the U.S. Government should reserve a portion of the ocean cargo it generates, either directly or indirectly, to U.S. citizens, just as it generally makes its other purchases within the United States. U.S.-flag vessels fly the American flag, are owned by American companies and employ civilian American officers and crews.

Cargo preference is a highly cost efficient way to support a privately owned U.S.-flag commercial fleet. Because the goods will be shipped regardless of which ship carries them, and therefore the cost will be incurred regardless, requiring that some of the cargoes be shipped on U.S.-flag vessels leverages that basic transportation expense to provide other benefits to the Nation at a fraction of the cost of direct purchase. In fact, a July 2009 study for the U.S. Maritime Administration determined that it would cost approximately \$13 billion in capital cost just to duplicate a portion of the commercial sealift capability provided by the commercial fleet of U.S.-flag vessels. Even when the U.S.-flag transportation costs more, it is offset by the direct purchases made by U.S. ship owners and crews throughout the United States and the Federal, state and local taxes paid by ship owners and their crews.

Cargo Preference and National Security

The maintenance of a strong privately owned U.S.-flag merchant marine is an essential part of our Nation's national security strategy. According to National Security Directive 28, which was signed by President Bush in 1989, and which still governs sealift policy:

"Sealift is essential both to executing this country's forward defense strategy and to maintaining a wartime economy. The United States' national sealift objective is to ensure that sufficient military and civil maritime resources will be available to meet defense deployment, and essential economic requirements in support of our national security strategy."

This policy remains the same today. The Department of the Navy's fiscal year 2012 budget request provides that:

"This budget supports maintaining a robust strategic sealift capability to rapidly concentrate and sustain forces and to enable joint and/or combined campaigns. This capability relies on maintaining a strong U.S. commercial maritime transportation industry and its critical intermodal assets."

The cargo preference laws are essential to maintaining a commercial U.S.-flag merchant marine. Virtually every privately owned U.S.-flag vessel engaged in the foreign trade depends to some degree on cargo preference to remain economically viable. Indeed, absent cargo preference, it is no exaggeration at all to say that the U.S.-flag fleet in foreign commerce would disappear and the U.S. Government would have to duplicate that sealift capability at enormous expense with government-owned vessels.

The fleet of privately owned U.S.-flag vessels supported by cargo preference laws has been instrumental to the supply and support of our troops abroad. The privately owned U.S. merchant fleet has transported over 90 percent of the equipment and supplies used in the conflicts in Iraq and Afghanistan at a fraction of the cost of other alternatives.

The fleet of privately owned U.S.-flag vessels also employs the pool of trained U.S. citizen merchant mariners essential to support the U.S. Government's sealift objectives. The U.S. Government owns a fleet of many vessels in inactive and active status which cannot be mobilized or operated without that pool of mariners employed by the privately owned U.S.-flag fleet.

U.S. Export-Import Bank Re-Chartering

USA Maritime strongly supports the re-chartering of Ex-Im Bank and the continued maintenance of the existing U.S. content and cargo preference requirements.

The cargo preference requirements applicable to Ex-Im Bank are contained primarily in Public Resolution 17, codified at 46 USC § 55304. That statute, which has been in place since 1934, empowers the U.S. Department of Transportation (delegated to the U.S. Maritime Administration or MarAd) to waive the U.S.-flag reservation when U.S.-flag vessels "are not available in sufficient number, in sufficient tonnage capacity, on necessary schedules, or at reasonable rates."

In recent years, U.S. exports have prospered under Ex-Im Bank programs. Ex-Im Bank posted its second consecutive record breaking year in fiscal year 2010 supporting the export of goods and services valued at about \$35 billion.

Ex-Im Bank's efforts have successfully promoted American exports and have also successfully promoted U.S. jobs on the many U.S.-flag vessels that have transported cargoes for projects where the financing was guaranteed by the Bank. These shipboard jobs are just as important to the well being of the U.S. economy as on-shore manufacturing and service jobs covered by Ex-Im Bank's U.S. content rules.

This is a "win-win" situation for the U.S. economy where U.S. jobs are created throughout the supply chain. As stated by President Reagan in 1981:

"The maritime industry has been a key contributor to our economic strength and security since our Nation was founded. Its continued growth and prosperity is necessary for the economic renewal we all seek."

Those words are just as true today as the day they first appeared. Not to apply cargo preference would have potentially devastating consequences beginning with the loss of the U.S.-flag fleet engaged in foreign trade.

It is important to remember that the cargo preference requirements cannot adversely affect the shipment of goods if properly administered. Under current policies and procedures administered by MarAd, cargo preference generally apply only when a suitable U.S.-flag ship is available and at a reasonable rate. Moreover, MarAd has worked with the export community to help ensure that there is no disruption to the export of Ex-Im Bank financed cargoes when suitable U.S.-flag service is not available or at reasonable rates.

USA Maritime pledges that it will continue to cooperate with any effort to improve the administration of the cargo preference requirements applicable to Ex-Im Bank financings. As indicated in a report of the Office of Inspector General of The Export-Import Bank of the United States issued September 30, 2009, there is room for improvement in the way Ex-Im Bank administers cargo requirements. The members of USA Maritime would be pleased to work with the Bank and MarAd to implement the OIG's recommendations.

Conclusion

USA Maritime strongly believes that the U.S. Congress should move expeditiously to re-charter the U.S. Export-Import Bank for five additional years and preserve the cargo preference requirements in that re-chartering process.

The members of USA Maritime: America Cargo Transport Corp.; American Maritime Congress; American Maritime Officers (AMO); American Maritime Officers Service (AMOS); American Roll-on Roll-off Carrier LLC; APL Ltd.; Central Gulf Lines Inc.; Hapag Lloyd USA, LLC; Intermarine LLC; International Organization of Masters, Mates & Pilots; Liberty Maritime Corporation; Maersk Line Limited; Marine Engineers Beneficial Association (MEBA); Maritime Institute for Research and Industrial Development (MIRAID); Sailors' Union of the Pacific (SUP); Seafarers International Union (SIU); Transportation Institute; United Maritime Group LLC; Waterman Steamship Corporation.

Florida Voyager



Bosun John Svane and OS Reynanito Obis at coffee time in the Florida Voyager at Richmond Long Wharf, March 8. Photo: Dave Connolly

ESU Office Assignments

For the month of April,
Joe Bernavich will be in the
Seabrook office.

ESU NEWS

MARCH 2011

Official Publication of the Exxon Seamen's Union

Members are entitled to choice of airlines and changeable airline tickets

Recently the Union has been made aware of members being told you don't have a choice of airline or that tickets are not changeable to accommodate an individual's travel plans after being discharged from a vessel to paid leave. If you are told this by Fleet Manning or a supervisor on the vessel please contact the ESU office immediately.

Everyone needs to be aware that during 1997 Contract negotiations these two issues were addressed between SeaRiver management and the ESU. Air travel was a significant issue for the Company during those negotiations and their interest was to eliminate the cash-in-lieu of a ticket option when a member traveled to paid leave. The ESU's interest on the other hand was retaining flexibility when traveling, especially when a member is traveling to paid leave and chooses a different destination than his/her home.

There was also much discussion about how to reduce travel costs and many of the options could have potentially resulted in our membership incurring out of pocket expenses which we could not risk. The Union agreed to the purchase of tickets each way by the company, but insisted that we receive compensation for the loss of cash-in-lieu. The compensation was an additional 1/2 day of paid leave a month with a value of 1% of gross wages.

On the issue of choice of airline when traveling, if several airline providers are available that meets business requirements and have comparable ticket fares, you may indicate a preference for a specific carrier. As agreed to in the 1997 MOU, airline travel arrangements will be normally limited to carriers that can

provide employees travel that has one or less stops, excluding commuter flights.

