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Sidelights

February 2016 Vol. 46, No 1

Published by the Council of American Master Mariners, Inc.

Maintaining a Viable American Merchant Marine CAMM's upcoming AGM

A Master's Voyage Report 2015
Lost Control? Stay in Command
eNav: Technology out-pacing implementation

Mission Statement

www.mastermariner.org

The Council of American Master Mariners is dedicated to supporting and strengthening the United States Merchant Marine and the position of the Master by fostering the exchange of maritime information and sharing our experience. We are committed to the promotion of nautical education, the improvement of training standards, and the support of the publication of professional literature. The Council monitors, comments, and takes positions on local, state, federal and international legislation and regulation that affect the Master.



MARITIME SECURITY 2016 EAST MARCH 21-23, NORFOLK, VA

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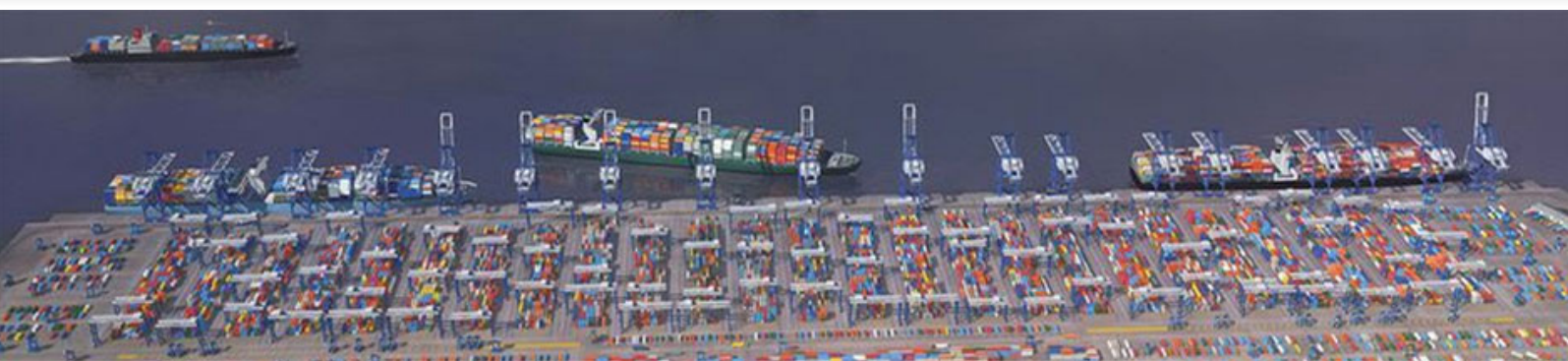
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North Pacific Region

SEATTLE / PACIFIC NORTHWEST

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Meetings at 1200 on the 2nd Tuesday of each
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The Council of American Master Mariners, Inc.

Registration Form

2016 Professional Development Conference & Annual General Meeting

Name: _____ CAMM Membership No. _____

Address: _____

City: _____ State: _____ Zip: _____

Best Contact Phone: _____ Alternate Phone: _____

Email address: _____

Name for ID badge: _____ CAMM Chapter Affiliation: _____

Arrival Date: _____ Departure Date: _____

Events (Put a check mark in the boxes you plan to attend)									
	Wed., April 20			Thurs., April 21			Fri., April 22		
	Golf Outing Includes green fees, cart & lunch: \$60 / person	Welcome Reception No Charge	Development Conf. \$75 / person	Guests: City Tour & lunch at Multnomah Falls \$50/person	Dinner Cruise on PORTLAND SPIRIT \$60 / person	General Meeting \$75 / person	Guests: City of Portland, Pittock Mansion & lunch \$50/person	Closing Dinner \$75 / person (please circle choice)	Totals
Primary Attendee				at meetings			at meetings	Wild Salmon Filet Mignon	
Guests								Wild Salmon Filet Mignon	
								Wild Salmon Filet Mignon	
Grand Total Due									

Please check all that apply:

I require special needs and/or assistance (please explain): _____

Please return this form with check payable to "CAMM" **no later than March 20, 2016 to:**

Captain Manny Aschemeyer
 CAMM Annual General Meeting
 30623 Chihuahua Valley Rd
 Warner Springs, CA 92086-9220

*Registration and payments may also be made online at www.mastermariner.org/2016pdc-agm

In This Issue



ON THE COVER

Willamette River and City of Portland, view is upstream (generally south), 1988. Photo by Bob Heims, U.S. Army Corps of Engineers.

SIDELIGHTS

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TO SUBMIT MATERIAL

We welcome your articles, comments, illustrations and photographs. Please email or send your submissions to *Sidelights* Chair Captain R.J. Klein at the above addresses. All submissions will be reviewed, but are not guaranteed to be published.

PUBLICATION DEADLINES

Issue	Submission	Release
February	Jan. 10	Feb. 15
April	March 1	April 1
June	June 1	July 1
October	Sept. 1	Oct. 1
December	Nov. 1	Dec. 1

View From the Bridge 7

President Captain R.J. Klein highlights parallels between CAMM's efforts in 1938 for a viable merchant marine to CAMM's goals today, with focus on government involvement including Merchant Marine Acts and Cabotage laws.

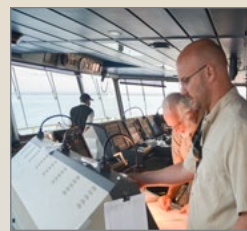


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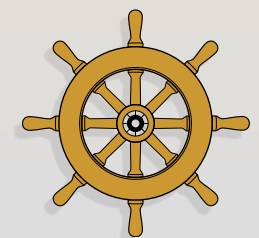


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NOTICE The articles in this magazine are entirely those of the writer, and do not necessarily reflect the views of CAMM nor its Board of Governors. CAMM is an independent professional organization and is not affiliated with nor endorses any union or political party.



Dedicated to supporting and strengthening the American Merchant Marine

Venue & Accommodations

Marriott Portland City Center
520 SW Broadway
Portland, OR 97205



\$165/night + taxes, standard room; valid April 17-26, 2016 when booked no later than March 23, 2016. To book at CAMM's group rate, please follow link from CAMM's website.

Wednesday, April 20

Golf Outing
Welcome Reception

Thursday, April 21

Professional Development Conference
Industry Speakers

Guest City Tour with lunch at Multnomah Falls
Dinner Cruise: Portland Spirit

Friday, April 22

General Business Meeting
Guests: City of Portland, Pittock Mansion & lunch
Closing Dinner
Keynote Speaker

Event Chairperson

Captain Dan Jordan
captjordan@mastermariner.org

Sponsors

Sponsorships Available
Corporate booth displays, daily and individual sponsorships are available at different levels and posted on page 13 and the event website.

Annual General Meeting Professional Development Conference

Maintaining a Viable American Merchant Marine in the 21st Century

April 20-22, 2016 ☆ Portland, Oregon, USA
Hosted by the Columbia River CAMM Chapter

Featured Speakers



Opening Remarks by
Captain Daniel J. Travers
Commander
Sector Columbia River



Captain Oscar E. Prada
Marine Superintendent
U.S. Flag & Lightering Fleet
Chevron Shipping



Mr. John Parrott
Chief Operating Officer
Foss Maritime



Captain Marc Bayer
Senior Director
Shipping Operations
Tesoro Maritime Company

Invited Speakers:

Maritime Administrator
Paul 'Chip' Jaenichen
Captain Donald J. Marcus,
International President, IOMM&P
Captain Michael Murphy,
National VP, Government Relations
American Maritime Officers Union



General Business Meeting

Council Business
Views & Positions Discussions
Target Positions

Closing Dinner

Keynote Speaker
Lalonde 'Spirit of the Seas' Award
Introduction of
2016-18 National Officers
Cash Raffle Drawing
Recognitions



www.mastermariner.org/2016pdc-agm

Pre-meeting Golf Outing



**Eastmoreland
Golf Course**

**Wed., April 20, 2016
1000 hrs**

**\$60 Registration Fee includes:
Golf, cart, and lunch**

Register via the CAMM meeting registration form

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Commodore Level:



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Sea-Jay
Maritime, LLC

Breaks: **gCaptain**

Captain Tim Brown, #1494-R



Captain R.J. Klein
CAMM National
President
#1751-RU

GOVERNMENT HELP NEEDED FOR A VIABLE U.S. MERCHANT MARINE

Marine in the 21st Century. Reading the history of CAMM origins, it is apparent that one of the main reasons for the formation of the Council was the passage of the Merchant Marine Act of 1936. In 1937 they discussed "... future policies and what should be done to save our shipping..." and asked the newly established Maritime Commission for "representation of the Council in pertinent matters concerning the Merchant Marine." Obviously they were trying to maintain a viable American Merchant Marine in the 20th Century.

In 1830, U.S. Flag Ships carried 90% of the nation's waterborne cargo. By 1909 the volume of trade carried by American vessels was less than 10%. The Merchant Marine Acts of 1920 and 1936 were intended to help reverse that trend and to ensure that the United States had a merchant marine which could meet the transportation needs of the nation.

While opponents of cabotage laws argue that they are unnecessary and costly, most coastal nations have cabotage laws which exclude foreign vessels from their domestic trade. The United States has had such laws since 1789. Additionally, many nations subsidize their merchant marine in foreign trade as well as domestic.

The theme of CAMM's upcoming PDC in Portland, Oregon, is *Maintaining a Viable American Merchant*

In 1935, President Roosevelt sent a message to Congress asking for the passage of a new Merchant Marine Act (which became the Merchant Marine Act of 1936). In his message, the President called for subsidizing the merchant marine and said that the subsidy "... must be based upon providing for American Shipping government aid to make up the differential between American and foreign shipping costs. It should cover first the difference in the cost of building ships; second, the difference in the cost of operating ships; and finally, it should take into consideration the liberal subsidies that many foreign governments provide for their shipping. Only by meeting this threefold differential can we expect to maintain a reasonable place in ocean commerce for ships flying the American flag, and at the same time maintain American standards."

The "Declaration of Policy" of the Merchant Marine Act of 1936 is as follows:

SECTION 101. It is necessary for the national defense and development of its foreign and domestic commerce that the United States shall have a merchant marine:

(a) sufficient to carry its domestic water-borne commerce and a substantial portion of the water-borne export and import foreign commerce of the United States and to provide shipping service on all routes essential for maintaining the flow of such domestic and foreign water-borne commerce at all times,

(b) capable of serving as a naval and military auxiliary in time of war or national emergency,

(c) owned and operated under the United States flag by citizens of the United States insofar as may be practicable, and

(d) composed of the best-equipped, safest, and most suitable types of vessels, constructed in the United States and manned with a trained and efficient citizen personnel. It is hereby declared to be the policy of the United States to foster the development and encourage the maintenance of such a merchant marine.

The Merchant Marine Act of 1936 called for a ten-year building program of fifty ships a year. It called for the Maritime Commission (now MARAD) to design hulls and for the government to subsidize building and operating the new ships. It is as apparent now as it was in 1936, that to maintain a strong American Merchant Marine, government must be involved. The Jones Act, subsequent Merchant Marine Acts and MARAD programs have enabled a small U.S. Flag Merchant Marine to survive, but what is left of these programs is not enough to ensure its continued existence.

Today, the American Merchant Marine is where it was in 1909 – carrying less than 10% of its imports and exports. In the spirit of the early Council, CAMM **must** continue to work with government, industry leaders and labor to maintain a viable Merchant Marine in the 21st Century.

RJ Klein
Captain R.J. Klein

Greetings, CAMM Shipmates



*Captain
Manny Aschemeyer
CAMM National
Secretary-Treasurer
#1548-RU*

everyone!

The following is an update on several important items and issues as outlined below.

Dues Report

The response to our annual appeal for dues is progressing well, but it could be better. At this writing, approximately 65% of our total members have paid their 2016 dues. At the end of the February I will be sending out a second notice for those delinquent in paying dues. I encourage those who have not yet paid to do so now and help us save mailing costs. We need your help to maintain our budget and keep CAMM strong. Thanks in advance for your cooperation.

Membership

We just completed updating MAS (Membership Administration System). Captain Klein and I worked with our database programmer to eliminate some of the bugs that were making it difficult for members to login. Not logging out often causes problems in the system. To help us remember to logout, we highlighted and moved the "Logout" bar to the top of the menu. We have always asked members if they had sailed as Master during the previous year – we

As 2016 unfolds before us, I extend to you all a belated greeting and best wishes for the New Year. Here's hoping that 2016 proves to be a good year for

have expanded that question to Pilots. This will enable us to track working Pilots as well as sailing Masters. Some clean-ups were also performed that you will not see but will make the program run more smoothly.

When I began my term as your National Secretary and Treasurer with CAMM in July of 2014, I carefully reviewed and updated MAS, concentrating on identifying all active members. After cleaning up the roster for deceased, terminated, lost, and resigned members I now feel we have a much more accurate accounting of our membership numbers. We are trading water with our membership numbers. Therefore, I again encourage all CAMM members to reach out to those you know who are sailing as masters or who are working ashore as a maritime professional, and sponsor their membership. We can all do the math – one new member per member doubles our membership. As an incentive, if you sponsor three new approved members in one year, then your dues are waived for the following year.

Constitution and By-laws

In my last message I advised members of the proposed changes to the CAMM Constitution and By-laws that will allow us to expand our membership under the Associate Member category. A complete text of the proposed changes will be sent with your ballots. The main points:

- Allow deck officers (Third, Second, and Chief Mates) holding an unlimited USCG license/credential to join CAMM as Associate members. The expectation is that they will, over time, become Master Mariners and elevate their membership status accordingly.
- Allow cadets and midshipmen from the state and federal maritime academies to join CAMM as "cadet members". They would be eligible to move to Associate status upon graduating and obtaining their unlimited deck license/credential.

These changes can be made without compromising the high standards for membership in CAMM. As information; totaling the RU, RP, S, and L membership categories (all of whom currently possess a limited or unlimited USCG Master's License/Credential and have sailed as Master) shows that over 90% of the CAMM's membership are "American Master Mariners" - a healthy majority.

The proposed changes will maintain the language "not to exceed 20%" in restricting the number of Associate Members (currently 6% of members are Associates).

The intent is to make junior officers and cadets aware of CAMM early in their careers. This will allow for a smooth transfer to regular membership when they become Master Mariners. *Ballots will be going out in February and I urge your support on these changes when you vote.*

Financial report

The completed budget report for the First Quarter of our new 2016 Fiscal Year, which began on October 1st, 2015, has started off in fine form, with income over expenses netting \$12 K for the quarter. Any CAMM member wanting to see a detailed financial report kindly contact me by email or phone and a report will be sent.

Notwithstanding that initial good report, looking forward I am projecting a slight deficit by the end of FY 2016. With that in mind, I will be recommending a dues increase for FY 2017. As near as I can determine, CAMM dues have

not increased for over 30 years. With increased costs and expenses over the last 30 years, it is time to consider a dues increase to ensure that CAMM remains solvent. The increase amount has not been finalized but \$75 per year has been suggested. Even at \$75 our dues would be extremely low for a national professional organization of CAMM's stature. So if/when a dues increase is approved, I trust you'll take it in stride and continue your support for CAMM in the years to come.

2016 AGM/PDC in Portland, Oregon

Finally, I want to remind you of the upcoming 2016 Annual General Meeting and Professional Development Conference to be held in Portland, Oregon, April 20-22. We have invited an impressive list of speakers/presenters to address our conference theme: "Maintaining a Viable American Merchant Marine in the 21st Century".