ESU members are also entitled to tickets that can be changed for travel at a later date or to a different destination if the discharged member so chooses. In talks between the Union and management on this issue it should be clear that SeaRiver understands that represented employees do have flexibility in their travel plans after discharge. In fact a violation of the Contract occurred and the issue was grieved in 1998 and the response from then HR Manager, Ed Cahill is clear that management would allow changeable tickets. The following is part of the grievance response from Mr. Cahill: *"To prevent future problems with the issuance of non-changeable classes of tickets it is recommended that members, when anticipating that they may need a changeable ticket notify the vessels Master of that fact as far in advance of sign-off as possible. Our intention is to fully comply with our Agreement and have no intention of renegeing on our commitment to provide exchangeable airline tickets."*

Travel arrangements in foreign ports are quite often made by non-company agents who may, or may not be aware of this travel provision afforded ESU represented members. Many of these agents are geared towards purchasing basement-priced airfare for foreign mariners that frequently come with numerous restrictions that are not acceptable under the terms of the ESU/SeaRiver Maritime, Inc. bargaining agreement.

Should any member(s) encounter difficulties obtaining changeable tickets upon timely request to the Master should immediately contact either ESU office.

U.S. Coast Guard seeks improved shore access for mariners

The U.S. Coast Guard has issued an ALCOAST bulletin advising captains of the port to enforce legal requirements that port and maritime facilities provide mariners, pilots and associated welfare and labor organization representatives with the ability to board and depart vessels in a timely manner and at no cost to the individual.

The ALCOAST bulletin, dated January 11, is an interim measure to urge enforcement of the Congressional mandate requiring that a system for providing shore access be incorporated into the security plan of each U.S. port or maritime facility. The bulletin notes a legal review has determined additional clarification of terms covering shore access in the Maritime Transportation Security Act is required, and the Coast Guard has requested the National Maritime Security Advisory Committee (NMSAC) draft definitions to incorporate into the law via the Coast Guard Authorization Act.

Although the language in the act appears self explanatory, there are several terms within the provision such as "system," "timely" and "no cost to the individual" that have raised questions amongst the maritime industry and requires further clarification, according to the bulletin. These terms need defining in order for the Coast Guard to move forward in the policy development and the rulemaking process in Spring 2011.

A NMSAC teleconference working group meeting will take place on March 22 @ 1300 hours East Coast time to gather input from industry stakeholders as a part of the clarification and implementation process.

Although shore access is currently not a problem for ESU members, we have experienced problems with a couple of terminals in the past. Finalizing the details that are required under legislation that was passed last year should prevent any confusion in the future and finally provide a system for mariners assigned to a vessel, pilots and representatives of seamen's welfare and labor organizations to board and depart the vessel through the facility in a timely manner at no cost to the individual.

2011 Ship Representative's Conference held in Galveston



ESU members in attendance at the 2011 Ship Representative Conference in Galveston, Texas. From left to right: Kurt Kreick, Ein Cooley, Rudy Benavides, John Straley, Pat Campbell, Thor Floreen, Leo DeCastro, Will Ackley, Tim Williams (front) and Jeff Harris (rear).

The 2011 Ship Representatives Conference convened on February 22, 2011 at the San Luis Hotel in Galveston, Texas and concluded on February 26, 2011. The conference is held on a biennial basis to provide communication and training skills that will enhance the ability of the individual representatives to professionally handle the response process in regard to problems that may arise onboard his/her respective vessel. The Ship Rep. Conference is a part of the ESU effort to insure that the very best representation possible is provided to the members of the Exxon Seamen's Union.

The attendees at this year's conference are as follows: Ship Representatives Timothy Williams, (*Kodiak*) Rudy Benavides (*S/R American Progress*), Jeff Harris (*S/R Wilmington*) and Thor Floreen (*Sierra*). Executive Board members in attendance were: John Straley, Leo DeCastro, Joe Bernavich, Pat Campbell, William Ackley, and Kurt Kreick. MS Ein Cooley was invited to fill in for John McCarthy who is out on sick leave. The ESU thought it would be beneficial to have someone from the MS ranks to participate. We appreciate Brother Cooley volunteering to participate and was a valuable addition to our discussions from the perspective of the MS position.

On Wednesday, February 23, SeaRiver Management's day was largely devoted to presentations by various company managers, and was kicked off with an informative update of SeaRiver Maritime's operations and business outlook presented by Fleet Services Manager Ron Floyd. Fleet Manager-Engine Operations, Scott Bailey talked about the status of the new build project. In the afternoon, Fleet Manager Deck Operations, Shawn Wilcox and Safety Manager, Rick Dunn discussed the increased emphasis with the LPS safety program in the fleet and the role and expectations of the new Safety Officer that will be assigned to each vessel over the next few months. The day was concluded with an open discussion period about concerns from Reps. concerning issues in the fleet.

The conference on the 24th and 25th focused on Union business which included a overview from the Executive Board on the ESU's finances, goals/objectives, and ongoing Union issues to the Representatives. The Executive Board's session was followed by an open discussion led by Representatives designed to allow for constructive suggestions to the Executive Board and identify areas in which the Union could be more efficient and/or effective.

The remainder of the meeting was devoted to advance preparation for 2011 contract negotiations. Union Representatives, fortified with information gathered from members identified and prioritized issues that the ESU Bargaining Committee should focus on. These issues were noted and will be of tremendous assistance to the Executive Board when contract negotiations begin in May.

Union attendees met for dinner at Landry's Restaurant on the Seawall in Galveston on Friday evening to celebrate what had been an ambitious, but rewarding and successful 2011 Exxon Seamen's Union Ship Representatives Conference. Board Member at Large, John McCarthy and ESU Legal Counselor, Sharon Groth were unable to attend due to mitigating circumstances. Both were missed.

ESU News

Pat Campbell resigns from SeaRiver

Former Deck Trustee, Pat Campbell notified the Executive Board during the Ship Rep. Conference in late February that he intended to tender his resignation to SeaRiver Maritime, Inc. effective March 3, 2011. Pat's reason for leaving the Company was to pursue another job opportunity shoreside that would enable him to spend more time with his family.



Pat Campbell

Pat began his service with SeaRiver on December 1, 1997 as a Maintenance Seaman but soon thereafter was promoted to the position of Able Seaman. While sailing in the Deck Department, Pat developed a keen interest in union activities and in 2002 he was elected to the Executive Board as Deck Trustee. While serving as Trustee, Pat made significant contributions in the area of Deck Department training and was a valuable participant in contract negotiations in 2002, 2005 and 2008.

We will all miss Pat and we sincerely thank him for all his help, support and friendship throughout the years.

Pat's contributions to the ESU are greatly appreciated and we extend our best wishes to him with his new career path.

Everyone in the Deck Department is reminded that Pat's resignation necessitates a special election to fill the vacancy of Deck Department Trustee under Article V paragraph 4-A of the Constitution and By-Laws of the Exxon Seamen's Union.

The deadline to submit a "Candidate Intent Form" (CIF) ends on April 26, 2011. Candidates that wish to run for this position need to submit a CIF directly to the ESU office by the designated deadline. Candidate Intent Forms are available from your Ship Representative or by contacting the ESU office. The Candidate's Intent Form should be mailed by certified mail to the primary Union office if there could be any question concerning the timely receipt of the nomination. A Candidate's Intent Form may also be submitted via e-mail or facsimile (fax) to the ESU office.

Important reminder about address changes

The ESU office has noticed a few instances recently where a member's ESU mail and/or *West Coast Sailors'* newspaper is returned by the Post Office because the address is incorrect. Keeping that in mind, we want remind everyone who may be changing their address to ensure that the ESU office is notified to prevent a disruption of mail delivery. You should also notify SeaRiver Fleet Manning and ExxonMobil Benefits as well.

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

The ESU maintains its own database with member addresses, phone numbers and e-mail addresses which is totally separate from the SeaRiver and ExxonMobil systems. Don't forget to inform the ESU Seabrook office when you change your address, phone number and email, if you have one, so that we may get in touch with you with important information when necessary.

Ship reports

S/R American Progress

Temporary Ship Rep AB Mike Harrison reported in from the ship, as it was transiting from the dock at Cherry Point, to anchor at Port Angeles. Reported that crew change went as well as can be expected, at the facility at Cherry Point. Ship to take on stores and head back to Valdez for another load, to be delivered into facilities in Anacortes, WA. The ESU thanks Mike for filling in during Rudy's absence.

Kodiak

Ship Rep. Tim Williams joined the ship on last visit into SF Bay. The ship is continuing ANS service to Valdez, and is still scheduled for the shipyard in April. Satellite TV issue will hopefully be taken care of during the yard period. Tim has just returned from P/L and the Ship Rep conference and will be passing along the information discussed there to members. MS Ein Cooley, who also attended the conference, is also on board and will be another source of information for crewmembers.