This will be an excellent opportunity for you to see how CAMM works and to bring up issues you feel are important. We anticipate a good turnout, so PLEASE mark your calendars now and

plan to attend. Bring your spouse or a guest. Social activities include a dinner cruise on the Willamette River and tours and luncheons offered to the spouses and guests. The semi-formal Closing Dinner is always worth attending, featuring a Keynote Speaker and the presentation of the Lalonde Award.

A flyer with details for the AGM/PDC will be mailed in February, and I'm asking ALL members to give favorable considerations for attending. Sponsorships are available and start at \$100. We hope you'll fill out the AGM/PDC Registration and consider being a sponsor. ALL RSVPs need to be in by March 20th so we can plan accordingly for the venue, activities, meeting spaces, and meals. Looking forward to seeing MOST of you there!

Thanks for your time and interest and as always I appreciate your continued support for CAMM. So until next time, Smooth Sailing!



Captain Manfred "Manny" Aschemeyer

CAMM Swag for Sale



\$20 Includes a set of 4 coasters, pen and 4GB USB drive

Contact Captain Manny Aschemeyer to place your order. Price includes tax, shipping and handling.

New Members

Welcome Aboard! You now have all the benefits of CAMM membership!

- 3391-S16 Captain **F. Scott Duncan** of San Pedro, Calif.
Marine Surveyor & Partner, Duncan Shoemaker & Assoc.
Sponsored by Captain Manny Aschemeyer #1548-RU
- 3392-RU Captain **Jon D. Ruffatto** of Sandpoint, Idaho
Master, APL CORAL
Sponsored by Captain George N. Zeluff, Jr. #2530-L
- 3393-RU Captain **Roger M. Daggett** of Hinesburg, Vermont
Mooring Master, Tullow Oil Co., Ghana, West Africa
Sponsored by Captain Manny Aschemeyer #1548-RU
- 3394-RU Captain **Joshua W. Lippert** of Virginia Beach, Va.
Relief Master, M/V AIVIQ, Edison Chouest Offshore
Sponsored by Captain Liz Clark #997-L
- 3395-S16 Captain **Steven A. Perry** of Raymond, Wash.
Second Mate, USACE, Dredge ESSAYONS
Sponsored by Captain Manny Aschemeyer #1548-RU
- 3396-S Captain **Michael E. Jessner** of Westminster, Calif.
Chief Mate, APL CORAL
Sponsored by Captain Jon Ruffatto #3392-RU



Welcome Back, Reinstated Members

- 884-RU Captain **James S.B. Komlosy** of Lynn Haven, Fla.
- 1891-RU Captain **Sanders A. Jones** of Portland, Oregon
- 2921-RU Captain **William Atthowe** of Brentwood, Calif.
- 3007-RU Captain **Joseph M. Lachnicht** of Palm Harbor, Fla.
- 3052-RU Captain **Joe Perry** of Taylor Lakes Village, Texas

Triple our Membership Drive

Sponsor 3 approved new members and be eligible to earn a free year's membership dues! Ask your Chapter President for more details. Membership applications are available online at www.mastermariner.org. Please remember applicants must include a copy of their current U.S.C.G. License for timely processing.



Council Reports

1st VP Report: Government & Public Relations

Captain Joe Hartnett, #2193-RP

Report not available.

2nd VP Report: Pilot Relations

Captain Dan Jordan, #2698-RP

Report not available.

Sidelights and Website Report

Captain. R.J. Klein, #1751-RU

Interim Committee Chair

Report not available.

North Atlantic VP Report

Captain Frank Zabrocky, #1964-RU

Please see Positions Report.

New York Metro

Captain George Sandberg, #1919-RU

Chapter President

Report not available.

Baltimore / Washington, D.C.

Captain Joe Hartnett, #2193-RP

Chapter President

Report not available.

South Atlantic VP Report

Captain Tim Brown, #1494-RU

Report not available.

Port Everglades / Miami

Captain Paul Coan, #3021-RU

Chapter President

The Miami/Port Everglades Chapter holds regular monthly meetings on the third Thursday of the month at Galuppi's in Pompano Beach.

Tampa Bay

Captain Ron Meiczinger, #1747-RU

Chapter Secretary

The December 8th, 2015 annual Christmas Luncheon of the CAMM Tampa Bay Chapter was held at the Columbia Restaurant in Ybor City with twelve members and twelve guests in attendance. In Chapter tradition, the ladies were each presented with a red rose in the "Red Room." No business was conducted, and a good time enjoyed by all.

Gulf VP Report

Captain Michael Mc Cright, #2753-S

Please see Houston Report.

Mobile Bay

Captain Jerome "Rusty" Kilgore

Chapter President

No report submitted.

New Orleans

CE Horace George, #3223-A

Chapter Secretary

At our November meeting we discussed the coming expansion of the WWII Museum, which will include a section for Merchant Marine War Veterans. Our December meeting was our annual holiday luncheon at the Red Maple Restaurant in Gretna.

At our January meeting, Chapter Chaplain and the Executive Director of the Global Maritime Ministries Reverend Phillip Vandercook brought us up to date regarding the facility and described their activities around the Port of New Orleans. This is a very important part of Port operations for the seamen who man the vessels calling in the Port of New Orleans. Any donations made to this facility go directly to the benefit of seamen of many nations and makes their lives much better while away from home.

We discussed the *EL FARO* tragedy and the ongoing investigation.

Houston

Captain Michael Mc Cright, #2753-S

Chapter President

Back in August, we held two meetings aboard Cal Maritime's Training Ship *GOLDEN BEAR* with 20 cadets (midshipmen) from California Maritime Academy and Texas Maritime Academy. I opened the second meeting with a discussion the ideas, meaning and mentoring possibilities behind CAMM and student chapters at both schools.

The guest speaker, Captain Mark P. Hensley (#1552-RU) is a U.S. Merchant Marine Academy graduate, Class of 1970. He has been an instructor at Cal Maritime since 1992 and full-time faculty for the past 10 years in the Marine Transportation Department. Prior to joining Cal Maritime he had 20 years of service with ARCO Marine, Inc. having sailed as AB, third mate, second mate, chief mate and the last 10 years as master/pilot aboard the company's refined product and crude oil tankers on vessels up to 265,000 DWT in both the foreign and domestic trade.

Captain Hensley described how difficult it was to land his first job going to sea after getting his license. His first step was a visit to the MM&P hall in San Francisco. The MM&P port agent in San Francisco (to his credit) honestly explained that he had a large number of applicants on the books ahead of him, and it did not look promising. He advised Mark to contact non-MM&P companies, primarily oil companies. When asked where he might find them he was told to "look them up in the yellow pages", which exactly what Mark did.

Months went by with numerous rejection letters and no job offers. And then it

happened. After getting a “thanks but no thanks” letter from ARCO he received a phone call from them on a Thursday and was asked if he would accept an AB job starting the following Monday. The answer was a definitive “yes” and that was the beginning of a 20-year career. Mark still has the original rejection letter from ARCO. This, as he explained, was an example of being in the right place at the right time.

(Note: This is quite a common practice today, and has been in the past. Many oil companies, AHTS, MPS, OSV’s and/or shipping companies will hire a new potential Third Mate or 3rd AE as an AB/QMED, with very good possibilities to move into a Third Officers Deck/Engine position once initial assignment is successfully completed — Capt. MMcC)

Mark spent about six months as an AB. About six weeks into his employment with ARCO he received a job offer as third mate with MSTs (now MSC). ARCO countered the offer and told him he would be promoted to third mate within the next few months so he declined the MSTs offer, stayed with ARCO and got the third mate’s job as promised and progressed from there.

Questions from the cadets for Captain Hensley:

Q: How long did it take to become a 2nd Officer?

A: Basically about two years. Shortly after getting his second mate’s license he was promoted to second mate.

Q: How much did a Third Officer make with ARCO? (Note: ARCO has now become part of Conoco Philips Oil company and is now called “Polar Tankers.”)

A: TMA Cadet 1C Robert Dillion responded: starting salary is in the neighborhood of \$98,000 per year, equal time off and on for a Third Officer Deck, or Engineer. (Note: 1C Dillion recently completed his commercial shipping assignment with Polar Tankers.)

Q: How do you become the Master?

A: You must set the higher bar, or standard. When the company calls you

two days before Thanksgiving and says something like “Mark, we need a Chief Officer to fill on the Tanker XYZ while C/O so-and-so stays home for the birth of their first (of many?) children”, you say “Roger Roger” and off you go back to sea two weeks early. Missing the Thanksgiving holidays all the way. Of course, as well as many other similar holidays.

Q: Do you have, did you have License insurance? Do you recommend License insurance?

A: Yes. Yes... and Yes.

South Pacific VP Report

Captain Klaus “Nick” Niem, #2167-RU

As more and more CAMM members retire to Hawaii, I will try again to establish a CAMM chapter in Honolulu.

Poor navigation and tug handling led the USNS MERCY to allide with the ARIZONA Memorial in Pearl Harbor.

According to U.S. Military Sealift Command (MSC), the pilot had poor control over the tug boats. That resulted in the ship unexpectedly heading toward the ARIZONA. It also led the pilot and the ship’s captain to lose track of where the ship was going for three minutes, leading the ship to hit the dock, according to the report. The report also stated that the chief mate’s lack of experience contributed to the allision as did the navigator’s lack of experience and effectiveness. The report made it clear having the pilot on board to guide the ship didn’t absolve the master, Captain Thomas Guidice, of responsibility. The Master’s responsibility for his ship is absolute. The MSC report states the Master is responsible at all times for the safe navigation of the ship. Pilots are technical advisers or assistants. MSC advocated administrative or corrective action toward the master, chief mate and navigator.

Los Angeles / Long Beach

Captain Dave Boatner, #2162-RU

Chapter President

The Los Angeles / Long Beach Chapter meets at noon the second Tuesday of the month [except August] at Crowne

Plaza Hotel’s Beacon Room in San Pedro. We usually have anywhere from six to ten members in attendance. Like many CAMM chapters, LA/LB struggles to increase numbers at local meetings. Our members take an active interest in their profession and encourage all Masters living or visiting in the area to participate in our monthly meetings.

San Francisco Bay Area

Captain Klaus “Nick” Niem, #2167-RU

Chapter President

The San Francisco Chapter continues meeting at the Nantucket Restaurant on the first Tuesday of every month. The chapter’s membership shrank to 56 dues paying members, due to nonpayment of dues and death.

The establishment of a cadet chapter at CMA has lost steam. In order to get the cadets involved, they need a good incentive. Last year Captain Tuuli Messer-Bookman (#3293-S) and I suggested to have the cadets do some research for CAMM. Some cadets are willing to spend a portion of their valuable time on research beneficial to CAMM. As of now the National has not responded to our suggestion.

North Pacific VP Report

Captain Cal Hunziker, #2457-R

Report not available.

Columbia River

Captain Bill Good, #1924-RU

Chapter Secretary

Report not available.

Seattle / PNW

Captain Douglas Subcleff, #2329-RU

Chapter Secretary

On November 12th, the Seattle chapter held its regular monthly meeting at McCormick & Schmick’s Lake Union restaurant. A total of 17 were in attendance. At this meeting, Chapter President Captain R.J. Klein introduced Captain Cal Hunziker, immediate Past President of CAMM National, and now the USA representative Vice President to IFPSMA

Continued on next page >>>

Council >>>Continued from page 11

(International Federation of Shipmasters Associations). Captain Hunziker reported on the appointment process for a new IFSMA Secretary General, which will take place at their headquarters in London. Currently, Captain Paul Owen, FNI, is the interim Secretary General. Captain Hunziker will continue to report on IFSMA and IMO issues as he travels around Europe the next few months.

We were honored to have as our guest speaker, Ms. Becky Forster, Chief Engineer, *MV COHO*, Black Ball Ferry Line. Her early interest in a maritime career started with the Sea Scout program, aboard the training vessel *SSS ODYSSEY* in Tacoma. Becky then went to the California Maritime Academy, graduated in 2000, then worked for Crowley, MEBA jobs, and the Alaska Marine Highway ferries before joining the *MV COHO*, a privately owned ferry on the Port Angeles, Washington, to Victoria, Canada run. She described the 341-foot long, twin screw, twin rudder *MV COHO* as a well-designed vessel that has been impeccably maintained since being built in 1959. In 2004, the engine platform was refitted with two EMD, V-12 diesels rated at 2,550 hp each.

Also at this meeting was Captain Jack Cox, CEO of Black Ball Ferry Line and recent recipient of CAMM Seattle's 2015 Maritime Person of the Year award. Captain Cox spoke about Chief Engineer Forster's remarkable service on the *MV COHO* and expressed his appreciation for her excellent work.

Our December 10th meeting was also held at McCormick & Schmick's restaurant. A total of 18 enjoyed the luncheon and celebrated in a festive holiday atmosphere that was precipitated by Treasurer Captain Donald Moore's announcement that the first round of drinks would be taken care of. Although we did not have a guest speaker scheduled, the Seattle Chapter's seagoing Vice President, Captain Kevin Coulombe, home on leave, spoke about his most recent voyage on a container ship to the Middle East and back. His report included a

description of the new two-way traffic capability for the Suez Canal, which has significantly reduced transit time (see Captain Coulombe's report on page 24). After lunch, a brief Discovery Channel documentary about the 1983 *SS MARINE ELECTRIC* sinking was shown. Discussion was held about the subsequent investigation and Marine Board recommendations for this casualty that claimed 31 out of 34 lives. The discussion then moved into the topic of the ongoing investigation of the *EL FARO* ship sinking. No survivors and a still missing voyage data recorder have made this investigation a difficult one for the NTSB.

Our first meeting of the year will be on January 14th at McCormick & Schmick's Lake Union restaurant. Our scheduled speaker will be Captain Greg Faust, Director of Marine Operations for Washington State Ferries. ☆



PHOTO: DOUG SUBCLEFF

Chief Engineer Becky Forster, Chief Engineer of the *MV COHO* Ferry. ☆

Views and Positions Report

Captain Frank Zabrocky, #1964-RU

A recent article in *Tradewinds* told of a foreign flag tanker that was taken by pirates in 2012. The owner declared general average and soon went out of business. After more than six months, a ransom was paid and the ship and crew were released. The insurer of the tanker was seeking 8 million dollars from the cargo owner and a charterer.

In the last issue of *Sidelights*, I proposed that our only position on piracy should be that flag states should protect their merchant ships. I doubt that this event by itself will create a demand for U.S. flag ships in the international tanker markets, but the 8 million dollar price tag and the months of captivity is probably making a difference in some company's bottom line.

Oceans Beyond Piracy reported the cost of Somalian piracy in 2012 was 6 billion dollars. There are pirates in other places also. At some point, U.S. flag ships operating under the protection of the U.S. Navy might present an economic advantage even if only in certain areas. The cost of piracy could be significant. It would be interesting to see a breakdown of who pays for what.

That being said, *Tradewinds* also reported more recently that a powerful Somali pirate has surrendered to authorities. Mohamed Osman Mohamed surrendered along with about 300 of his armed militiamen and battlewagons. He was known for seizing ships for ransom but has decided to give up piracy to help rebuild the region peacefully. The plan is for them to be rehabilitated and integrated into a regional army. ☆

A Peek at CAMM History

The following information was noted in the minutes of the Council's 1938 February meeting:

Trends of time told – "ladies of Negotiable affections, catering to seamen, and affiliated with Communistic party, now granted exclusive "cruising permits" by agreement to donate 40% of "take" to "The Front"!"