S/R Long Beach

The *Long Beach* continues in cold lay-up, in Labuan, Malaysia. There are no crewmembers assigned to the vessel at

this time. Future plans for the vessel are unknown at the present time.

Sierra

The ship is presently in Port Angeles doing repairs, after its last load delivered into Richmond Long Wharf/Rodeo. Ship Rep AB Thor Floreen joined vessel in SF Bay area. Thanks to AB Kevin Conroy for filling in admirably while Thor was on P/L and attending Ship Rep conference. After repairs are completed, ship will continue its ANS trade. One issued reported from last port call into Bay area, was a crewmembers bag being dropped into bay during crew change. The ESU is awaiting some kind of written report from the ship into this issue, and will follow up on restitution to crewmember for lost/damaged personnel items.

S/R Wilmington

Board officer visited the ship, at dock, in Beaumont on the 14th. Thanks, goes out to AB Pete Flaherty for filling in as Temp Rep while Ship Rep AB Jeff Harris was on P/L and attending the Ship Rep conference. Some issues with ships internet service were reported, but company was installing new equipment while there at the dock.

S/R Wilmington 12 x 4



12 x 4 watch partners AB's Frank Simpson and Wen Shie Tai take shelter from the rain while the vessel was moored at the ExxonMobil Beaumont dock. Both Frank and Wen began their service with the Company in 1990.

Japanese disaster relief matching program

To further aid recovery efforts in Japan, ExxonMobil has established a Japan Earthquake and Pacific Tsunami Matching Program for contributions made by employees, retirees, surviving spouses, dealers, and distributors worldwide. This Program will provide a one-to-one match of individual contributions, up to a maximum of \$5,000 per donor and up to a total of \$2 million worldwide. To be eligible for matching, donations must be made by April 30, 2011 to one or more of the following three organizations:

- American Red Cross (providing immediate emergency response)
- AmeriCares (providing essential medical supplies and personnel)
- Save the Children (providing assistance to children and families)

To request a match of your donation, you must register your matching gift request on our website at: www.easymatch.com/exxonmobil. Once you have registered your matching gift request, you have two options in making your donation:

Option 1: You may send your donation directly to the American Red Cross, AmeriCares, and/or Save the Children and then provide a donation receipt, copy

of cancelled check, or other proof of donation to ExxonMobil. Receipts for donation made through April 30, 2011 must be received in our office by May 31, 2011 for your donation to be eligible for matching by ExxonMobil.

Option 2: You may forward your check made payable to one of the eligible organizations (American Red Cross, AmeriCares, and/or Save the Children) to ExxonMobil who will record your donation and forward your payment directly to the organization (do not make checks payable to ExxonMobil). Payments must be received by April 30, 2011. If you select this option, you will not need to provide further proof of donation. Donations must be your personal contribution—not a contribution made with funds received or collected from individuals, groups or organizations. Regardless to which organization you make your donation, ExxonMobil's matching payment will be made to the Japanese Red Cross Society.

Complete instructions and additional information regarding the matching of your donations are available at www.easymatch.com/exxonmobil or by calling toll free (877) 807-0204.

Updated SPDs now available

Updated versions of the ExxonMobil Medical Plan, Dental Plan, and Medicare Supplement Plan SPDs (Summary Plan Descriptions) are now available. These SPDs describe your benefits, and posting the SPDs on the Internet provides access to the documents for you and your family members 24/7.

You can easily search using key words, print individual pages or print the entire booklet and also review frequently asked question and answers about the SPDs. Access SPDs and other publications directly on the ExxonMobil Family Internet site by going to <http://www.exxonmobilfamily.com>. Click on "Publications" and then choose "Summary Plan Descriptions". If you are unable to access the SPDs electronically, you may obtain a copy upon written request to the Administrator-Benefits, P.O. Box 2283, Houston, Texas 77252-2283. It is recommended that you read and familiarize yourself with the benefit information contained in the updated SPDs.

SPDs are easy to read booklets that help participants understand how the ExxonMobil U.S. Benefit Plans work. There is a separate SPD for each plan. The participant must identify which SPD is being requested (Medical Plan, Dental Plan, etc). The Administrator-Benefits will provide the SPD within 30 days from the receipt of the request. The following SPDs are available online: ExxonMobil Medical Plan (POS II and HMO options); ExxonMobil Dental Plan; ExxonMobil Vision Plan; ExxonMobil Medicare Supplement Plan; ExxonMobil Pension Plan; ExxonMobil Life Insurance Plan; and ExxonMobil Savings Plan SPD.

EXXON SEAMEN'S UNION

Founded March 28, 1941

Affiliated with the Sailors' Union of the Pacific

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Board Member at Large John McCarthy

Deck Trustee Pat Campbell

Engine Trustee William Ackley

Steward Trustee Kurt Kreick

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

Welfare Notes - March 2011

SUP WELFARE PLAN, INC.

NOTICE OF PROVIDER CHANGE

DRUG AND ALCOHOL ABUSE EMPLOYEE ASSISTANCE PROGRAM FOR ACTIVE EMPLOYEES

February 2011

TO: ALL ACTIVE EMPLOYEES

**RE: HUMAN BEHAVIOR ASSOCIATES (HBA) -NEW PROGRAM VENDOR
EFFECTIVE MARCH 1, 2011**

Starting March 1, 2011, the current Drug and Alcohol Abuse Employee Assistance Program (EAP) administered by MHN will be replaced by a new vendor, **Human Behavior Associates**. New brochures and wallet cards are currently being printed and will be available soon at the Union Halls. The following will give you some information about the new vendor and program effective March 1, 2011. This notice serves a summary of material modifications as required by the Employee Retirement Income Security Act of 1974 (ERISA) to the SUP WELFARE PLAN, INC (Plan). Please keep this summary of plan changes with your copy of the SPD.

Who is Human Behavior Associates?

Human Behavior Associates (HBA) is an independent firm that specializes in providing nationwide employee counseling and assistance programs. To contact HBA call (800) 937-7770 or (707) 747-0117 collect. The help line is available 24 hours per day.

What Specific Services Are Available?

Up to a maximum of three (3) counseling sessions (each 6-month period) with licensed professional counselors at no cost to you and your family members. You or your family member must first call the HBA office. During your first call, HBA will arrange for a referral to the most appropriate resource that can help you. If it is determined that you or your dependent need additional counseling beyond three visits, HBA will try to help you in working with your current medical plan provider. There may be copayments or other out of pocket expenses required by your medical plan provider.

For you, the Employee only (the following benefit is not available to your dependents):

In cases where in-patient treatment is required for drug and alcohol treatment, you may be eligible for the Trust's self-funded alcohol/substance abuse benefit that provides for full payment of up to one rehabilitation admission during your lifetime (not to exceed 28 days). HBA will work with you and the Plan Office to arrange for appropriate treatment. If you are not eligible for the self-funded benefit, HBA will help you work with your current medical plan provider in obtaining appropriate care. There may be copayments or other out of pocket expenses required by your medical plan provider.

All contact between you and HBA is strictly confidential and all health information will be used, disclosed and maintained by HBA in accordance with the privacy and security requirements of the Health Insurance Portability and Accountability Act of 1996, as amended (HIPAA).

Please call the Plan Office if you have any questions on the change in program vendors or if you have any questions about the benefits provided through the program.

Grandfathered Group Health Plans

The Trust's Board of Trustees has concluded that each of the health plans that the Trust offers (collectively, "the Plan") is a "grandfathered health plan" under the Patient Protection and Affordable Care Act (the Affordable Care Act). As permitted by the Affordable Care Act, a grandfathered health plan can preserve certain basic health coverage that was already in effect when that law was enacted. Being a grandfathered health plan means that the Plan may not include certain consumer protections of the Affordable Care Act that apply to other plans, for example, the requirement for the provision of preventive health services without any cost sharing. However, grandfathered health plans must comply with certain other consumer protections in the Affordable Care Act, for example, the elimination of certain lifetime limits on benefits.

Although it is a "grandfathered health plan", you should know that the Plan provides health coverage benefits beyond the "basic" level of benefits and has long maintained many consumer protections now required under the Affordable Care Act. For example, the Plan has always prohibited rescissions of coverage due to a member's health condition as well as exclusions for pre-existing conditions for children and adults. There is also no "waiting period" for benefit eligibility once a member attains initial coverage based on required work hours. Nor does the Plan discriminate in favor of certain members based on compensation, age, gender or health status.

Questions regarding which protections apply and which protections do not apply to a grandfathered health plan and what might cause a plan to change from grandfathered health plan status can be directed to the plan administrator at (415) 778-5490. You may also contact the Employee Benefits Security Administration, U.S. Department of Labor at (866) 444-3272 or www.dol.gov/ebsa/healthreform. This website has a table summarizing which protections do and do not apply to grandfathered health plans.

As referenced above, this notice serves as a "summary of material modifications" (SMM) to the SUP Welfare Plan, Inc. (the "Plan") in accordance with the requirements of ERISA. Please keep this notice and the HBA brochure with your copy of the Summary Plan Description. Such notices will be sent to you from time to time updating you and your dependents about any benefit plan changes. The Board of Trustees of the SUP Welfare Plan, Inc. has the exclusive right, in its sole and absolute discretion, to administer, amend or terminate any provisions of the Plan at any time. We note that neither this notice nor the HBA brochure attempts to cover all benefit details or plan limitations and exclusions. These are contained in official plan documents that legally govern the operation of the Plan and which control in the event of any omission or other difference between those documents and this notice.

Member Assistance Program

What is a Member Assistance Program (MAP)?

The MAP is a confidential, professional resource that is provided by your Trust Fund. With a staff of counselors, psychologists and other helping professionals, the program can help members and their family members resolve personal problems. The services are delivered by Human Behavior Associates, Inc.

What Specific Services are Available?

- No cost counseling services with licensed, professional counselors.
- Assessment, Referral and Case Management of Alcohol and Drug Treatment Services that are funded by the Trust Fund for Employees only.
- Referral services for community resources, self-help support groups, eldercare and childcare resources and other services.
- Access to a Resources Directory with 1000s of helpful national and local resources.

Is the MAP Private?

All contact between employees and the MAP is strictly confidential. All health information will be used, disclosed and maintained by HBA in accordance with the privacy and security requirements of the Health Insurance Portability and Accountability Act of 1996, as amended (HIPAA).

How Much Does it Cost?

You or your dependent may see a licensed counselor at no cost. Your Trust Fund has contracted with HBA to provide a specific number of no-cost counseling sessions. For continued treatment you will be referred to your medical plan. There may be charges for continued treatment.

Who Pays for the MAP?

The services of the MAP are 100% paid for by your Trust Fund. The organization recognizes that the member with a personal or family problem is not an effective employee. Therefore, this program is an investment in the quality of work life for all members. It is sincerely hoped that members with personal or family problems will make use of the services.

How do I Request Help?

Call 1-800-937-7770 or collect at 707-747-0117. The help line is available 24 hours per day. The program staff will refer you to the most appropriate resource for your issues. You will be referred to local counselors and treatment centers, self-help programs and other sources of immediate assistance.

What if my Co-Worker or Family Member Needs the Help?

First, strongly encourage him or her to call the MAP. It's private and services are 100% paid for by your Trust Fund. Union representatives, family members and coworkers should call the MAP for consultation when someone you work with or who is close to you has a problem. The MAP can help you find a Solution!

Human Behavior Associates, Inc.

1350 Hayes Street, Suite B-100, Benicia CA 94510

Phone 707-747-0117 Fax 707-747-6646

www.callhba.com

Confusion over Pacific container trade forecast variations

Preparations for containership deployment on the Pacific during the forthcoming peak season have been thrown into confusion by a huge variation in trade forecasts. Ocean carriers and their customers face growth projections ranging from just 1% to as high as 13% for eastbound TransPacific volumes in 2011. While several established analysts are predicting increases of between 6%-8% for volumes moving from Asia to the United States, some projections differ widely from the mid-range mark.

New figures presented by information provider *Piers* indicate that eastbound volumes should expand by 8.2% in 2011 to 13.5 million teu. *Piers*, a sister company of the *Journal of Commerce*, which organized this month's Trans-Pacific Maritime Conference in Long Beach, expects westbound traffic across the Pacific to be up by 11% this year to 6.9 million teu, compared with 4.3% growth in 2010. The latest forecasts were presented to the conference by *Journal of Commerce* economist Mario Moreno who said import volumes would be underpinned by an expected 3.2% increase in U.S. consumer spending, an improvement from the 2010 figure of 2.9%. Factors behind higher retail sales include payroll tax reductions, along with higher wages.

London consultants Drewry recently forecast 6% growth for the eastbound TransPacific trades. But industry newcomer SeaIntel Maritime Analysis said

this month that volumes could rise by as much as 10%-13% overall this year as U.S. retailers replenish depleted stocks, with year-on-year figures spiking at much higher levels in some months. That could lead to ship capacity shortages at times.

But another set of forecasts published a few days ago is far gloomier in terms of growth prospects. *Box Trade Intelligence* is anticipating headhaul growth on the Pacific this year of only 1%, way down from 18.6% in 2010, with trade picking up to around 5% in 2012. The firm a joint venture between MDS Transmodal and senior container industry executives including former Maersk U.K. boss Doug Bannister, expects the peak season to be later than usual in 2011, with third quarter volumes likely to be soft but with fourth quarter trade 5% higher than in the corresponding three months of 2010.

The final quarter of last year saw volumes reach 3.6 million teu in the Asia-North America trades compared with 3.3 million teu in 2009, according to Box Trade Intelligence. But ship utilization slipped back to 72%, against 83% in the previous quarter and 79% in the corresponding three months of 2009. Revenue was also sharply down in the final quarter of last year, with the firm estimating that total profits for eastbound and westbound routes combined dropped to \$1.5 billion from \$3.2 billion in the preceding quarter.



SUP President's Report

March 14, 2011

WISCONSIN

Republican lawmakers in Wisconsin have reversed half-a-century's working class/middle class progress in the state by scuttling collective bargaining rights for public employees. Wisconsin Governor Scott Walker succeeded in ramming his Union-busting bill through the State Senate in the middle of the night of March 9, without debate or even the presence of Senate Democrats. The State Assembly voted in the affirmative the following day, with Walker signing the legislation on March 11.

The vote, pushed by Walker, would have happened weeks ago if Democratic state senators had not fled to Illinois to deprive the Senate of the super-majority it needs to pass bills that are considered fiscal matters. Republicans then removed the bargaining rights from a larger budget bill to a separate bill that they could pass by proclaiming that the rights were not a fiscal issue.

In doing so they exposed the real truth behind the maneuver. Stripping Unions of their rights was never about the budget, especially once the Unions had agreed to significant concessions on pensions and health care. It was always about politics. Walker and his cohorts had hoped to hide behind a cooked-up budget crisis, but the fleeing Democrats at least succeeded in pulling away that facade.

Undermining public sector Unions—and the support they give to Democrats—has been a long-sought goal of the Republican Party and many of its corporate backers. Koch Industries, one of the party's biggest supporters, spent \$1.2 million to elect Walker and other Republican governors who want to eliminate or reduce bargaining rights. Legislation to mirror that enacted in Wisconsin is pending in Alaska, Florida, Indiana, Maine, Michigan, Missouri, New Hampshire and Ohio.

While a battle may have been lost in Wisconsin, the struggle, which has galvanized the labor movement, is growing in intensity. Union members by the thousands continue to demonstrate at Wisconsin's capital building in Madison. Petitions are being circulated to recall Walker and the other Republicans.

Organized labor across the country is in solidarity with the workers in Wisconsin and other states, holding rallies and vigils.

On April 4, the AFL-CIO has called for "WE ARE ONE: NATIONAL DAY OF ACTION" in the United States. Details of when and where these actions will take place will be published in this month's West Coast Sailors.

The overreach by Walker and Republicans elsewhere has finally revealed their true agenda to blue-collar voters who either voted for them last year or stayed home. These voters are not going to benefit from a crippled Union movement; they live next door to teachers and nurses and D.M.V. clerks who are about to lose what little clout they had in the State Capitol. Many have suffered during the recession and have watched as private-sector Unions have been battered.