Almost Boston

Captain R.J. Klein, #1751-RU

If not for a losing coin toss, CAMM 2016 AGM & PDC would be in Boston, Oregon, not Portland, Oregon.

What is now the city of Portland, Oregon, was originally known as “The Clearing”. During the 1830s and ’40s it was a stopping place on the west bank of the Willamette River used by traders, trappers, and settlers traveling between Oregon City on the Willamette to Fort Vancouver (now Vancouver, Wash.) on the Columbia River. In 1843, William Overton from Tennessee and Asa Lovejoy from Boston filed a 640-acre land claim that included The Clearing and adjacent timber land. Two years later Overton sold his half of the claim

to Francis Pettygrove of Portland. As The Clearing grew, Lovejoy and Overton felt that the town should have an actual name. They both wanted to name it after their hometowns from back east—Boston, Massachusetts and Portland, Maine. To settle on a name they flipped a coin; Overton won and the town was named Portland.

The town soon overtook Oregon City as the area’s largest city, due to its location at the confluence of the Willamette and Columbia Rivers and the water depth adjacent to the town being able to accommodate ocean shipping. In 1850 the population was 581. Portland grew steadily and today it has over 600,000 residents.

Portland is known as the City of Roses, but its first nickname was “Stump Town.” The town had grown so fast in the late 1840s and ’50s that the stumps of trees cut down to make roads were left in place to be removed at a later date. In 1888, Georgiana Burton Pittock invited friends and neighbors to her garden for a rose exhibition. The Portland Rose Society was formed the next year and they began to hold annual rose shows. In 1905, rose bushes were planted in abundance along Portland’s city streets for the Lewis and Clark Centennial Exposition. The roses proved to be such a huge attraction that the city decided to hold a Rose Festival. Portland held its first Rose Festival in 1907 and it has continued every year for 109 years.

In addition to roses, Portland and the surrounding area offers visitors and residents a scenic vista. With Mount Hood as its backdrop, the city is adorned with 12 major bridges over the rivers. Near-by Willamette Falls, while not Niagara, is the largest falls in the Pacific Northwest. Washington Park, on the western edge of the city, which is serviced by Portland’s MAX Light Rail, is home to the Pittock Mansion, Portland Zoo, Japanese Garden, and the International Rose Test Garden. ☆

2016-2018 Officer Nominations

National President

Captain Jeff Cowan (#3070-RU)

First Vice President

Captain Joe Hartnett (#2193-RP)

Second Vice President

Captain Pat Moloney (#1829-RU)

Treasurer and Secretary

Captain Manny Aschemeyer (#1548-RU)

North Atlantic Regional VP

Captain Frank Zabrocky (#1964-RU)

South Atlantic Regional VP

Captain Liz Clark (#997-L)

Gulf Regional VP

Captain Michael Mc Cright (#2753-S)

South Pacific Regional VP

Captain Klaus Niem (#2167-RU)

North Pacific Regional VP

Captain Cal Hunziker (#2457-RU)

Sponsorships Available for 2016 CAMM AGM in Portland, Oregon

Commodore Level - \$2000

- 6-ft space for promotional table and display
- 4 tickets to closing dinner with dinner name card
- Priority logo placements

Captain Level - \$1000

- 6-ft space for promotional table and display
- 2 tickets to closing dinner

Staff Captain Level - \$500

- Logo recognition

Contributor Level - \$100

- Name recognition

Recognition of Sponsors

Logos and recognition will be displayed at all event promotions to best show the sponsor’s participation. Logo/recognition will be displayed in *Sidelights*, on the CAMM website, event programs, any advertising brochures/flyers and at the sponsored events.

Please see website for further details.

Welcome Kit Items

Any company or individual wishing to donate an item for the welcome kit will be given recognition during the event.

Closing Dinner Table- \$750

- 4 tickets to closing dinner with logo namecard on centerpiece

PDC Evening Social - \$500

- Logo/Banner display at event
- 2 tickets to event

Hospitality Suite- \$500/night

- Logo/Banner displayed in suite
- Logo Recognitions
- All 3 nights for \$1000

Meeting Breaks- \$200/break

- Namecard & logo at sponsored set-up
- Name recognition

Progress May Just Return Us to the Bad Old Days



by Father
Sinclair Oubre
CAMM Chaplain
#3220-A

Beginning in 2014, MSNBC began broadcasting an advertising campaign proposing that progressive

victories of the past are signs that today's "progressive" struggles will build a better world. As Chris

fortable, air conditioned environments, and receive good pay, good food, and sufficient rest.

The only problem with this vision is that reason, science, and technology has never been able to eradicate the seven cardinal sins from the hearts of men and women: lust, gluttony, greed, laziness, wrath, envy, pride. In our beloved industry, making bigger, faster, and more technically advanced ships has not exercised these sins, especially the sin of greed.

Two examples of continued presence of greed are found in the December 10, 2015 House-passed versions of the Coast Guard Authorization of 2015. Section 605 would deny class action status in penalty wage cases. Instead, each seafarer would have to pursue his or her case separately. In the past, cruise lines have been hit with large settlements because of the ability of seafarers to file together when they were denied their wages. Because wage claims are usually in the thousands, and not hundreds of thousands of dollars per seafarer, denying seafarers class action status will make it very difficult for the seafarer to pay an attorney to prosecute his or her case, to get the wages they are owed.

A second example is Section 606. This section would deny seafarers working on foreign-flagged passenger vessels from accessing US courts when the seafarer can seek damages and compensation in the country where the vessel is registered, or when the seafarer can seek damages and compensation in his or her own country. It is unlikely that a Burmese seafarer will be able to travel to Panama or the Bahamas to pursue a tort

case, and the history of the Philippines Overseas Employment Administration is just terrible.

An example is that of Lito Martinez Asignacion, a Filipino seafarer who received severe burns while working on a foreign-flagged vessel in the Mississippi River. After the court remanded the case back to the Philippines for arbitration, per the POEA contract, the arbitration committee ruled that he was entitled to only \$1,870 compensation for his career-ending injury. (www.lexislegal-news.com/articles/2915/seaman-asks-high-court-to-review-enforcement-of-philippines-award)

On January 5, 2016, *Maritime Executive* reported another case that greed is alive and well. A 26-year old Filipino seafarer on board the Panamanian-registered *BEAUFIX* was diagnosed with tonsillitis in China, and died a few days later on transit from Shanghai to Gladstone, Australia. Other crew members were found suffering from similar symptoms, but, were told that they would need to pay \$500 each if they wanted to see a doctor in Gladstone.

Fortunately, the International Transport Workers Federation was able to intervene, and these crewmembers were able to access medical care. An autopsy is being performed on the young seafarer. I can only wonder if there is a connection between threatening to charge the nine seafarers for medical care, and the death of the young mariner. (www.maritime-executive.com/article/seafarer-dies-onboard-sick-crew-told-to-pay)

I am not someone who rails against

Matthews said:

"...Progressive change takes time. Abolition would take a great Civil War, but it came. Women's suffrage would take a crusade, but it became part and parcel of our democracy. Voting rights have taken a brutal fight, as will the case for marriage equality and equal pay for men and women. Liberalism always wins, eventually..."

It is interesting that Mr. Matthews did not also include the French Revolution, the First World War, or the reign of Stalin as highlights of "progressive history." These were also historical moments when the social and cultural elites proclaimed that reason, science, and technology had displaced old superstitions, and, with these new tools, a world of freedom, health, wealth and justice would be established.

When one reads maritime publications, one can have the same feeling that reason, science and technology will soon be victorious over all the bad things in the maritime industry. Wonderful stories about ECDIS, virtual aids to navigation, and autonomous ships tempt us to believe that one day, the ills of the maritime industry will be done away, and all seafarers will work in clean, com-

reason, science and technology. I am using a laptop to write this column, I have used Google and Wikipedia to research it, and I will use email to submit it. What I do rail against is the idea that just because our machines are new

and superior to those of the past, that somehow, we, their creators of those machines, are different and superior from the machine creators of the past.

In response to the utopian vision of MSNBC that progress will build a better world, C.S. Lewis responded decades ago by saying:

“We all want progress. But progress means getting nearer to the place where you want to be. And if you have taken a wrong turn then to go forward does not get you any nearer. If you are on the wrong road progress means doing an about-turn and walking back to the right road and in that case the man who turns back soonest is the most progressive

man. There is nothing progressive about being pig-headed and refusing to admit a mistake. And I think if you look at the present state of the world it's pretty plain that humanity has been making some big mistake. We're on the wrong road. And if that is so we must go back. Going back is the quickest way on.” (The Case for Christianity)

Reason, science and technology will not make a better maritime industry alone, but if reason, science and technology are joined with new hearts that no longer have places for greed, lust, and pride, everything will be transformed. ☆

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eNav: Is Technology Outpacing Implementation?

PACIFIC
MARITIME
MAGAZINE
www.pacmar.com

by Jorge Viso
Pacific Maritime
Magazine
November, 2015

Paging through several trade periodicals, it seems that there are more and more elaborate ideas for what might be possible in the future with eNavigation.

The basic principle of eNavigation, as initially articulated by the IMO (“harmonized collection, integration, exchange, presentation and analysis of marine information on board and ashore by electronic means ...”) has undoubted merit and is a worthy goal. It appears, however, that many of the ideas for the future of eNavigation have gotten way ahead of the reality of operations onboard merchant vessels.

If you talk to crewmembers on cargo ships, the subject of eNavigation is a short conversation. The word is not getting to the front lines, and it may be difficult for crewmembers to get excited about the promise of eNavigation; they don’t see harmonized, integrated marine information. Instead, they see a collection of components and chunks of information that are too often unreliable, unusable, or disjointed.

In this context, integration of data or information is a valuable objective, but before we talk about all the “cool” things that it can do for those on the ship and the shore, let’s make sure we have the basics right on the ships. After all, the ship and the needs of the professional mariners serving onboard should be driving all of this.

GPS and a Radar

The reality of ship navigation is that most vessels plying the oceans are equipped with the basic requirements: gyro, radar, GPS and a chart. The integration is basic, and ECDIS arrives as the platform to tie it all together. While eNavigation is all about integrating and sharing data, what about the quality of the data?

We all remember the “GIGO” adage that originated in the 60’s: “garbage in, garbage out.” This axiom should be resurrected as we tie all these pieces together, especially in the wheelhouse.

Harbor pilots, who routinely use portable pilot units (PPUs), see disturbing discrepancies in position or information data generated by the ships on which they work. While the discrepancies encountered in the past are trending lower, every time a new piece of electronic equipment or information source is added to the navigation system, it opens the door to another opportunity for error.

Case in Point

Pilot-carried PPU’s have detected GPS smoothing in vessel position data that can lead to problems if that information is relied upon when making navigational decisions. (GPS smoothing is the induced delay of current GPS to yield a smoother average COG/SOG) These

errors coursing through the system usually go undetected in open waters where precise position information may not be necessary. In confined waters or restricted visibility, however, they can lead to catastrophe.

The recent push for deployment of synthetic AIS aids to navigation has stumbled onto a similar problem: the integration of smoothed GPS data onto a radar display. A simple case of apples and oranges: radar and GPS. There is a relatively easy solution to this, but the fact that the development and deployment of AIS AtoNs got this far without the smoothing effect being considered should be a cautionary tale. Gyro error and smoothing combined can make pro-

Gyro error and smoothing combined can make proposed virtual buoys a detriment – not an aid – to navigation.



posed virtual buoys a detriment – not an aid – to navigation.

These types of errors and discrepancies were discovered through cross checking between PPU information, which has a high level of accuracy, and ship's equipment. It is obviously good

when these things are recognized before they lead to serious mistakes, but it is also often quite disturbing to realize how vulnerable modern navigation is to bad information.

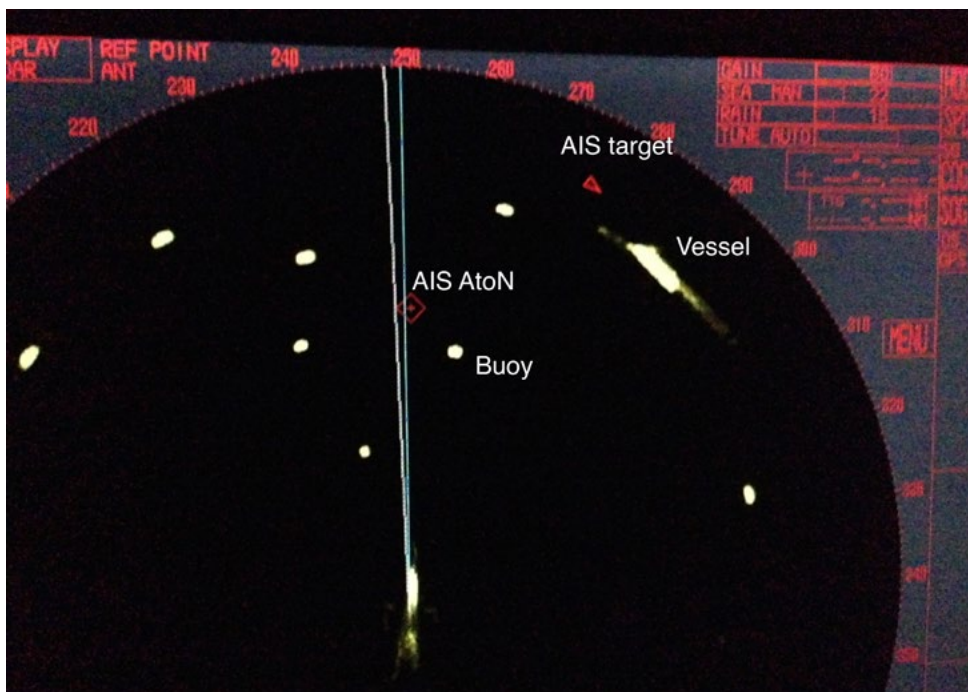
Currently there are limited resources in the regulatory field to enforce quality

assurance and detect system “glitches” before new technology is implemented. A pilot who encounters bad information at the end of the AIS pilot plug has little recourse in the immediate sense to fix a problem with the ship's equipment, and there is often limited interest from authorities to follow up. Pilots have had to tailor their equipment to overcome the shortcomings of regulated ship's equipment. All PPU vendors provide pilot plug interfaces that correct for improperly configured pilot plugs, along with providing independent differentially corrected GPS and, more recently, rate of turn generators.