Workers everywhere should understand the blatant power play that took place in Wisconsin this month. The place to exercise Union power is in the streets and at the voting booth.

CHEVRON SHIPPING COMPANY

On February 16, Chevron Shipping Company informed the SUP that as a result of its profits in 2010, and other criteria, all full-time Chevron marine employees, as well as those employed by Chevron Corporation, will receive a 9.18% bonus based on 2010 straight-time earnings. This is a significant change from previous years when the bonus covered gross earnings (base wages, overtime, etc.).

The bonus program, known as the Chevron Incentive Plan, was proposed by the company and agreed to by the Union during collective bargaining in 1995.

It should be noted that the bonus is in addition to the 3.5% increase in wages and wage-related items (over-

time, vacation pay) that became effective on February 1, in accordance with the 2007-2012 agreement between the SUP and Chevron.

In addition, this year's wage increase and the bonus on last year's gross earnings does not include the company's yearly matching contribution to a participating member's Chevron 401(k) Plan. A member participates in this profit-sharing program by contributing 2% of his/her monthly base wage to the Plan. That contribution is then matched and exceeded by a company contribution.

MARITIME TRADES DEPARTMENT

At the invitation of Mike Sacco, President of the Maritime Trades Department (MTD), AFL-CIO, attended that organization's Executive Board meetings on February 24, and 25, at Lake Buena Vista, Florida.

The Executive Board discussed and adopted policy statements of importance to the membership. The Jones Act, cargo preference, the Maritime Security Program, piracy, America's Marine Highway Program (also known as short-sea shipping), port modernization and dredging, and the attacks on Union workers in Wisconsin and other states were among the many subjects on the agenda.

Meeting speakers included Maritime Administrator David Matsuda; Rear Admiral Mark Buzby, Commander of the Military Sealift Command; Major General James Hodge, Commander of the Army's Combined Arms Support Command; Coast Guard Rear Admiral Kevin Cook, Director of the Prevention Policy; Congressman Russ Carnahan (D-Missouri) and Congressman Charles Rangel (D-New York). Both Carnahan and Rangel were vociferous in their denunciation of Republican Union-busting across the nation.

The maritime Unions—SUP, MFOU, SIU-A&G, MM&P, MEBA, AMO—met separately with MarAd's Matsuda and urged him to take a more aggressive stance to promote and defend the merchant marine.

Also at the meeting it was announced that longtime MTD Executive Secretary-Treasurer Frank Pecquex was retiring. The delegates then nominated and elected Dan Duncan to fill out the remainder of Brother Pecquex's term.

The MTD is comprised of 23 international Unions and 21 port maritime councils in the United States and Canada representing 5.5 million workers. The SUP is active in the Puget Sound, San Francisco Bay & Vicinity, Southern California and Hawai'i Port Councils.

TRANSPORTATION TRADES DEPARTMENT

As a member of the Executive Committee of the Transportation Trades Department (TTD), AFL-CIO, attended a meeting of that body at AFL-CIO Headquarters on March 3, in Washington, D.C.

TTD President Ed Wytkind gave an overview of the department's activities since the last board meeting in October. With the ascendancy of the Republican majority in the House of Representatives, the TTD has been working tirelessly to stem anti-Union initiatives that affect transportation workers.

Attempts to reverse fair election rules for rail and aviation workers, and the mounting crisis at mass transit agencies across the country, are top priorities of transportation labor. Basic fairness and fundamentally democratic elections are on the line in the House aviation bill that aims to repeal Union election rules issued just last year by the National Mediation Board (NMB). TTD's Executive Committee agreed that it would not support a Federal Aviation Administration bill that includes the NMB repeal measure. Failure to remove it not only threatens the rights of workers, but jeopardizes a long-overdue bill whose final passage has been delayed 17 times.

As Brother Wytkind told the meeting: "Today the NMB allows a majority of workers who participate in an election to decide the outcome, because non-participation is no longer tallied against the Union. Automatically assigning meaning to votes that aren't cast is

a ridiculous policy that was overturned in 2010 and upheld by federal court. It must not be reinstated now."

The struggling economy has blown a hole in the budgets of transit agencies nationwide. With layoffs, fare increases or reductions in service at more than 85% of mass transit agencies across the country, more must be done to preserve mass transit in America. Transit agencies need flexibility to use federal dollars for operational expenses such as payroll, instead of just for capital needs like equipment. Transportation labor will work for operating assistance flexibility that is triggered by and tied to unemployment rates and rising gas prices. This is good not only for transit workers—in every corner of the country, Americans rely on public transportation.

"America faces a transit crisis that threatens thousands of jobs and reliable transportation for millions of Americans in cities of all sizes," Wytkind said. "As we've always said, a new bus parked in the garage doesn't do anyone any good if there aren't any drivers to operate it or mechanics to maintain it."

There are several transportation reauthorization bills that are overdue that will be engines of job growth and must not be delayed further. According to recent estimates, the FAA bill will create as many as 300,000 jobs. This bill can and must improve safety, honor worker rights, and invest in the modern, 21st Century aviation system our nation and economy require. The multi-year surface transportation bill is one of the largest job-creating bills that Congress writes. It stands to create as many as six million jobs, yet it is 18 months overdue. Transportation labor applauds the \$556 billion robust funding level for this bill as proposed by the President in his budget, as well as his aggressive stance on enforcing Buy America domestic content requirements in our federal transportation investment programs.

With more than 14 million still out of work, Americans are counting on this Congress and state leaders to support policies that create jobs and fix the economy," Wytkind said. "Those who propose reckless cuts to vital transportation investment programs as a way to score political points in the budget deficit debate will fail to deliver what America needs most: jobs."

The TTD discussed the drive to organize transportation security officers who are employed by the Transportation Security Administration. The Executive Committee gave full support to the efforts of the American Federation of Government Employees (AFGE).

The TTD issued a strong and comprehensive policy statement on the merchant marine which will be published in April's *West Coast Sailors*.

The Executive Committee was addressed by Congressman Jerry Costello (D-Illinois), a member of the House Transportation and Infrastructure Committee. Costello stated that the Republican strategy is an all-out attack on workers and workers rights. He said that if they had their way they would repeal the Jones Act, Davis-Bacon and contract out all federal work to non-Union companies. Costello also noted that of the 87 freshman Republicans elected to the House last year, 40 of them are millionaires.

John Porcari, Deputy Secretary of Transportation also addressed the meeting, citing the Obama Administration's actions in support of transportation labor and its support of the U.S. merchant marine.

At the conclusion of the meeting, the three seagoing Unions that are affiliated with the TTD—SUP, MM&P and MEBA—decided that it was important to follow-up on Secretary Porcari's remarks, and therefore the Unions sent him the following letter on March 10:

Dear Mr. Secretary:

On behalf of our respective seafaring labor organizations, the International Organization of Masters, Mates & Pilots (IOMM&P), the Marine Engineers' Beneficial Association (MEBA), and the Sailors' Union of the Pacific (SUP), we want to express our appreciation to you for your comments during the March 3, 2011 AFL-CIO Transportation Trades Department (TTD) Executive Committee meeting. As affiliates of TTD we join the organization's President Ed Wytkind and ILA President Richard Hughes in thanking you for your persistent efforts on behalf of transportation labor and in particular, on behalf of

continued on next 10

President's Report continued

America's maritime workforce employed in our nation's ports and aboard United States-flag commercial vessels of all types.

As you are well aware, there are those in and out of government who would advance their own personal economic and political agendas on the backs of America's working men and women. All too often, these individuals and their allies in the corporate world play to the fears of the American people, threatening to stop doing business with and in the United States if our government enforces the programs and policies that support U.S.-flag vessels and American maritime workers. As you noted during your remarks to the TTD meeting, the Administration does not support Buy America waivers. We agree, and we urge that you make clear that this principle applies to the same degree in the case of waivers for U.S.-flag shipping.

Unless you, Transportation Secretary Ray LaHood and your staff, including Maritime Administrator David Matsuda and his team, continue to stand up for and fight to protect and promote the U.S.-flag merchant marine, vessels will be lost to our fleet and American jobs will be outsourced to the benefit of foreign maritime workers. Without such efforts, for example, it is unlikely that our nation's U.S.-flag cargo preference requirements would be enforced and made applicable to the purchase of equipment and other materials under the U.S. taxpayer supported loan guarantee program of the Department of Energy.

This is to us a significant step forward in our ongoing efforts to make sure that when our government talks about using taxpayer dollars to finance, directly or indirectly, the purchase or sale of commodities, that these dollars be spent to promote U.S. jobs, not only in the manufacturing and production sectors of our economy, but in the U.S.-flag shipping sector of our economy, as well. Our government should no more be sending limitless U.S. taxpayer dollars overseas to create foreign manufacturing jobs at the expense of U.S. industry and U.S. workers than to use these same dollars for the exclusive use of foreign flag, foreign crewed vessels so that no economic benefits accrue to American flag shipping companies and American maritime workers.

The principles embodied in our nation's U.S.-flag shipping cargo preference statutes and policies are totally consistent with and significantly advance the overall economic and security objectives of our country. The full and proper enforcement of these statutes and policies can and will help achieve the Administration's critically important export initiatives, through the President's Export Council and the expanded activities of the Export-Import Bank of the United States. Working to increase U.S. exports and ensuring that at least a portion of these commodities are transported by privately-owned U.S.-flag commercial vessels crewed by American mariners, as required by Public Resolution 17, will help reduce America's trade imbalances, create jobs for American maritime and other workers, and add to the overall strengthening of our nation's economy. We reject the views of foreign interests and their lobbyists who routinely claim that these goals can somehow be achieved by sacrificing and eliminating the U.S.-flag shipping sector of the American economy, permanently discarding the American jobs it supports.

We ask for your continued vigilance, persistence and support. We cannot allow those who put their own interests ahead of those of the United States to determine what maritime programs and policies are maintained, and what Americans will and will not continue to have jobs. You stated that the Department of Transportation will fight in the trenches to support the programs and policies important to America's maritime industry. You have our commitment that we stand ready to work alongside you, Secretary LaHood and Administrator Matsuda so that together we can create and preserve American jobs, to ensure that taxpayer dollars are used to the fullest extent practical to support the purchase of U.S. goods and services, and to guarantee that our nation has the stronger, larger more competitive U.S.-flag shipping industry that it needs to continue to serve the economic, military and national security interests of our nation.

In fact, especially during these extremely difficult and dangerous times it is important that our government understand the critical role the privately-owned U.S.-flag merchant marine plays in the ongoing War against Terrorism. The privately-owned U.S.-flag fleet and its cadre of American merchant mariners are often times the first line of defense in this battle, ensuring that American troops stationed throughout the world receive the material, equipment and supplies they need to protect America's interests. We believe history has proven that the best way to support American troops is to ensure that they can continue to rely on U.S.-flag vessels and U.S. citizen mariners to deliver what they need, whenever and wherever necessary, and to guarantee them and their families that the success of their missions and their well-being are not turned over to foreign shipping interests who may not share America's values and security objectives.

As the United States continues to address and resolve important national economic issues, compounded by rising fuel prices resulting from the current turmoil in the Middle East, it is all too easy to lose sight of the ongoing risks posed to the United States by terrorist organizations and other enemies of our country. Maintaining, funding and enforcing the programs and policies that support the operation of U.S.-flag commercial vessels and the employment of American mariners will help guarantee that when needed, America will have the U.S.-flag vessels and crews necessary to respond and protect our country. Without these programs – including for example the U.S.-flag shipping cargo preference laws and policies; the Maritime Security Program; the nation's cabotage laws as embodied in the Jones Act – American companies will have a difficult time continuing their U.S.-flag operations, resulting in the loss of vessels for the American flag and the loss of jobs for American maritime workers. To lose these U.S.-flag vessels and American jobs is to lose the commercial seapower capability that our country has relied upon time and time again, and will undoubtedly need again in the future.

In closing, we also want to specifically express our appreciation for the strong support you gave to the full enforcement of the Jones Act, ensuring that America's waterborne domestic commerce is transported by U.S.-built, U.S.-owned and U.S.-crewed vessels. We are especially pleased with your remarks during the TTD Executive Committee meeting reaffirming the Department's commitment to the development of a short sea shipping marine highway system to complement and supplement the rail and highway traffic that carries increasingly larger volumes of cargo from our ports to their destination throughout the country. We agree that the ever worsening congestion along major traffic routes, and the need to address serious environmental issues through the greater utilization of waterborne transportation, demand immediate action to bring a larger, more competitive marine highway system closer to reality. In this area as well, we stand ready to work with you and your department to eliminate the tax and other regulatory impediments to the development of a marine highway system as quickly as possible.

We thank you for all the support you, Secretary LaHood and Administrator Matsuda have given to the U.S.-flag shipping industry and its employees. We look forward to working with you to further strengthen our industry, and we would welcome the opportunity to meet with you to discuss these and other critically important maritime policy issues and initiatives with you at your earliest convenience. America's maritime labor organizations are incredibly proud of the role our industry has played throughout our nation's history, and we are unequivocally committed to doing our part, whenever our nation calls.

Sincerely,

Captain Tim Brown, President, IOMM&P, ILA, AFL-CIO
Mike Jewell, President, MEBA, AFL-CIO
Gunnar Lundeberg, President, SUP, SIUNA, AFL-CIO

CALIFORNIA LABOR FEDERATION

As a Vice President of the California Labor Federation, AFL-CIO, participated in the Federation's Executive Council meeting in Sacramento on March 9.

The prime topic at the beginning of the meeting was the coordinated attack on Unions, specifically on public sector workers in Wisconsin. It was pointed out by many that Wall Street and the big banks are responsible for crashing the nation's economy yet the politicians that do their bidding are trying to place the blame on Unions. It is time all workers reject these politically motivated attacks and work together to create jobs and rebuild the economy.

In response to the events that are transpiring in Wisconsin, the Federation has established a "Solidarity With Wisconsin" online center, a comprehensive resource loaded with ways to show support for workers rights in Wisconsin. Visit www.CaliforniaLabor.org and click on the "We Stand With Workers" button.

The past several years have been devastating to California's working families. First came the housing crisis, caused by banking deregulation and widespread abusive lending practices. Families were steered into high cost, high-risk mortgages by brokers and lenders who got kickbacks for pushing these subprime loans. While millions lost their homes, almost all California homeowners watched their home values plummet and their economic security dissolve.

Then the jobs crisis hit. The Wall Street meltdown triggered a deep national recession and brought the worst economic period since the Great Depression. California's unemployment steadily climbed to one of the highest in the nation. Industries like construction were particularly hard hit, leaving workers from every trade out of work. For laid off workers, there were simply no jobs and little hope.

As the economy stalled, workers suffered most. Those who kept jobs saw wage cuts and hiring freezes, meaning more work for less money and little job security. Workers desperate to keep their jobs were more reluctant to report abuses allowing the underground economy to swell. Public employees have faced takeaways ranging from pay cuts and furloughs to Vallejo's use of bankruptcy to break Union contracts. While big banks got taxpayer bailouts, all workers shared in the pain.

Accordingly, the Federation's 2011 legislative agenda is focused on 15 bills that fight for good jobs, crackdown on the underground economy, maximize job training funds, fight the Wall Street banks and protect workers.

However, the over-riding issue facing California is its \$25 billion deficit. Governor Jerry Brown's method of solving this problem is to place \$12.5 billion in tax extensions on the June ballot coupled with \$12.5 billion in cuts in almost every area of state spending.

A key part of the Governor's budget proposal hinges on the elimination of the Enterprise Zone (EZ) tax credit program. The EZ program has grown from \$600,000 since its inception in 1986 to now over \$450 million a year. Evidence has mounted that the program creates no new net jobs for the state. Instead, as Teamsters Local 485 members realized, EZ tax credit programs incentivize the stealing of good Union jobs to create low road jobs in other parts of the state.

VWR, a medical sales facility in Brisbane, has been under a Union contract for over 50 years. Recently, they were purchased by a private equity firm and have announced that they are leaving Brisbane and relocating to Visalia. VWR would be eligible, under the EZ program, to claim \$37,500 for each new employee hired. Teamster members are willing to move to Visalia but have been denied the right to follow their work because, they wouldn't qualify as "new" hires and VWR wouldn't be qualified for a tax credit.