There is, of course, another aspect to this situation. Many of the more elaborate eNavigation scenarios being proposed today envision an increased shore-side involvement in ship navigation. These shoreside wannabe “navigators” would be relying on data and information emanating from the ship but would not have the ability that mariners on the ship have to cross check the data and information – whether by a PPU or simply looking out a window

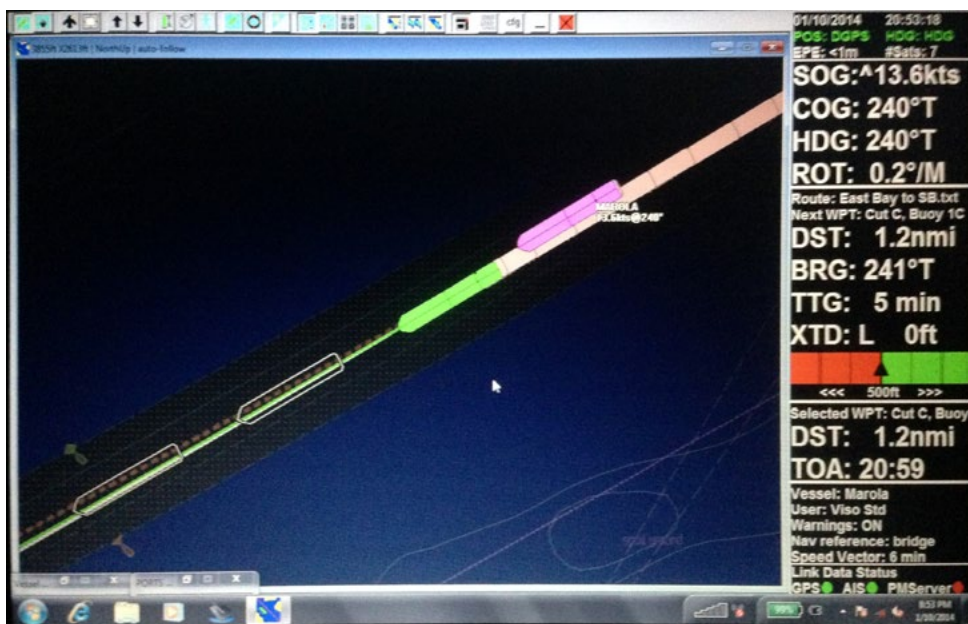
Before we move onto integrating everything together in the “internet of things,” we might consider the veracity of the individual components. Start at the ship's equipment and expand from there. Better data makes for better information. Harmonizing, integrating, exchanging, and sharing bad information compounds the potential dangers posed by that bad information and, ultimately, makes navigation less safe. That's not what eNavigation was supposed to be about. ☆

Captain Jorge J. Viso has served as a pilot in the ports of Tampa Bay, Florida since 1990. A graduate of the U.S. Merchant Marine Academy, he sailed on petroleum tankers prior to piloting. Captain Viso is currently chairman of the APA Navigation and Technology Committee and APA vice-president for the South Atlantic region.



GPS smoothing and a gyro error combine to separate AIS target positions from radar representations.

PHOTO: JORGE VISO



GPS smoothing is depicted graphically in this screen capture of a PPU derived ship position (green) contrasted against ship generated position (magenta).

PHOTO: JORGE VISO

Cadets See Benefits of ISM-certified Training Ship

Two years after Cal Maritime became the first U.S. maritime academy and training ship to be certified for the International Maritime Safety Management Code, cadets at the academy are seeing the benefits.



Cal Maritime
December 10, 2015

the cadets have so quickly adapted to the ship's Safety Management System (SMS)," said Captain Harry Bolton (#2692-RU), captain of Cal Maritime's training ship *GOLDEN BEAR*. "Prior to any work being done aboard the ship, the cadets – with direction from the faculty supervisor – fill out a Job Safety Analysis (JSA) form, going over every safety detail of the job they are about to start. This brings the element of safety awareness and ownership to the cadets."

The cadets also have a voice in the SMS. If they see what they think is an unsafe practice or situation, they can fill out a Safety Observation (SO) form. If needed, the forms can lead to corrective action that takes place immediately. Monthly safety meetings attended by administration, campus facilities, shipboard personnel, waterfront management, faculty and cadets include reviews of all the submitted SO forms.

"People seem to understand that safety is the first priority and that everyone has the authority to say something and stop a job if necessary," said Jeff Harcq, senior Marine Transportation major and cadet chief mate of the training ship.

"Captain Bolton and the entire crew of the training ship worked extremely hard to implement ISM on our campus

and ship," said Franz Lozano, vice president for administration and finance and the ISM designated person ashore who serves as the link between the Training Ship and the shore-side support departments at Cal Maritime. "The work that everyone has put in to implement this system greatly benefits our cadets, who will now be trained on the international safety requirements they'll be expected to meet once they graduate and begin work in the maritime industry."

"I was here when we first received the certification, and I've noticed a significant change in the attitude towards

safety on campus, particularly on the ship," said Harcq. "It is embraced by instructors and cadets alike."

"This certification is crucial in the development of a campus and shipboard safety culture," said Bolton. "This safety-conscious environment is the foundation on which all U.S. maritime companies are built. Our cadets are now going out on their commercial cruises with a full understanding of a safety management system. The reaction from our industry partners has been positive and supportive."

"When I went on my commercial



Cal Maritime's TRAINING SHIP GOLDEN BEAR, the first training ship certified for ISM Safety Management Code.

PHOTO: COURTESY CAL MARITIME



cruise, I saw just what an ISM program is supposed to be and how it is supposed to work – and work it did,” said Harcq. “When I returned to campus the fol-

career at sea.”

“We’re very proud to have become the first U.S. maritime academy to achieve this milestone,” said Cal Maritime President Tom Cropper (#3338-H). “It requires constant vigilance and commitment by everyone on campus to maintain a strong safety standard.”

In December of 2013, Cal Maritime became the first U.S. Maritime Academy and training ship to be certified by the American Bureau of Shipping (ABS) for the International Maritime Safety Management Code. During August of 2014, auditors from ABS issued a full Document of Compliance (DOC) to Cal Maritime and a full Safety Management Certificate to the training ship *GOLDEN BEAR*. In April of 2015 while the train-

ing ship was transitioning from Reduced Operational Status to Full Operational Status for their annual summer training cruises, ABS auditors renewed the full Safety Management Certificate and Cal Maritime’s full DOC was renewed in November.

The International Convention for the Safety of Life at Sea (SOLAS) first adopted the ISM code in 1994, requiring full implementation over the next several years. Under the code, each ISM compliant ship is audited, first internally and then each two-and-a-half to three years by the flag state marine administration to verify the fulfillment and effectiveness of its safety management system. Given the unique status of the *T.S. GOLDEN BEAR*, these audits take place every year just prior to departing on the summer training cruise. ☆

“The most compelling part of this story is how the cadets have so quickly adapted to the ship’s Safety Management System.”

—Captain Harry Bolton

lowing year, I realized that the training ship uses all of the same programs and policies. As an upper class cadet, I began to lead in the best way that I could to help prepare others for what was expected within industry. Once people understood expectations, they willingly participated. It is a crucial part of our shipboard training in preparation for a

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EL FARO Update

by Captain R.J. Klein, #1751-RU

The investigation into the cause of the loss of the *EL FARO* continues. Early in January the NSTB said that the agency may renew the search for the *EL FARO*'s bridge data recorder (black box). The search for the black box had been suspended in November 2015 after the hull and bridge decks had been located.

On January 26, the USCG released a media advisory stating that:

The U.S. Coast Guard will conduct a public Marine Board of Investigation hearing into the loss of the United States-flagged steam ship EL FARO, and its 33 crewmembers. The first hearing session will focus on the pre-accident historical events relating to the loss, the regulatory compliance record of the EL FARO, crewmember duties and qualifica-

tions, past operations of the vessel and the Coast Guard's Search and Rescue operations. During a later hearing session (date to be determined) the accident voyage, including cargo loading, weather conditions and navigation will be examined in detail. The National Transportation Safety Board, which conducted its own investigation, will fully participate in the Marine Board of Investigation hearings.

Multiple news outlets have reported that TOTE Maritime has reached a settlement agreement with the families of 10 crew members who died when the cargo ship *EL FARO* sank near the Bahamas last October. The settlement, filed in a federal court in Florida, is a resolution to lawsuits pending against the

vessel's owner, TOTE Maritime Puerto Rico. The families have agreed to accept a settlement of \$500,000 each. Included in the settlement are the captain, five Polish crew members and four others.

In a statement released on January 25th TOTE Maritime officials said, "Since the loss of the *EL FARO*, we have focused every effort on supporting the families of those on board. An important part of this support has entailed reaching fair and swift legal settlements for those who may choose them. We can confirm that we have settled financially with 10 families through a respectful and equitable mediation process. We stress that our support of all the families will continue." TOTE Maritime Puerto Rico's attorneys described the settlement as "full and final." ☆

Plans for Ferry service between Florida and Cuba part of Clipper acquisition by FRS

FRS and Clipper to combine expertise to deliver new ferry services and open new hubs in Vancouver, Florida, and Cuba

*Clipper and FRS joint press release
January 19, 2016*

Clipper and Fast Reliable Seaways (FRS) announce that FRS has acquired a majority interest in Clipper.

FRS is a global ferry and shipping group, currently operating 60 vessels in 12 countries, and carrier of more than 7 million passengers and 1.9 million vehicles last year on national and international ferry lines.

Clipper, operator of Clipper Vacations, is a recognized company in the Pacific Northwest and Western Canada, offering unique regional travel experiences, including high speed Victoria Clipper

ferry services from Seattle to Victoria, and Seattle to San Juan Island. With the acquisition, Clipper will expand its Canadian service with a new hub in Vancouver connecting downtown Vancouver to downtown Victoria.

"This is an exciting day for Clipper, as we are thrilled to join forces with another industry leader," said Merideth Tall, founder, CEO and Chair of Clipper. "FRS is a company that shares our values and our vision for travel and tourism in North America, and has long-term experience in markets around the world. Combining with FRS will allow us to expand our travel products and ser-

vices to provide many more options for our customers that will now include Vancouver and Cuba."

Tall will continue in her role as CEO of Clipper, and will expand the Clipper team to support this growth. She will also retain minority ownership of the company. More details regarding the new hubs in Vancouver, Florida and Cuba will be revealed in the coming weeks and months ahead. Terms of the acquisition are not being disclosed.

With Clipper's support, FRS will launch a new ferry service from Florida to Cuba, pending government guidance and approval. ☆

A Real Luau

by
Captain John Corso
#1681-L

came aboard and asked if we could take a doctor and a nurse up to Swains Island, a small atoll some one hundred miles north of Samoa. I said, "Sure, what's the problem?" the Governor replied, "The family that owns the island is named Johnson." (Seemed to me it should have been Swain, but it was Johnson). "The elderly mother is quite ill and the family is concerned about her health problems. If you could take a doctor up there, he could either treat the mother on the island or bring her back to Samoa, where they could take care of her in the hospital." The hospital in Samoa had an excellent reputation.

With the doctor and nurse aboard, we left Pago Pago and headed for Swains Island. Upon arrival the next morning we found that there was no place to dock. A motor launch was put over the side and I accompanied the doctor and the nurse to the island. Before leaving the *PLANETREE*, I instructed the executive officer to run the ship up and down the coast until we returned.

The doctor examined the Johnson matriarch and determined that she needed to go back to the hospital in Pago Pago for treatment. During the time the doctor was examining the mother, the wind came up and was soon blowing

too hard for the launch to safely return to the ship.

One of the locals informed us that the wind usually died down around 1500 and that we should be able to return to our ship once the wind subsided. While we were waiting, the owner of the island asked me if I knew how to shoot a rifle. I replied in the affirmative and then asked what he had in mind. He said "I will have my people chase a pig out of the underbrush and you can shoot it and take it back to Samoa and have a luau."

So that's what we did, and it was just like in the movies: a bunch of natives formed a line in the underbrush and began banging on little drums and shouting. It wasn't long before a nasty looking boar came running out of the underbrush, right towards me. I took aim, got off a lucky shot and killed him. He was a huge animal. The beaters — I guess that's what they're called, beaters — cheered. They grabbed the boar, dragged it down to the water's edge, cleaned it and had it prepared for roasting in about 15 minutes. They were really expert at it; obviously not their first time.

The wind died down around 1700 which enabled us to return to the *PLANETREE*. The owner of the Island had radioed Samoa and informed them that the patient was coming back on the ship and would need treatment at the hospital. He also told them that we would be bringing a pig, so they should prepare a

roasting pit and heat the stones.

We docked in Pago Pago at daylight the following morning. The patient was delivered to the hospital and the pig to a woman named Lulu. The Samoans had prepared the roasting pit in town and Lulu was in charge of the luau. Everyone was elated to have a pig that had been



PHOTO: COURTESY U.S. COAST GUARD

PLANETREE, WLB-307 / WAGL-307.

shot just the day before.

It was quite a ceremony. The preparation was much more than I had imagined and I learned the difference between a real luau and a tourist luau. The pigs that are put in a pit when tourists attend a luau in Honolulu are not the same pigs that are served a few hours later. That is because Hawaiian regulations require that the pig be cooked at a specific temperature for a set period of time — the temperature and time requirements cannot be met during the time allotted for the luau. So the meat that tourists are served is actually cooked in the hotel kitchen and brought out as the "luau" pig.

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CAMM's Early History

Keel Laid, The Garboard Strakes in Place, The Hull Takes Shape



*Captain R.J. Klein
CAMM National
President
#1751-RU*

Mariners and solidifying its organizational goals. In late 1937 the Council began taking positions on maritime issues and forwarded them to the newly formed Maritime Commission (see the last issue of *Sidelights* for more details). At the 1937 November meeting the Council directed its secretary/treasurer to "...advise the U.S. MARITIME COMMISSION concerning the organizations of THE COUNCIL OF AMERICAN MASTER MARINERS ...the character of its membership, the ideal that motivated its existence, and that THE COUNCIL is ready and willing at all times to co-operate in anything for the well-being of the American merchant marine..." It asked the Maritime Commission to consider the Council to be "... a party at interest in any action, hearing, rules, or legislation, concerning the American merchant marine."

After the Council elected their officers in the 1st Annual Election in January 1938, they again turned their attention to how best to effect changes in the American Merchant Marine. When dealing with Congress and the government they realized that the Council could "... never have a mass sufficient to exert any leverage but that it must be attained by the high character and

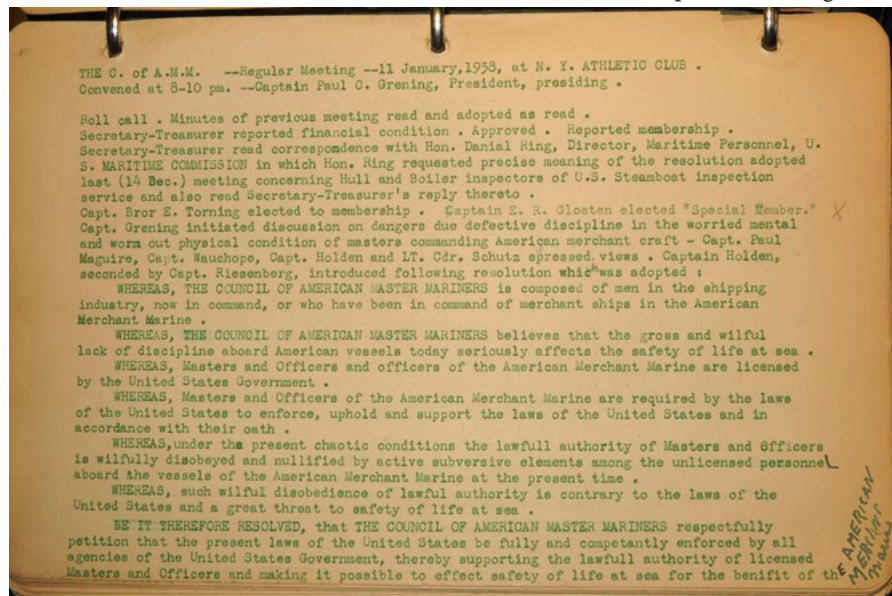
reputation of those who composed the Council." CAMM has opened its membership in recent years to pilots, and Captains of 1,600 ton and 500 tons vessels so that we may be more inclusive of the industry we wish to represent. The statement made by the Council in 1938, concerning how we can attain leverage, remains true today.

After its formation in late 1936, the Council spent the early part of 1937 attending to the details of establishing the Council of American M a s t e r

In addition to wanting to be represented at meetings of the U.S. Maritime Commission in "...pertinent matters concerning the Merchant Marine", the Council was very concerned about the labor movement and its Communist affiliations. Seamen had often engaged in "sit-down strikes" to protest working conditions and low wages. It could be argued that seamen originated the tactic. During 1936 and 1937 sailors staged hundreds of individual shipboard strikes. It reached such proportions that one media reported it as "guerilla war at sea".

Council members considered these strikes mutiny and called upon the government to enforce the laws of the United States. In January, 1938 they adopted a resolution to be sent to the U.S. Maritime Commission, the Secretary of Commerce, the Secretary of Labor, Senator Royal Copeland and representative Schuyler Bland. In this resolution they "... respectfully petition that the present laws of the United States be fully and competently enforced by all agencies of the United States Government, thereby supporting the lawful authority of licensed Masters and Officers..."

At the next meeting the members continued to discuss maritime labor issues. They reported that the C.I.O. had demanded that "cadets be berthed in forecabin for cultural, unionistic advantages." Captain Blau said that Masters were "about to be forced to accept representation of officers union..." but "Captain Cumings and



January 1938 meeting minutes.

Captain Wauchops thought that could be avoided." A note of sarcasm is evident in the last item of the meeting which reads: "Sad misadventures of prominent Baltimore citizen, Mr. Patrick Whalen, CIO. Marine Labor Leader related. He was arrested by N.J. Police in car with convict friend and a gun on way to deal with New York shipping matters. Mr. Whalen is now guest of State."

The Council held regular meetings throughout the remainder of the year

and addressed issues of concern both for the U.S. Merchant Marine and the Council. At the May meeting "Captain Cumings elucidated intricacies of radio compass rules and expensive but needless Governmental requirements." This was likely a reference to Radio Direction Finders, which were relatively new in 1938.

During the August and November meetings, the Council addressed their concern of "Dangerous Doubts" due to

the contradictions between Inland, Pilot and International Rules of the Road. They felt that there was too great a difference between the International Rules and the Inland Rules, in particular when it came to whistle signals. To address this issue they drafted and sent a letter to the Director of the Bureau of Navigation and Inspections. The letter stated in part:

The whistle signals required in the PIOLT RULES and INLAND RULES cause dangerous doubts in the minds of those who have just passed from the HIGH SEAS, where the simpler, safer INTERNATIONAL RULES are followed, much needless noise in harbors is directly caused by the mandatory requirements for unnecessary whistle signals.

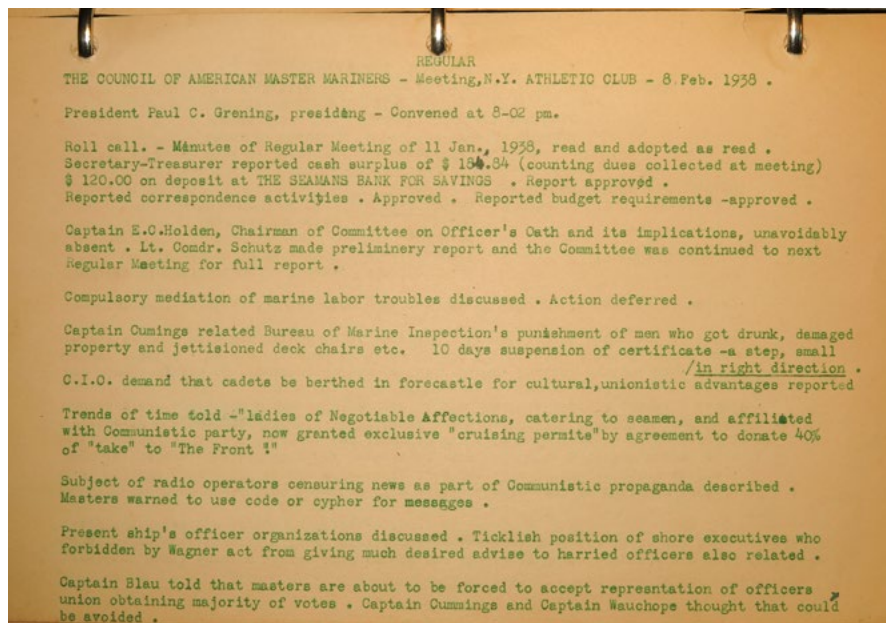
They proposed this problem could be solved by eliminating the differences between the International and Inland Rules. Another proposal to help mariners be able to be certain of what rules were in effect, was to have the charting agencies put lines of debarkation on the charts to enable the navigators to know precisely where the International and Inland Rules changed from one to the other.

During the November meeting, two captains called for liberalization of admittance rules. They suggested that the tonnage requirement be eliminated and to allow men holding Master's licenses, but who had not yet sailed as Master, to become members. This would take a constitutional amendment and a committee was formed to investigate and report.

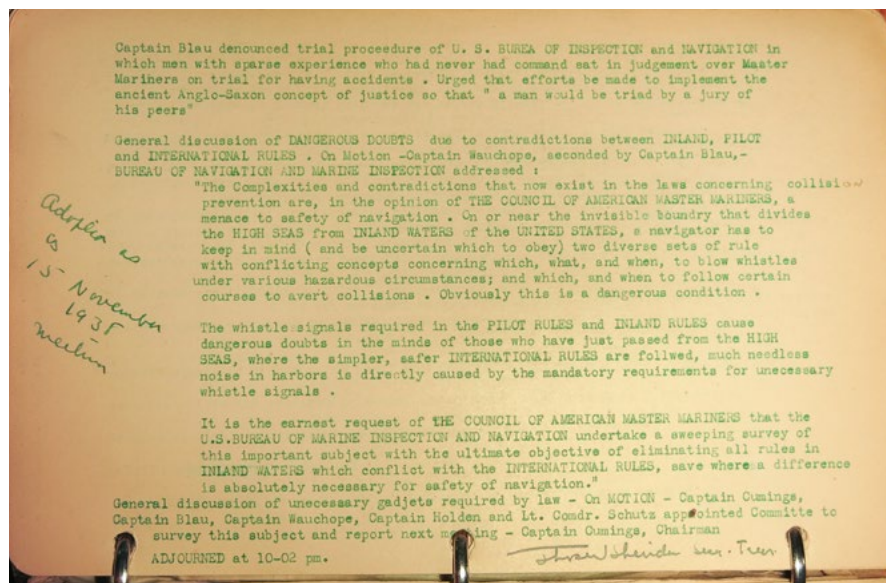
At the December meeting the Committee of Liberalization or Admission Rules reported no progress. Letters of disapproval were submitted by several members, and the rule changes did not gain any headway.

At the August meeting there was a general discussion of unnecessary gadgets required by law. A motion was passed to create a committee "to survey the subject and report." In the December meeting master mariners and marine

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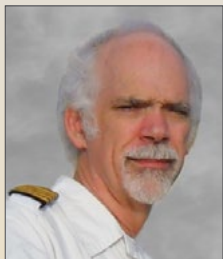


February 1938 meeting minutes.



August 1938 meeting minutes.

Voyage Report 2015



by Captain
Kevin Coulombe
#3221-RU

I sail as master for a U.S. flag carrier. My current duty is aboard a 74,000 gross ton, 6500 TEU container

ship that is engaged in a regular service from the United States to ports in the Mediterranean, Gulf

of Aden, Arabian Sea, Indian Ocean and Persian Gulf.

Threats in the Middle East

Probably the greatest topic of interest to the readers is the pirate threat that existed in the Gulf of Aden and surrounding region. In general, that threat has vanished. Intervention by international naval forces deployed in the area and the security teams carried on board ships have been very effective. As the piracy was motivated by monetary rather than ideological or political concerns, there does not appear to be any appetite by the Somali or others to escalate the action. At this time we still carry a

security team and our company security officer foresees their engagement for the foreseeable future primarily due to the instability of the region. To that point, the primary security issues are the Islamic extremist, the Yemen civil war, Iran, and the boat refugees coming off North Africa.

The Islamic extremists are the most serious threat in the Middle East. Without elaborating, the crew were briefed to exercise extreme caution going ashore while in the region and to forcibly resist any abduction attempts. Yemen is in a civil war with military intervention by Saudi Arabia and Egypt. There have been several documented naval actions by both against targets in Yemen from sea. Our voyage transits the Red Sea and exits at the Bab El Mandeb, so there is some concern about hostile action against ships from shore. During one late night passage of Bab El Mandeb we did observe military action ashore, aerial flares and streaks of light we assumed to

be air to ground rockets. To complicate things, during the course of one trip, a bulletin was posted by our security intelligence providers that stated military forces allied with Iran attacked and sank a Saudi naval ship with missiles in the Straits of Bab el Mandeb. An alarming development if true, I scoured the leading news agencies for more details, but this turned out to be a false alarm and one of a plethora of propaganda bulletins frequently churned out by Iran.

Iran seemed to go off the rails during one voyage. Prior to my ship entering the Persian Gulf, Iran detained a commercial cargo ship and used naval gunfire to force the detention. There was some speculation that they were trying to detain a U.S. flag ship, but the action was apparently a heavy-handed legal action by Iran. The detention's political undertones are based on Iran's position that the Gulf is proprietary waters. Iran's neighbors, UAE and Saudi Arabia, think otherwise. As a consequence of Iran's hostile acts, the U.S. Navy commenced naval escorts through the Straits of Hormuz of any ship requesting it, which resulted in some close quarter situations between the U.S. Navy and Iranian gun boats that threatened to escalate tensions. Subsequently, escorts were scaled back to monitoring from a distance. During our inbound transit of the Straits of Hormuz, under escort at a distance, we engaged in a very civil communications exchange with the Iranian navy and nothing more occurred. During the outbound transit three Iran speed boats were observed. These boats were closed



Port Qasim pilots and bridge team at work underway.

PHOTO: COURTESY KEVIN COULOMBE



PHOTO: KEVIN COULOMBE

Suez Canal transit while canal dredging in progress.

on our U.S. Navy “observer”, a patrol craft, about 10 miles ahead. A VHF exchange was heard with the U.S. Navy hailing the speed boats and requesting their intentions. Someone, in poor taste, came back and broadcast “U.S. NAVY! RAT-TAT-TAT-TAT-TAT---BOOM!” at which point the gun boats turned away. I have to give the patrol boat commanding officer a strong commendation for the restraint they exercised during the encounter.

Refugees

West of the Suez Canal, refugees from the Middle East region and Africa are attempting the Mediterranean in small craft in a bid to seek the safety of Europe and North America. They are coming off the North African shore by the thousands, apparently with the help of profiteers. The small craft are decrepit or overloaded and refugees are drowning by the hundreds. Europe attempted to negate the problem by making the passage seemingly hopeless, but refugees kept coming and could not be ignored. Last year one of our ships came to the aid of several hundred people. As a consequence of the situation, shipping associations have advised ship owners who transit the area to make all preparations to render assistance. While the advice was well intentioned, the only support to accompany it was manuals and circulars regarding mass rescue. There have been several articles in the industry periodicals regarding actual rescues and all highlight just how inadequately commercial ships

are equipped to deal with mass rescues at sea. It is impossible to house refugees within the ship for the usual security reasons. In most instances, commercial ships rendering assistance have made a lee for the refugee boats and called for assistance from the local coastal state. The European Union has since rescinded its stiff arm policy and has deployed its navies to render assistance as necessary.

Vessel Operations

Vessel operations saw two significant developments during the year: the new channel in the Suez Canal and company metrics. The new channel in the Suez Canal is an incredible engineering feat accomplished in approximately 18 months. This is quite an accomplishment for a country recently in the grip of internal political turmoil. The new channel runs parallel to the old channel, from the north end of the Great Bitter Lake to the old convoy bypass. It is long enough to permit north and south bound convoys of substantial size to pass each other without the necessity of either convoy anchoring in the lake. It works okay; my last passage north-bound did require we slow steam for a while in the lake waiting for the south bound convoy. The canal passage was still completed in 12 hours, from anchoring Port Suez to departure Port Said, making the whole evolution a lot easier than in the past.

Company metrics have fully matured over the last two years. Two years ago

the master could ignore the metrics, but that is no longer the case. Metrics measures each ship’s performance minutely, from fuel consumption to ship-board safety discrepancy reporting. Failing to report a minimum number of safety observations will impact ship scores. Voyage distances and speed of advance are constantly scrutinized to minimize fuel burn. Omitting a report in engine performance measurement can have dire consequences on the ship’s metric rating for six months. Fuel consumption is heavily weighted and sorely felt. Engine performance parameters are linked to chief engineers by name and published, supposedly to foster communications between poor performing chiefs and good performing chiefs.

Among the voyage abstract events were hurricane Erika in September 2015. It was my first hurricane encounter since Ike in 2008. Both encounters occurred during the ship’s run down the U.S. eastern seaboard to the Gulf of Mexico. Ike is known for its devastating inundation of Galveston. In that storm my operators were very keen to get the ship into Houston and out again before Ike

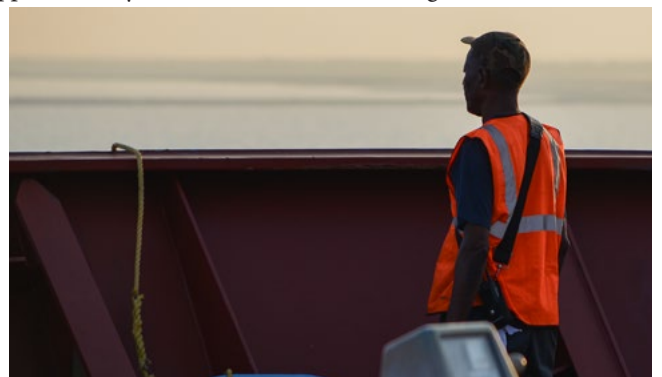


PHOTO: BERND HAERKAMP

Bow lookout.

landed. The storm was already hurricane strength as it moved into the Caribbean and tracking straight into the Gulf of Mexico. I was very leery of the plan, as it would likely throw me straight into the storm departing Houston. I turned to our weather routing service for assistance and they quickly determined the best recourse was to STOP along the eastern Florida coast and wait for Ike

Continued on next page >>>

Voyage Report >>>Cont'd from page 25
to pass. Seven years later, I was dealing with Erika. This time the system was still in the tropical storm phase in the Caribbean, throwing some doubt as to the forecast course and intensity of the storm. This time the weather routing service advised proceeding at full speed to round Florida into the Gulf of Mexico, forecasting Erika would re-curve up the U.S. Eastern Seaboard. Two days later we were clear of the Florida Keys and Erika dissipated. This would have normally been a happy notation in the log book and forgotten, but the fuel burn at full speed for two days was captured in the performance reports and will impact the ships metric measurements for the rest of the year. (Regrettably, hurricane Joaquin would strike a month later with disastrous consequences.)