The Federation's legislative team has used VWR as a prime example for why the EZ program is a failure and a waste of taxpayer funds and continues to lobby hard to kill this program.

The Governor's budget also borrowed funding from the worker-funded State

continued on next page

President's Report continued

Disability Insurance (SDI) program to cover the interest owed to the federal government for borrowing to maintain the state's Unemployment Insurance fund. The Federation language inserted to protect workers from an SDI tax increase due to the borrowing, guaranteed interest and four year time period for repayment. The Federation has also gotten budget language included to fix a federal conformity technical issue to maintain federal Unemployment Insurance funds.

Yet again, the University of California Office of the President is threatening the UC Labor Centers with closure and layoffs. The Federation's legislative team has been meeting with legislative leadership and budget staff, the governor's office, and members of the Budget Committees to guarantee that the UC Labor Center is able to maintain its \$2 million budget.

Governor Brown himself addressed the Executive Council and was single-minded in his determination to let the voters decide on whether to extend certain taxes another five years to eliminate the deficit. Those taxes cover sales, income and vehicle licenses. The problem is that he needs two-thirds support in the state legislature to place the tax extension measure on a special June ballot. The Republicans have thus far refused to agree to let the people decide.

The Governor was frank and candid with those in attendance when he stated that failure to get the measure on the ballot was not an option.

If the measure does not make the ballot, the \$25 billion deficit will be eliminated by draconian cuts to state programs which impact all public sector workers.

HOLIDAYS

"Teddy" Gleason's Birthday

March 17 is an International Longshoremen's Association (ILA) holiday in honor of former ILA President Thomas "Teddy" Gleason. For APL vessels in an East Coast port on that day, overtime is payable for all hours worked as per the collective bargaining agreement.

Cesar Chavez' Birthday

All SUP halls on the West Coast will be closed on Thursday, March 31, in observance of Cesar Chavez' birthday. As an ILWU holiday it is, therefore a recognized holiday for SUP members working under the APL and Matson Maintenance Agreements on the West Coast and for APL and Matson vessels in West Coast ports on that day.

Cesar Chavez's birthday is not a holiday in Hawai'i. The holiday is also applicable to members employed by the San Francisco Bar Pilots.

ACTION TAKEN

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

Gunnar Lundeborg

Vice President's Report

March 2011

Florida Voyager: Ken Dooley, delegate. John Svane is the bosun. Discussion on procedure and proposals for negotiations. Negotiations will commence before expiration. Participation from all three departments is encouraged.

Oregon Voyager: Chris Thorsen, delegate. In at Richmond Long Wharf loading ethanol. On the romance run to the Islands. Good discussion about potential layoffs after the Washington goes to the breakers as well as negotiations.

Washington Voyager: Jenn Corner, delegate. Crew list of issues for negotiations very helpful. Several new members came on board with the SUP. Ship working the Coast hard despite impending layup.

Mississippi Voyager: Brian Waymire, delegate. In San Francisco shipyard to fix a crack in the hull. Long discussion on various collective bargaining issues and proposals. OPA hour accounting should not reduce normal overtime hours. Crew washed, mucked, and wiped six tanks for special cargo of highly refined jet fuel.

USNS Martin: Nick Manneseotis, delegate. At 1730 on March 11, this ship received emergency sortie orders from Seventh Fleet command after 8.9 magnitude earthquake struck off Japan. Working at the direction of Bosun Paul Harsany, independent teams of sailors simultaneously stowed the cranes, raised the mast, secured both engine room side ports, and heaved anchor in time for an 1830 departure: SUP style.

USNS Shughart: Ryan McLaughlin, delegate. Activated to Full Operating Status to sail from Bayonne yard back to ROS berth in Violet, Louisiana. Unfortunately, a main engine flywheel blew apart on start up. Ship shifted to Port Newark dock for repairs; crew reduced to RAV status which reduces 1 AB and 1 OS. Scheduled to call back and sail for NOLA in early April.

USNS Yano: David Burns, delegate. Activated to Full Operating Status after the *Shughart* and sailed on time with a full and fully-trained crew. Delegate facilitated the arrival of crewmembers with a cancelled flight.

Maui: Nick Hoogendam, delegate. Unreliable crane controls are a safety hazard. Brian Yost is the bosun.

Mokihana: John Savage, delegate. In at Oakland with no problems.

Cape Jacob: Randy Fogle, delegate. Aaron Weibe did a fine job as bosun; relieved by Asad Al-Rasullulah. In Alameda in preparation for the boneyard.

APL Japan: Quentin Brown, delegate. Calling in Malta at Marsec 2 due to military activity in the region. Clarification on security watches and port preparation.

APL Singapore: Will Bowen, delegate. Question on cold ironing procedures. Security watch call-outs settled on payoff in Los Angeles to the satisfaction of the gang. Bosun Juan Magana is taking the time to break in new sailors.

APL Philippines: William DeBenedictus, delegate. In at Oakland with no problems. Subsequent emails from the ship asking for guidance regarding the threat of radioactive exposure. Contacted the Company for policy and safety equipment...

APL China: Art Kardinal, delegate. Collected an additional half-hour on a call-out. As per Section 11(g), time starts when you are called, provided you turn to in 30 minutes. The call triggers the 2 hour minimum. If the minimum is exceeded, time accrues in half-hour increments.

San Francisco Bar Pilots: Mike Koller and Terry O'Neill, delegates. Getting the job done safely in heavy weather.

Foss Maritime Company: J.D. Rymel, delegate. Conversations with members about negotiations next year.

Dave Connolly

LoBiondo calls for spending of Harbor Maintenance Trust Fund

Representative Frank LoBiondo (R-New Jersey), Chairman of the House Subcommittee on Coast Guard and Maritime Transportation, called for spending down the \$5 billion balance in the Harbor Maintenance Trust Fund during a speech at the Connecticut Maritime Association in Stamford on March 21.

During his speech, LoBiondo said that dredging harbors can create jobs and boost the economy. "It's one of the areas where spending money will make us money," he said.

LoBiondo has previously addressed the issue of the Harbor Maintenance Trust Fund, cosponsoring H.R. 104 entitled the Realize America's Maritime Promise Act, which would require spending from the fund to be equal to the amount of money the fund takes in plus interest each fiscal year.

Regarding the issue of harbor deepening, LoBiondo warned that there is not enough money to go around for all of the ports that want to deepen their harbors in anticipation of the larger ships that are expected to call the Eastern and Gulf coast ports after the expansion of the Panama Canal is completed in 2014.

"I don't know if anybody has even put a price tag on it, to say if all the ports that have a request did it, it would cost 'X' number of dollars. But we do know we have a problem," he said.

LoBiondo said he has not yet looked closely at the proposal by Senator Jim DeMint (R-South Carolina), which would create a panel similar to the military base closings for deciding which water resources projects get funded.

DeMint's bill would: eliminate the Corps' multi-year backlog of more than 1,000 earmarked projects; establish a "Water Resources Commission" to prioritize Corps' projects; "empower" the Corps to undertake studies and construction projects based on national priorities; and reform the Harbor Maintenance Trust Fund (HMTF) so that individual states could choose where to use the taxes collected.



SAN FRANCISCO BAR PILOTS ASSOCIATION
Pier 9 East End
San Francisco, CA 94111
415-362-5436 Fax 415-362-0861

March 2, 2011

Mr. Louie Urbano

Mr. Dave Stuhlbarg

Mr. Steve Swinson

Mr. Ray Pinochi

RE: Letter of Appreciation and Commendation for Rescue of Pilot

Dear Messrs. Urbano, Stuhlbarg, Swinson and Pinochi,

On behalf of all the San Francisco Bar Pilots, staff and crews, it is my distinct honor and pleasure to extend our appreciation and commend you for your skills and seamanship in the rescue and recovery of Captain Roger Kirk.

On December 17, 2010 at 1455 hours, unit 10- Captain Roger Kirk fell overboard from the P/V Drake while making a Pilot transfer. The crew, pilots and the vessel responded immediately and swiftly came about to do the recovery. He was brought alongside the boat, hauled aboard using the recovery davit, and brought inside to be warmed while heading back to Pier 9. He was visibly shaken but unharmed. The crew and the pilots onboard should be commended for their quick and safe actions in the recovery of Captain Kirk.