Norwegian Steam

One matter of seamanship has come up recently involving "Norwegian steam," a phrase many readers will recognize as indicative of something wrong with the deck machinery. In this case it's a lack of machinery. The ship has bits located on the main deck but no supporting winch machinery to handle lines. The tugs in one of our ports of call use very large, heavy lines and making the tug lines up to the bits is complicated by the large eye and the freeboard. Without deck

CAMM 1938 >>>Cont'd from page 25
marriages were discussed by many – "No conclusions."

Much like CAMM today, The Council continued to make their opinions on pertinent maritime matters heard in Washington. They were concerned that "labor" (with the help of the Communists) would usurp the authority of the Master. We now know that most Masters became union members and took leadership positions in their unions. The movement to lower the membership requirements failed. It was only after a heated constitutional fighting the mid 1980s that Associated Members were allowed to join CAMM. ☆

machinery, the crew heaved up the lines using Norwegian Steam, and it requires all the crew. This is complicated by the great length of the ship; the crew have to negotiate to get from one station to another. One ship of this class has devised clever arrangements using long messengers to the bow deck machinery, but does not answer on the aft end and I am leery of remote operation of a winch. Another solution was tried using a portable pneumatic powered capstan, but in actual use the unit did not answer. Recently another portable unit powered by a small gasoline engine was being investigated. Lately I have been looking into good old-fashioned hand-cranked capstans. I found several on the internet being sold as lawn ornaments for the same price as the pneumatic unit. I intend to forward my findings.

Downtime and Museum Ships

Between voyages I pursued a variety of interests within maritime activities. I enjoyed several volunteer opportunities to assist the public in recreational boating safety with the U.S. Coast Guard Auxiliary. With the Nautical Institute I traveled twice to London to attend the International Maritime Organization sub-committee sessions for safety, as an observer. I visited several museum ships, most recently the Jamestown settlements, *SV SUSAN CONSTANT*, *SV GOODSPEED* and *SV DISCOVERY*. While in the U.K. I visited Southampton to tour the *HMS VICTORY*. The *VICTORY* was okay; but the real ship of interest was the *HMS WARRIOR* nearby. The *WARRIOR*, one of the first iron-hulled sail ship of war, is magnificent. Stepping from the gangway to the main deck, there is an endless expanse of teak decking that is breathtaking. I could go on endlessly about this ship (the mainmast was designed so the crew could go aloft from inside the mast), so if you are looking for an excuse to go to the U.K., the *HMS WARRIOR* is your ticket.

I also visited the museum ship *AMERICAN VICTORY* based in Tampa, Florida. The ship is well-maintained,

open to the public and occasionally motors or rather, steams, around in the harbor. Touring the ship with my wife Mary, I was reminded of many ship details that were common to the old P2 training ship, C4s and T2s I sailed on early in my career, and naturally there was a sea story at every point of interest. During our tour we met the watch officer of the day: a retired submariner! A polite conversation ensued but it was quickly determined the only thing we had in common was our association with sea water. If there are any CAMM members out there looking for something to do, the *AMERICAN VICTORY* needs you! Another museum ship I would like to call your attention to is the *SV FALLS OF CLYDE*, one of the last iron-hulled four-mast cargo sailing ships in existence. The *CLYDE* was built in the late 19th century and during its long career served Captain Matson and the Hawaiian trade. The ship is quite magnificent when fitted out but a recent turn in fortune nearly saw her scuttled for a fishing reef. She is currently in good hands but needs the support of the maritime community. You can find more details in her name on the internet.

Finally, when I can afford some time in my day room, I have enjoyed some very interesting reading that I can recommend. *Square Riggers Before the Wind* by Captain Josiah Grundy and Mr. Wilkins Wheatly, Dutton, 1939. This book is an interesting mix of sea stories, sea lore and practical information for the mariner. And there are instructions on how to build your own model of a square rigger from a length of two by four. *Last Train from Berlin* by Howard K. Smith, Knopf, 1942. Any one who watched the CBS evening news with Walter Cronkite will remember Smith. This is a fascinating first person account of his experiences as a student tourist and journalist in Germany in the years prior to the United States entry into World War II. You don't have to like science fiction or technical journals to enjoy *The Martian* by Andy Weir, Crown, 2013. It was a great and fun distraction for me during my recent voyage. ☆

World War II Convoy Service of the Merchant Marines



by Morris Gillet,
USS Badger (DD-126)
Tin Can Sailors, Inc.

Explode! The night sky turned fire red as a merchantman in our convoy died, murdered by a

Nazi torpedo. Immediately all the convoy's escorts started firing

star shells over the convoy. My first experience asked, "Why?" By lightening up the convoy U.S. Navy Armed Guard gun crews aboard some of the merchant ship might see and get a shot at the surfaced submarine. Once inside the dark convoy the submarines would usually surface. This allowed the use of their deck gun as well and provided more accurate delivery of their primary weapon, the torpedo.

During the early part of the war and before the rapid production of modern merchant ships, these convoys included any merchant ship considered capable of the crossing. It is obvious that some of the cargo ships were very old. I recall one old-timer that had three tall masts suggesting that at one time it has been a sailing vessel. No yard-arms, just the masts. There were old coal burners that lay down black smoke. I recall one that had dropped out of the convoy because it was reported to have had a load of poor quality coal and could not keep steam pressure enough to maintain her position. I often wondered what happened to that ship and its crew. Fortunately most ships were better quality and larger than the older vessels. A convoy would include fifty or more ships loaded with war material of every description. With

cargo holds full and decks covered with tanks, planes or heavy machinery, some ships appeared to ride low in the water. Tankers were always present and a favorite target for submarines.

In addition to the merchant mariners who manned these ships, some ships also carried armed guards: navy personnel. Ships that were equipped with deck guns were served by navy gunners. In some instances navy radio operators served communication.

Though far from adequate, early convoys were protected by naval vessels including older U.S. destroyers, British and Canadian corvettes and U.S. Coast Guard cutters. Supply by convoy began long before we entered the war. The navy had been involved earlier but after the declaration of war against Germany, the United States was fully involved.

As a destroyer sailor, the USS BADGER (DD-126) was my first ship and experience came as our ship served to help escort convoys across the North Atlantic and try to protect them from submarine attacks. For some distance after leaving the U.S. and Canadian East Coast, we had air cover as we steamed to the vicinity of Iceland where there was additional cover. There were old two-engine Hudson bombers providing this protection. Although short range, with small bomb loads (that early in the war), we were always glad to have them around. Also, as the convoy approached the British Isles we had air cover. The rough-

est part of the crossing was those days when there was no daytime air cover. This period seemed like weeks. The area without air cover was generally referred to as being in "Torpedo Alley." Without daytime air cover the subs could then surface more freely in preparation to their nightly raid on convoys, charge batteries, communicate with each other and shore bases and spend these daytime hours on lookout for convoys, particularly coal burner smoke.

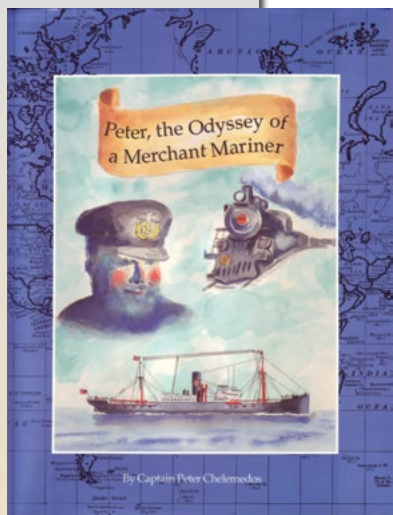
There was attack after attack on ships and men. One night's event in partic-

Supply by convoy began long before we entered the war.

ular woke me up to the tragic cost on armed guard personnel, merchant seamen and ships supplying our European and Russian war effort. That night three merchant ships were lost within a very short time. They were two freighters and a tanker. We watched the aviation gasoline burn the tanker as well as on the sea around her. The next day we received word that the Canadian corvette had gone alongside to aid the ship and its crew.

On reaching the British Isles vicinity, our escorts were relieved by other escort groups. We went to Londonderry,

Continued on page 30 >>>



by Captain
Peter Chelemedos
#1671-RU

Peter, the Odyssey of a Merchant Mariner

Chapter 29: Mohawk to Japan (continued)

1961

er and six-foot-six Doug, sixfoot-one Ralph, and six-foot-one me sat in back. I still have an impression of an elbow in my ribs. Thus we rode to Yokohama.

We were dropped off at a sukiyaki parlor and started by having a sukiyaki dinner. This was rather an interesting arrangement for the four of us, as the table was smaller than a card table. What with waitress/ cook working over the hibachi (a small cook stove) in the center of the table; a plate of raw meat, bean sprouts, etc.; settings for four of us; and a couple of bottles of beer, our little booth was more than a bit crowded.

While we ate, we looked around. It seemed to be a typical “greasy spoon” type place with a bar and television and tables. The clientele included everything from local workers to a pair of army sergeants. An orchestra of three or four played one or two songs before the jukebox and the television took over. The television show on when we started was an episode of the Jungle Jim series, except the dialogue was dubbed in Japanese. This was also true of the next show, which also had Perry Mason and Della Street conversing in Japanese.

We also noted the “housepets,” which came over to visit the booth and survey the dinner. The first roach we saw came crawling over the small wall separating our booth from the next. He perched on the wall, walked along surveying our table from all angles, then walked down the gas line to the hibachi and stood up as though to sniff the cooking. Apparently finding it not to his taste, he left to seek more savory fare.

When we left the restaurant, we

walked down the street looking in the shops along “tourist alley.” We lost track of Dave and Ralph, so Doug and I looked at sextants and bought a couple of circular slide rules. Then we went down to the canal to a tailor shop where Doug got fitted for a topcoat. I got so engrossed in watching Perry Mason and Della Street talking Japanese that I forgot about the weather and left my topcoat to be lined.

We wandered about for a while longer. When the shops started closing and it began getting rather cool, we took a taxi down to the Silk Hotel and booked a room.

Then we went down to the cocktail lounge for a couple of hot buttered rums before going to bed. Soft beds, still beds, no engine noise, no roll, no bookcase to bang our heads on when sitting up—it was wonderful.

We awakened to the sound of steamer whistles in the busy harbor below us, and watched the ship movements for a few moments.

Then I left Doug to come out to the ship. I took a taxi to the railroad station and for sixty yen (sixteen cents) bought a ticket for Kawasaki. I was told to take a train on track eleven at 8:08. The agent didn't tell me what color to look for. Since I missed the train that was at the platform, I took the 8:11, an orange and green one that looked somewhat like the Key System trains in the East Bay area of San Francisco, except for the double car arrangement. To say I caught it is not quite accurate. I should say I stood near it on the platform and was carried into it on the tidal current of humanity. I spent the next twenty minutes as one

At noon the next day, we shifted from the mooring buoy at Yokohama to the Hitachi shipyard at Kawasaki, about six or eight miles north. We were boarded by a small army of shipyard workers, rigging scaffolds of poles tied at crazy angles and seemingly hanging from the sky alongside the outside of the ship. More of them were in the engine room, tearing into the floorplates and main engine and its electrical connections to the propeller shaft. Even more were in my room working on the radar.

When the latter went home, I showed, locked up my room, and, together with Doug Maas (chief mate), Dave Doyle (chief engineer) and Ralph Slusher (wiper), went out to the main gate of the shipyard and headed for Yokohama.

The gateman gave us a strip of paper with the name and location of the shipyard written both in English and in Japanese. This proved quite handy when we tried to find our way back to the shipyard.

We waited for a taxi about ten minutes, and felt the temperature drop. Fortunately, I had thought to pad myself with an extra Tshirt and topcoat. When the taxi arrived, we were quite ready for its warmth. The taxi was a small Datsun, and the four of us piled in somehow. The chief engineer sat forward with the driv-



of a group of thirty-six people standing on the vestibule section of the car, four feet wide by nine feet long. I do not think a drop of water falling from the light fixture would have stood a chance of hitting the floor. And, being more than a head taller than the others in the compartment, I felt I was looking over a sea of black coconuts with smiling faces.

The train did not stop at Kawasaki. I wound up at Shinosaki (like going to San Leandro and winding up at Hayward, or to Lynnwood and winding up at Lake Serene.) I made like I was lost and was directed to track five. Before getting on a train this time, I asked. So instead of the Express to Yokohama, I caught the local to Kawasaki.

This time I stood in the wrong place and wound up in a second-class car (the same as first-class except for wooden benches instead of upholstered). Anyway, it wasn't too crowded, so when I got to Kawasaki I wandered through the vast station looking at merchandise in the shop windows. Then I took the bus out to the shipyard. This time, I showed the written Japanese instructions to a bus conductor before I got on so I made the right one the first time.

The next day, I met Doug around noon at the Silk Hotel, and we toured the silk museum after lunch. An interesting, informative hour or so reviewing the history of the silk industry in Japan, followed by a half-hour color film on the modern-day silk industry.

After that, we walked back across the waterfront to the train depot and took the local to Kawasaki. We spent an hour or so there walking around the department store in the railroad station. It was quite a mart - six or seven floors of everything one could seek for home or office. Then we took a bus back out to the ship to eat our steaks to dinner music provided by an air hammer chipping on the steel hull outside.

The following day, I visited the ship behind us, the *SS NATIONAL FORTUNE*. She was a Greek-owned Liberty ship under the flag of Liberia. What was interesting about her was that she had been

cut in two and another hatch installed between Number Two and three holds. The captain said this increased her speed from eleven to fourteen knots for the same engine RPMs.

Then their second mate and radio operator returned the visit. They had been away from home two years and had no idea when they would return. They said they were scheduled to go to the Philippines for a load of copra (dried coconut meat) for West Europe, then to Chicago via the St. Lawrence Seaway for a load of scrap iron for Japan.

In the evening, after listening to the shipyard noises all day, Doug and I took the bus to uptown Kawasaki to price bicycles and wander around in the relative quiet of the shops before they closed.

We decided on another "real" Japanese-style dinner. So we asked a taxi driver to take us to a "first-class Japanese hotel." He took us to a reasonably nice-looking place. (He didn't understand any more English than we did Japanese.) All we recognized from his talk was the word "hotel."

The two women at the hotel looked rather surprised that two Americans were there without girls. When they showed us to bedrooms and we saw no sign of a dining room, our suspicions were confirmed. We tried to explain to the women we wanted to eat and were getting nowhere until, in trying to explain food, I used the word "sukiyaki." Then we couldn't get that idea out of their heads. One of them led us along several alleys and down the street to an elaborate Japanese restaurant. Again, we found no English spoken. (We sure missed the little translation books we had left back at the ship.) We tried to explain that we wanted something to eat, but couldn't get a word in past our guide who, apparently, was telling the hostess we wanted sukiyaki.

They apparently catered to large parties and didn't know what to do with

just the two of us. The hostess sent us off again with the guide, who took us to a street corner and flagged down a taxi. Again, no English spoken. The taxi driver listened to the guide a bit, said "Ah, so," and took us to a "Number One



Mate on Tug *MOHAWK*, summer 1961.

Sukiyaki House" about two blocks from the railroad station.

Here again, no English. So we ate sukiyaki; by that time we were resigned to the fact that it was all we would get no matter what else we said.

The lesson learned: Take your translation book with you.

We returned to the ship about 9:30p.m. and, to the song of a riveting gun, slept fitfully until 3:00 a.m. when everything quieted down for the night.