Your professionalism and rapid response to an emergency in the most adverse conditions are in keeping with the highest traditions and standards of the San Francisco Bar Pilots. Your response and calmness while performing this rescue was truly outstanding. We would like to thank you for these efforts and would like you to know that we truly recognize and appreciate this feat. You all should be very proud of yourselves for this show of true professionalism.

Sincerely,


Captain Bruce Horton,
President and Port Agent

RECEIVED

MAR 07 2011

SAILORS' UNION OF THE PACIFIC

SUP Branch Reports

Seattle

February 22, 2011

During the period, 4 Boatswains shipped and filled with 3 A seniority members to steady jobs, and one C member to a Navy bottom; 9 Able Seaman billets were filled by 5 A's and 3 Bs; and 1 C to a Navy bottom. One Ordinary Seaman job taken by a C member; and 16 standbys filled with 3 As, 7 Bs, 5 Cs, and 1 D registrant.

Registration: 12 A cards for a total of 21; 7 B cards for a total of 21; and 6 C cards for a total of 15.

Ships checked

The Matson ships *Manoa* and *Kauai* called twice with little or no trouble. The *Maui* was activated for sea service and the *Kauai* was laid-up at Terminal 25 for boiler work. Both the ship's crew and the standby gang led respectively by Bosun Brian Yost and Bosun Jerry Komoto did a bang-up job getting this ship ready for U.S. Coast Guard inspections and ready for sea. Captain Bruce Rowland praised all hands for their hard work.

The *President Polk* called in New York with a Seattle gang with little or no beefs. With the APL C-10 vessels scheduled for shipyard visits this year dispatching may see a decrease in jobs here in the Northwest. If you have not renewed or applied for training to ship in MSC/Navy jobs; now may be the time to consider this.

I represented the SUP/MFU at the following meetings: the King County Labor Council meetings; the Seattle Waterfront Stakeholders Committee; the Machinists Union Labor/Management meeting; the Puget Sound Harbor Safety Committee; the Alaska Way Viaduct Replacement Committee; and a meeting with Port of Seattle Executive Director Tay Yoshitani. Mr. Yoshitani stated that the Port of Seattle moved a record 2.1 million containers across its docks last year and that translated to saving thousands of jobs in the maritime industry in Washington State.

Vince O'Halloran
Branch Agent

Dispatcher's Report

Headquarters—Feb. 2011

Deck	
Bosun	2
Carpenter	0
MM.....	3
AB	14
OS	1
Standby	14
Total Deck Jobs Shipped	34
Total Deck B, C, D Shipped.....	6
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. ...	34
Total B, C, D Shipped-All Depts. ...	6
Total Registered "A"	32
Total Registered "B"	22
Total Registered "C"	17
Total Registered "D"	32

Wilmington

February 22, 2011

Shipped a total of 80 jobs—the breakdown is as follows: 2 Bosun-2 return; 3 AB/Dayman-2 steady, 1 return; 8 AB/Watch- 4 Steady, 2 relief, 2 return and 67 standbys.

Registration: Class A 27; Class B 20; and Class C 15.

Ships checked

Manulani, Maunalei, Maunawili, Mokihana, Mahimahi, Manukai, R.J. Pfeiffer, Philippines, Korea, Thailand, China, Singapore, and Washington Voyager. No problems.

Attended and represented the SUP at the following meetings; American Merchant Marine Veterans Memorial Committee; Maritime Trades Port Council; and the LA County Federation of Labor.

Wish to thank Michelle Chang, SUP Benefits Administrator, for coming down for the meeting. She was well received and provided members with information about their Welfare and Pension benefits. Brian Christ was on hand from The Standard and went one-on-one with members discussing their Money Purchase Pension Plan & 401(k) account balances and market strategies. We also boarded the *Manukai* and *APL Thailand* and spoke with the gangs. Also thanks to the members that took time out to attend the Branch meeting.

I would like to commend all the delegates on their outstanding work recording the OT and keeping my job easy.

APL Standby gang running smooth with Bosun Gary Gelfgren at the helm.

Vern Johansen
Branch Agent

Honolulu

February 22, 2011

Shipped the following jobs during the month of January: 1 Bosun steady, 1 Bosun return, 1 AB day return, 1 AB day relief, 1 AB Maintenance steady, and 1 OS relief. The regular jobs were filled by 4 A cards, 1 B card, and 1 D card.

Also shipped 9 standby jobs this month. The standby jobs were filled by 6 B cards and 3 C cards.

Registered during the month of January: 4 A cards, 8 B cards, 3 C cards, and 1 D card.

To date totaled registered: 11 A cards, 9 B cards, 3 C cards, and 7 D cards.

Ships checked

Manukai, Maunawili, R.J. Pfeiffer, Mokihana, Manoa, Maunalei, Mahimahi, Manulani, and Maui. All with few or no beefs. Paint and Rigging gang running smoothly with Monte Kalama as Bosun.

During the month, I represented the SUP at the Hawai'i Ports Council monthly meeting, which includes the Hawaii Ocean Safety Team (HOST) meeting report, (no HOST report this month); a breakfast meeting with U.S. Congresswoman Colleen Hanabusa at which she thanked the Unions and all of labor for helping her get elected, and the Wisconsin solidarity rally held at the Hawai'i state capitol building.

Remember to support your Union and attend all meetings. Mahalo,

Michael Dirksen, Branch Agent



AB Dennis Belmonte (in the flashy suit) going ashore from the *APL Philippines*, along with AB Jan Peter Johnson headed to work at the APL steam rack, in the terminal parking lot in Oakland, March 11. Photo: Dave Connolly

Judge blocks Wisconsin law curbing labor rights

A Wisconsin judge has temporarily blocked a controversial law from going into effect that would severely restrict collective-bargaining rights for most public employees in the state.

Dane County Circuit Judge Maryann Sumi issued a restraining order on March 18, that stops publication of the law signed by Republican Wisconsin Governor Scott Walker. Halting that procedural step essentially blocks the measure, which would go into effect once it is formally published.

The judge's order came after Dane County's Democratic District Attorney Ismael Ozanne filed a suit alleging that a joint committee of the legislature violated the state's open meeting law when it abruptly called a session to get the measure passed. The judge's ruling does not speak to the legal merits of the law but says that the suit over the session has to be completed before the law can move forward.

Phil Neuenfeldt, President of the Wisconsin State AFL-CIO, praised the judge's action. "Judge Sumi confirmed what we knew all along—that the bill stripping hundreds of thousands of hard-working Wisconsinites of their voice on the job was rammed through illegally in the dark of the night," Neuenfeldt said.

In a statement, Walker spokesman Cullen Werwie said: "The legislation is still working through the legal process. We are confident the provisions of the budget repair bill will become law in the near future."

The move to curb collective bargaining ignited weeks of demonstrations in Madison, as tens of thousands of people descended on the state capitol in protest. The effort also prompted 14 state Senate Democrats to flee Wisconsin for more than two weeks, in an ultimately futile effort to block the measure's passage by denying a quorum in the chamber.

Walker and the Republicans outmaneuvered the Democrats by calling an abrupt meeting of a joint legislative committee, which altered the bill, allowing it to be considered by fewer legislators. The measure then passed both legislative chambers, and Walker signed it.

Since the law's enactment, protesters have made fervent efforts to recall Republican state Senators who supported it, while proponents have mounted recall efforts against the Democratic Senators who left Wisconsin to block the vote.

San Francisco Business Agent

March 14, 2011

Mahimahi— John Gabourel, delegate; Chris Bujnowski, bosun: Running great, no disputes or beefs.

Maui— Nick Hoogendam, delegate: In from Seattle, first trip since coming out of lay up for over a year. Good gang from Seattle, no disputes.

Mokihana— Tom Koppel, delegate took a trip off. New delegate Jim Savage, no disputes.

Visited Wash Rack at APL: Question on vacation pay. Running smooth with Bob Greene as bosun.

Worked in front office.

Bill Berger



SUP members join pension ranks

The following SUP members joined the rank of pensioner, bringing the total number of SUP members to 498:

George Blake, 65, Book No. 5733, joined SUP in 1965, 12 years seetime.

Miguel Villegas, 66, Book No. 3639, joined SUP in 1985, 15 years seetime.