The next morning, pre-sailing activities got into full swing. The pilot and radio men were aboard to take us out of the harbor, and the fuel barge was alongside. The skipper was back to sign forty or so copies of invoices, documents, etc. Shipyard workers were busy slapping a coat of primer paint over the steel they had built in to replace our stove-in railings. At 2:30 p.m., we left dock and went

Continued on next page >>>

In the Membership

Odyssey >>>Cont'd from page 29

to an anchorage where the radio men were calibrating the RDF. By 5:15, all the shipyard people had left and we hoisted anchor to proceed to the open sea again and Wake Island, 1,740 miles ahead.

A week later, we arrived off Wake Island, and tied up alongside the SS CANADA BEAR overnight. Her skipper (Butch Iverson) and ours (Jean Daly) had been shipmates years ago. Among the reminiscences that evening I heard about a chariot race in rickshaws through the streets of Calcutta, and of the two girls they met at a dance in New York in 1939 and how the promise of the evening was spoiled when they decided to take the parachute jump at the New York World's Fair. Butch's girl had an accident when the parachute dropped and both herself and Butch were soaked in a warm fluid.

The first engineer and the cook

acquired somewhere more liquor than they could handle. They were "poured" aboard around 1:00 a.m. The cook was up for breakfast, however.

The next day, we took over the two Liberty ships from the tug SALVAGE CHIEF and, after having spent the day taking on fuel from her (we tied up to her tow wire and passed a hose so she could pump it over), we sailed. The SALVAGE CHIEF then went back to the fuel buoy to replenish her supply. This arrangement was made so we wouldn't have to wait for the CANADA BEAR to sail.

This arrangement worked to our advantage. The next day we received a radio message from the SALVAGE CHIEF that the shore supply was so low they had to rig pumps to pump the fuel aboard and it took them the entire day instead of the two hours as planned. We were well on our way by then. ☆

Luau >>>Cont'd from page 21

Under the direction of Lulu, the Samoans cooked the pig we had brought back from Swains Island on a layer of red hot stones and leaves. The boar was put in the pit and covered with leaves and herbs. They added in some extra vegetables: taro root, and other strange plants and then cooked it all day.

The pig was ready for dinner that evening. Everybody was there! I was the guest of honor because I had shot the pig and had transported the beast back to Samoa. The pig was cooked to perfection and I was given the choice parts (or so I was told, I did not try to identify the parts they gave me). It was beyond delicious – an authentic Samoan luau pig. The party lasted until near midnight. As I headed back to the ship, unlike the pig, I was very happy. ☆

WWII Convoys >>>Cont'd from page 27

Northern Ireland, for resupply before our return crossing. There she was, the corvette that had gone alongside the burning tanker. It was amazing; there was little or no unburned paint on the hull. Though burned, she was basically undamaged after performing the heroic rescue of the tanker crew.

Early on, these war experiences created life-long memories in the mind of this kid of a sailor. A major impression was the loss of life suffered by the merchant mariners. Many freighters and tankers were submarine victims in the Atlantic, Pacific, Caribbean, Mediterranean or the Gulf. Seldom was there any news of rescue and lifesaving efforts of these merchant mariners or the armed guard sailors. U.S. Navy loss of life and injuries seemed to me to be reported much more often than losses suffered by the Merchant Maritime Service. Where service in the submarine fleet was often called the "silent service", to me, sea duty on the Merchant vessels was the "forgotten service."

In recent years these World War II Merchant Service losses have freshened up in my mind. I particular, after

making a wonderful Freedom Flight to Washington, D.C. and visiting numerous war memorials, I noticed the absence of any recognition to of the merchant seamen and their contribution to war efforts; especially World War II. However, and though not in D.C. proper, there is a beautiful Navy-Merchant Memorial at Lady Bird Johnson Park in Arlington, Virginia.

After returning from D.C., I started scanning the internet for information about the American Merchant Marine during the war. I found that there is an American Merchant Marine Veterans Memorial in San Pedro, California. Also there is the American Merchant Marine Park in New York City: www.nycgovparks.org/parks/batterypark/highlights/9745.

These tributes to maritime service made additional searches necessary. Was my impression that merchant seamen losses were greater than in the other services correct? Checking internet links gave some interesting answers. www.usmm.org/shipsunkdamaged.html provided detailed data on the number of merchant ships sunk or damaged during the war. For example I was surprised to

learn that by region, more ships were casualties of the Caribbean than other areas. The East Coast had the second most losses and North Atlantic and Mediterranean were next.

Web site: www.usmmorg/armedguard.html gave statistics concerning death among the Navy Armed Guard as well as mariners. www.usmm.org/casualty.html however, seemed to give me the information I had been seeking. This site provided a World War II chart for each of the services. Consistent with my opinion, the chart shows 3.90% of Merchant Marine death. The next greatest deaths were suffered by the U.S. Marines with 2.94%.

Although not the most pleasant search subject, the information I found confirmed my long held respect for the contribution the Merchant Marines made to our victory. For those interested I highly recommend: www.usmm.org and the supplemental sites referred to here. ☆

Courtesy of The National Association of Destroyer Veterans, Tin Can Sailors, Inc. Used with permission.

Updates from Captain Paul Owen, Acting Secretary General



Compiled from
IFSMA newsletters
www.ifsma.org

IMO Council

We attended the IMO Council (28th Extraordinary Session) November 19-20 meeting by invitation as non-Council members.

The Council is effectively the Management Committee that controls how IMO operates between the Assemblies, which are held every two years. For comparison purposes, this is similar to the IFSMA Executive Council and Annual General Assemblies.

The Council considered the 2016/2021 Strategic Plan, High Level Action Plan, Human Resource matters, and financial contributions by IMO Members. In some cases, waivers were agreed for members who were not up to date with their financial contributions to enable them to continue with their membership of IMO. Also, the IMO Results Based Budget for 2015/2016 was considered and approved.

The Council extended its appreciation to all those involved in the preparation and arrangements made for World Maritime Day 2015 celebrations. Parallel events were held in Tokyo and Yokohama. Deep appreciation was given to South Africa and the Islamic Republic of Iran for offering to host the 2020 and 2021 parallel events respectively.

In connection with the IMO Award for Exceptional Bravery at Sea, Council agreed to approve the draft resolution on Special recognition for merchant vessels

and their crew involved in the rescue of mixed migrants at sea. Over 1,350 merchant vessels diverted from their intended voyage to rescue over 57,000 migrants.

The following week the IMO Assembly commenced, 23rd November and 3rd December. The Assembly was particularly well-attended with the IMO Plenary hall being almost full, NGOs were relegated to the seats at the very back of the hall. Attendance from IMO member diplomats at Ambassador level reflected the importance placed upon the IMO Assembly, not least due to the voting held for IMO Council membership for the following two years. Much lobbying for votes was noted; IFSMA not being a full IMO Member was not able to actively participate in the voting.

IFSMA fielded three delegates at Council and four at the Assembly, including our Deputy President. Three reports from the Assembly meeting may be found on our website, Membership > IMO Reports.

Full reports from the IMO Council and Assembly meetings may be found on the IMO Documents Website for which you have to login. If you need a username and password, please contact the Secretariat as this facility is available for IFSMA Members.

IFSMA AGA

The dates for the IFSMA Annual General Assembly are set for Wednesday 25th and Thursday 26th May in Istanbul, Turkey. A reception and the Annual Dinner will be held on Wednesday evening. Additionally, on Tuesday 24th May, an evening welcome boat trip on the Bosphorus is planned. 🌐

IMO: Ballast Water Convention entry into force still unconfirmed

Ratification of the Ballast Water Management (BWM) Convention by Morocco, Indonesia and Ghana during November 2015 has brought the convention ever closer to meeting the requirements for entry into force.

Forty-seven countries have now ratified the convention, substantially more than the 30 required, but whether the requirement for Parties to hold 35% of the world's tonnage has been met is still being calculated. The Convention will enter into force twelve months after tonnage requirement are met.

Tonnage figures are derived from data supplied to the IMO Secretariat by IHS Maritime & Trade. The data are normally provided to IMO twice each year, as at 31 December for treaty purposes, and as at 30 June for determining IMO Member States' financial assessments.

The compiled 2015 assessment tonnages contained some unverified data, but also revealed that the conditions for entry into force of the BWM Convention might have been met, by a very small margin. IMO was also aware that between June and November 2015, some Parties gained tonnage and others lost tonnage. IMO Secretary-General Koji Sekimizu requested a complete verification of tonnage data as at the time of the deposits by Morocco, Indonesia and Ghana prior to determining whether or not the BWM Convention had indeed met the entry-into-force requirements.

A report is expected early in 2016. If the ratifications by Morocco, Indonesia and Ghana add sufficient tonnage, the BWM Convention would enter into force on 24 November 2016. 🌐

Lost control? Just stay in command

What it means to be a ship's Captain



by Dr. Nippin Anand
PhD MSc FNI
Article published in
NI Seaways,
January 2016

The previous year witnessed two experienced ship captains being humiliated and eventually

criminalized. Accidents, with no evil intentions, were turned into acts of crime. So strong was this perception that even veteran captains and the so called 'experts' within the profession found it difficult to understand the 'erratic' behavior and 'selfish' actions of the captain in one case, let alone the general public. This analysis is not intended to defend the behavior of these professionals or make their actions morally acceptable. Professionals have to act mindfully, taking responsibility for their actions and directing their behavior in meaningful ways. Rather, we seek to understand what makes the position of a captain so prestigious, and yet so susceptible in the wake of an accident. Why is it that not only the maritime community but also society at large becomes unforgiving to the captain whose vessel has met with an accident? And to what extent does our existing approach to the investigation and enquiries that follow these accidents shape those unforgiving opinions, both within the industry and in the public domain?

The Captain's role

Let us begin with what it means to be a ship's captain. There is no end to the stories of supreme command and control in this position. The confident and daring Captain Edward Smith, having

done all he could do to save the crew and passengers, opted to stay at his post until the sinking of the *TITANIC*. Captain Karan S. Mathur of the *ERIKA* apparently lost control but still maintained command and Captain Apostolos Mangouras of the *PRESTIGE*, along with two crew members, chose not to be airlifted in extreme weather conditions when sinking became imminent.

Tradition has it that the captain is the company's representative on the vessel and the captain's subordinates are 'mates,' unlike 'first officers' in aviation. The complement on ships consists of the captain and the crew; the captain is not considered part of the crew. In the past, the company superintendent could advise but ultimately it was up to the Master to decide. The superintendent was aware that his knowledge of shipboard operations was limited and excess interference in matters of operations might have implications for risk and safety. The management of risk and safety is to a large extent a matter of technical know-how — a matter for the Master.

But technical know-how alone does not guarantee command. If it did, professors, technicians and software engineers would be on a par with the captain.

A ship is a complex system of interdependencies in which system components (humans, processes and technology) work in harmony, both sequentially and in parallel, to achieve certain goals. The engines run and the rudders respond as the helmsman applies the helm to

turn the ship to the intended course. Of course the helmsman should be adequately trained in taking orders from the captain, and the captain should be equipped with the knowledge of navigation and ship handling. The vessel should be kept shipshape by appropriate standards of maintenance and the company should supply adequate resources as needed. But this interdependence, as Charles Perrow describes it in his book *Normal Accidents*, can either be loosely or tightly coupled. A loose coupling means there is sufficient time, slack or redundancy within the system to rectify problems or correct an error of judgment without any serious implications to vessel or crew safety (for example allowing the vessel to sail to the next port with one engine down due to redundancy in the system, or being able to delay ordering of spare parts because there is no urgent requirement). The balancing of safety and commercial goals is based on a careful cost/benefit trade-off.

Tightly coupled systems do not allow the luxury of back-up and redundancy. Even minor disruption to the interaction between components may put the entire system in danger (for example navigation in dense traffic areas or functioning of dynamic positioning systems during diving operations). The safe functioning of a tightly coupled system is contingent upon a centralized hierarchy of command and control. These systems do not allow the liberty of slowing down to think, reflect and decide what next.



As a result, the ability to make accurate instantaneous decisions based on technical know-how while balancing safety with commercial goals is central to tightly coupled systems. This ability can be termed heuristics, rule of thumb or simply professional judgment and it sets professionals apart from ordinary people. But heuristics alone do not explain the attributes of a captain, as lorry drivers and crane operators also must act on reflexive decision making. Years of technical know-how and excellent decision making capabilities are both essential to becoming the iconic hero of the marine profession.

Years of technical know-how and excellent decision making capabilities are both essential to becoming the iconic hero of the marine profession.

Professionals and professional identity

Technical know-how acquired over time is a strong source of identity in many professions. In the maritime industry it is commonly referred to as ‘seamanship’. It forms the basis of the work situation, market situation and the status of (maritime) professionals in the public arena. In work situations, it means that professional judgment takes precedence over rules and procedures, particularly in operations where interdependencies are tightly coupled. The ISM Code Section 5.2 and Collision Regulations Rule 2 (b) have readily acknowledged the limitations of the world of procedures and rules. There are too many unexpected events and uncontrollable variables in the real world for rules to cover every situation. Professionals must be trained to think and act in ways that go beyond following procedures and instructions.

Given that such skills are scarce and irreplaceable it also means that the market rewards maritime profession-

als accordingly. Professionals in other industries benefit from similar work and market situations, for example airline pilots, surgeons and drilling crew on oil platforms.

The public arena

The status of a ship captain is also acknowledged outside the professional community. Both history and fictional narratives play an important role in shaping such perceptions. But as with everything, respect for the profession comes with certain expectations – in this case, of ensuring maritime safety and resilience. In general the expectation is fulfilled. Ships do not in general collide, run aground or pollute coastlines on a frequent basis despite the ever increasing density of maritime traffic. The prestigious status of captain also carries an immense societal expectation, whether the Master is aware of it or not.

Shaming and blaming professionals

In the wake of an accident, the same professional identity which is otherwise a source of resilience and prestige also gives rise to accusations of ‘negligence’ and ‘human error’. Partly, this is the result of how we understand and investigate accidents. The outcome does not match the intentions and the outcome is morally wrong and psychologically disturbing. Society seeks the ‘causes’ of accidents, and investigators hardly ever look beyond the tightly coupled situations that are closest to the outcome. The tighter the coupling of interactions that lead to an accident, the more detailed is the investigation of professionals and their judgments.

The issue that faces most captains involved in an accident is to justify their actions against ambiguous expectations of rules and regulations such as the ‘ordinary practice of seamen’; ‘special circumstances’; ‘safe speed’; ‘ample time’; and ‘good seamanship’. What is good seamanship and safe speed, once you have already met with a collision, and how do you justify that your actions and

decisions were in accordance with good seamanship if your vessel has already run aground? With the benefit of hindsight, professional judgment and common sense becomes known as ‘human error’. Litigation and law suits thrive even more on such murky phrases, as blaming professionals for their actions (or inactions) becomes much easier against the background of rules, regulations and ‘objective evidence’ that serve well to establish ‘the facts of the case’.

However, practical challenges, goal conflicts, incomplete knowledge at the time of making decisions, commercial pressures and manning constraints are seldom considered in detail when establishing these ‘facts’. Working effectively in a demanding resource-constrained environment requires considerable professional ingenuity. This involves constant improvisations, trade-offs, negotiation, adaptability and resilience. But in the case of an accident, these professional abilities are distorted into fallibilities in court. Systemic issues within the organization are presented as the foibles of an incompetent captain, ensuring that the organizational reputation is not undermined by the actions of an individual worker.

Too many experts, too little expertise

The exaggerated responses of the maritime community to an accident are not helpful either. It is as if the professional identity of every individual in the community has been challenged. Any association with those involved in the accident would imply approval of their decisions and competences.

On average, maritime professionals spend their entire lifetime within the industry, starting at sea and progressing to shore-based opportunities. Until recently, most shore-based positions were reserved for those with adequate seagoing experience. This provides a high level of experiential knowledge that is an immense source of resilience in the system, but more expertise also means

Continued on next page >>>

Command >>>Cont'd from page 33

more opinions and judgments about those involved in accidents. Temporally outdated perceptions and contextual-ly irrelevant experiences of 'safe distance' and 'good seamanship' are brought up on social media to criticize those involved in the accident, when in truth no two professionals can agree on what is safe and what is good. And if so-called experts and professionals cannot agree what should have been done or what actions were reasonable, how can we possibly expect the general public, with its iconic image of the all-knowing captain, to come up with a fair explanation? The gap is eventually closed by bringing the public over to the professionals' and experts' side. All this has serious and far-reaching implications for those involved.

Another line of inquiry with accident investigations and 'expert' judgments is that it focuses excessively on the failures of those closest to the accident – for example, that the collision resulted because the watchkeeping officer 'lost situational awareness' or the Master should have slowed down to 'safe speed' when he encountered restricted visibility. Issues that appear to be less imme-

diately related to the accident, such as organizational factors, are not subject to the same level of scrutiny. It all depends how the timeline of an accident investigation is decided and on what basis. If we seek to find answers within the confines of bridge and engine room, we may choose to focus only on the past 24 hours recordings on the Voyage Data Recorder (VDR), on the period from the start of the voyage, or at the most from when a crew member first joined the vessel. However, the major contributing factor may be a substandard design chosen for cost reasons when the vessel was originally built thirty years ago, or cheap travel arrangements that led to an over-tired crew member long before hours of rest could be officially recorded. The purpose of the ISM Code in addressing the latent and organizational factors that contribute to accidents seems to be lost when it is required the most. But the existing system serves extremely well for a company that wants to save its reputation in the wake of an accident – get rid of a few 'rotten apples' and safety is restored.

Many captains I have come across, active and retired, have been highly critical of recent cases where the captain

chose to abandon the vessel much before the rest of the crew and passengers were able to do so. Interestingly, the same professionals also admitted that both technological advances and detailed micro-management have shifted the balance of power from ships to the shore end. This is not necessarily the intention; it is the unintended consequence of the restructuring of work. The status and position of a captain is seriously undermined when an assertive young manager in the office demands an immediate response to an email query. In one instance, a chief officer was asked not to make too much fuss about shifting a few hundred metric tons of weight from a lower deck to a higher platform on a drilling unit. Micromanagement from less experienced middle managers or those with outdated operational knowledge can lead to serious breakdown in communication when technical complexities are not understood by those in decision making roles ashore, and yet intervention is considered necessary.

The offshore industry was quick to realize the production pressures and the need to transfer decision-making ashore, and found a solution to this issue by replacing the term 'captain' with 'offshore installation manager'. Here is a paradox. While public opinion - and to a large part, industry opinion as well - is still based on the outdated perception of the days of *TITANIC*, production pressures have significantly altered the role of a captain. What we see as unwillingness and inability to command may well be a result of the erosion of decision-making and degradation of the profession due to enhanced control from ashore.

Human factors or social structures?

When a Master gets a few hundred meters too close to the shore, the self-proclaimed human behavior experts (and there are many!) are swift to assign the problem to 'human factors'. The first question is whose fault was it? How close was the vessel to the coast and why on earth was the captain attempting such an

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insane maneuver? We are convinced that the problem lies with the pesky human and his perception of risk and safety. But even if we take this position, why do we design and operate capital-intensive systems in such a manner that catastrophic failures can result from the fallibility of one human - whether deliberate or not?

the 'cause' behind accidents. This is an egregious, overly simplistic and naïve understanding of human factors. Part of the problem is that, unlike other high risk industries, the marine industry does not value the human and behavioral sciences in the same manner as engineering sciences.

national labor market characterized by questionable labor laws and weak institutional support.

Both professional judgment and technical know-how are immense sources of resilience in high risk work. History has proved countless times that professionals are willing to give up their lives to restore safety when everything else fails. We need to avoid making the Master the single point of failure within the system, but at the same time there is a serious need to empower the master-on-the-scene and treat their judgment with utmost respect, given its role in ensuring safety and resilience within the maritime industry. ☆

It is unfortunate that professional misjudgments (or mistakes if you prefer) are increasingly being judged as negligence and crime.

Even this is only a partial explanation. If an investigation is carried out according to the spirit, rather than the letter, of the ISM Code, these same human factors should be examined as part of the general structure of authority within an organization. A systematic study of success and how success stories are shared across the company, incentives, sanctions, reporting lines and accountability should give us a fair understanding of an individual's risk perception, and how it is shaped by company expectations. The question to ask is what motivates people to go that extra mile (or that few hundred meters too close to shore) – sustainable business objectives or merely fulfilling the expectation to perform faster-better-cheaper-safer? If bureaucracy and control leave only limited room for professional judgment, then it becomes imperative to examine the constraints imposed on decision making in the wake of an accident, simply because this is when the need to exercise judgment is felt the most. Unfortunately, investigation reports rarely go into this level of detail, even though most are full of the terms 'safety culture' and 'leadership'.

As members of a prestigious professional community we must act responsibly in expressing our opinions and values in the wake of accident – even more since the perception of ordinary people is highly dependent on our opinions. It is unfortunate that professional misjudgments (or mistakes if you prefer) are increasingly being judged as negligence and crime. This is compounded by the fact that neither the judge nor the jury understands the complex and challenging nature of the maritime profession. Today, the responsibility borne by a ship captain rarely comes with the corresponding authority, and exercising authority can be challenging in an inter-

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Major accidents offer tremendous potential for learning from failures. But this opportunity for learning is easily lost if human fallibility is viewed as

Force Majeure and the Law



by
 Captain A.K. Bansal
 Company of Master
 Mariners of India

Force majeure refers to an irresistible force or an unforeseen event beyond the control of a party, making it materially impossible to fulfill a contractual obligation. It

that allows it to enter normally restricted areas without penalty. An example was when a U.S. Navy aircraft landed at a Chinese military airbase after colliding with a Chinese fighter in April 2001. Under this principle, the aircraft had to be allowed to land without interference.

Force majeure clauses are common in contracts because it essentially frees both parties from liability or obligation when an extraordinary circumstance or event happens which is not only beyond their control but also which could not have been envisaged at the time of entering into that contract. This includes war, strike, riot, crime, or an “act of God,” such as flooding, volcanic eruption, etc. It may work to excuse all or part of the obligations of one or both parties. *Force majeure* does not excuse negligence, misfeasance or malfeasance of a party when intervening circumstances could have been contemplated. Furthermore and for example, a strike might prevent timely delivery of goods, but not timely payment for the portion delivered.

Similarly, if the contract has provision for backup power or other contingency plans for continuity, a widespread power outage would not be *force majeure* because it only relieves a party from an obligation under the contract from the moment of occurrence of *force majeure*, which is actually an impossibility or impracticability defense due to an overpowering force, which prevents the fulfillment of a contract.

The expression bears more extensive meaning than “act of God.” Delay due to breakdown of machinery is within the words “*force majeure*,” which certainly cover accidents to machinery. Judges have agreed that strikes and breakdown of machinery are included in *force majeure*. The term cannot, however, be

extended to cover bad weather, football matches, or a funeral. (*Matsoukis v. Priestman & Co (1915) 1 KB 681.*)

A party invoking *force majeure* must have had nothing to do with its happening. If the event could be foreseen, he must have prepared for it. It does not include a reasonable fear or apprehension of such a restraint. In *Hackney Borough Council v. Dore (1922) 1 KB 431* it was held that “The expression means physical or material restraint and does not include a reasonable fear or apprehension of such a restraint”.

Throughout French law, *force majeure* causes relief from responsibility. For a defendant to invoke *force majeure* in French law, the event proposed as *force majeure* must pass some tests. The defendant must have had nothing to do with its happening. If the event could be foreseen, the defendant is obligated to have prepared for it. Being unprepared for a foreseeable event leaves the defendant culpable. This standard is very strictly applied. In 1962, a court adjudged in France that since a flood had occurred 69 years before that which caused the damage at issue, the latter flood was predictable. Similarly in 1974 it was adjudged that an avalanche was predictable since it had an antecedent of half a century past. Other events that are candidates for *force majeure* in French law are hurricanes, earthquakes, strikes, riots, crime, or an event described by the legal term “act of God” such as flooding or volcanic eruption, that prevent one or both parties from fulfilling their obligations under the contract. But it does not include negligence or other malfeasance of a party or where the intervening circumstances could have been or are specifically contemplated.

Time-critical and other sensitive con-

may be an overpowering force by itself, which prevents fulfillment of a contract and does not allow it to be performed the way it was envisaged to be performed, with its consequences unpreventable.

The Indian Supreme Court has held that “An analysis of ruling on the subject shows that reference to the expression is made where the intention is to save the defaulting party from consequences of anything over which he had no control.” It is not an act of one party or the other. It is a happening over which neither party had any control. From the moment of its happening, the contract ceases to exist. But, what constitutes a *force majeure* event or circumstance is always debatable. Consequences of the event must have been unpreventable. Hurricanes and earthquakes are candidates for *force majeure* unless predicted. They may not imply damage or disruption by their very occurrence. All obligations and liabilities which arose before the moment of *force majeure* must be honored.

Under public international law, *force majeure* refers to an irresistible force or unforeseen event beyond the control of a State making it materially impossible to fulfill an international obligation. It may refer to an event, either external or internal, that happens to a vessel or aircraft



tracts may be drafted to limit the shield of this clause where a party does not take reasonable steps or specific precautions to prevent or limit effects of outside interference, either when they become likely or when they actually occur.

The importance of a *force majeure* clause in a contract, particularly one of any length in time, cannot be overstated as it relieves a party from an obligation under the contract (or suspends that obligation). What is permitted to be a *force majeure* event or circumstance can be the source of much controversy in the negotiation of a contract. A party should generally resist any attempt by the other party to include something that should, fundamentally, be at the risk of that other party. Outcome of negotiations depend on relative bargaining power of the parties. There will be cases where *force majeure* clauses can be invoked by a party effectively to escape liability for bad performance.

Force majeure in areas prone to natural disaster requires a definition of the magnitude of the event for which *force majeure* could be considered as such in a contract. As an example in a highly seismic area a technical definition of the amplitude of motion at the site could be established on the contract base for example on probability of occurrence studies. Such parameters can later be monitored at the construction site with a commonly agreed procedure. An earthquake could be a small shaking or damaging event. But its occurrence does not imply by itself, the occurrence of damage or disruption. For small and moderate events it is reasonable to establish requirements for the contract processes. For large events it is not always feasible or economical to do so. Concepts such as 'damaging earthquake' in *force majeure* clauses do not help to clarify disruption, especially in areas where there are no other reference structures or most structures are not seismically safe.

Under the wording of a typical *force majeure* clause, a party is not liable for failure to perform its obligations if such failure is as a result of Acts of God (including fire, flood, earthquake,

storm, hurricane or other natural disaster), war, invasion, act of foreign enemies, hostilities (regardless of whether war is declared), civil war, rebellion, revolution, insurrection, military or usurped power or confiscation, terrorist activities, nationalization, government sanction, blockage, embargo, labor dispute, strike, lockout or interruption or failure of electricity or telephone service. No party is entitled to terminate the agreement in such circumstances. If a party asserts *force majeure* as an excuse for failure to perform its obligation, then

the nonperforming party must prove that it took reasonable steps to minimize delay or damages caused. Also that it substantially fulfilled all non-excused obligations, and that the other party was timely notified of the likelihood or actual occurrence of such an event. ☆

Captain A.K. Bansal is a member of the Company of Master Mariners of India, teaches Master revalidation courses and though qualified as a Bar-at-Law in India and the U.K., does not actively practice law.



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Captain Cal Hunziker, CAMM Past President and IFSMA VP, at the IFSMA AGA in Chile, 2015.



Captain R.J. Klein, right, with Captain Don Marcus (IOMM&P President) and Mr. Marshall Ainley (MEBA President) at the Maritime Industry Sail-in to Congress, 2015.



Captain Jeff Cowan (above) and Captain Michael Murphy (below) participate in Positions discussions at CAMM's 2015 AGM.





Membership Application

The Council of American Master Mariners, Inc.

I, _____ (Print Full Name), hereby apply for membership in The Council of American Master Mariners, Inc., and attest to my qualifications below.

Birthplace (city, state, country): _____ DOB: _____

	Home		Business	
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City, State, Zip				
Email				
Phone	Land:	Cell:	Office:	Cell:

Present Occupation:

- At Sea: Position: _____ Vessel: _____ Company: _____
- Ashore: Position: _____ Vessel: _____ Company: _____
- Retired: Position: _____ Date: _____ Company: _____
- Cadet: Institute: _____ Expected Graduation Date: _____

Present USCG License:

Type:	Limit:	Expiration:
Pilotage Endorsements:	Limits:	

Original USCG License:

Type:	Date Obtained:
Place/Institution obtained:	

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- R - Regular:**
 - (RU) Unlimited Master Mariner License and commanded vessels over 5,000 GRT on ocean voyages.
 - (RP) Senior or First Class Pilot with minimum of one year experience on vessels 20,000 GRT or more.
- S - Special:**
 - (S) Valid USCG Unlimited Master's license and has not commanded a vessel(s) over 5,000 GRT on voyages.
 - (SP) Second or Third Class Pilot on vessels less than 20,000 GRT.
 - (S16) Valid USCG 1600 ton Master's license and commanded a vessel or vessels on voyages.
 - (S5) Valid USCG 500 ton Master's License and commanded vessel or vessels on voyages.
- A - Associate Membership:** I am not a U.S.C.G. licensed Master Mariner or Pilot, but do have the following maritime affiliations:
 - Military Equivalent of Master Mariner.
 - Maritime Distinction: education, training, research, regulation or government.
 - U.S. water transportation company in an executive, administrative or operational capacity

Sea-Going Qualifications: Years of Service: _____ (Check boxes that apply. See above for key)

Vessel Served	GRT	Date(s)	Route(s)	R	S

Pilotage Qualifications: Years of Service: _____ (Check boxes that apply. See above for key)

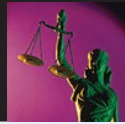
Vessel Served	GRT	Route(s) (dock/harbor sea bouy)	License Issuing Authority	R	S

Please return this application with a copy of your Master or Pilot's license with a \$100 check (\$60 annual dues + \$40 application fee) payable to: The Council of American Master Mariners, Inc. Mail to Liz Clark, CAMM Membership Chair, 3100 NE 48th Ct. Apt #214, Lighthouse Point, FL 33064-7159.

To the best of my knowledge, the above information is correct and I agree, if elected member, to abide by the Constitution and By-Laws of The Council of American Master Mariners, Inc.

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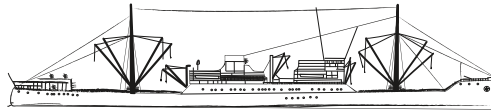
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