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Sidelights

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Maritime Day Observances

Baltimore
Galveston
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Seattle



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.

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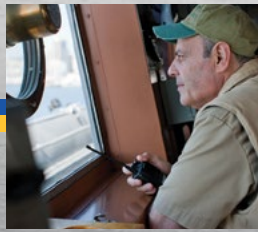
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In This Issue



ON THE COVER

Captain David Boatner, Mr. John Pitts, and Captain Manny Aschemeyer on Maritime Day at the National American Merchant Marine Veterans Memorial. Photo courtesy of Captain Manny Aschemeyer.

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

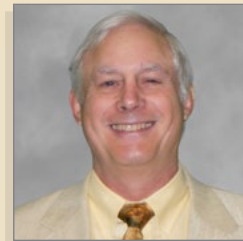
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Issue	Submission	Release
February	Jan. 22	Feb. 15
May 2015	April 5	May 1
July 2015	June 1	July 1
October	Sept. 1	Oct. 1
December	Nov. 1	Dec. 1

View From the Bridge

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President Captain R.J. Klein comments on the history of American Merchant Marine Veterans status and rights, and the impacts those have on maritime training and industry today.



In the Council

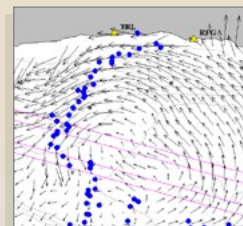
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NOTICE The articles in this magazine are entirely those of the writer, and do not necessarily reflect the views of CAMM nor its Board of Governors. CAMM is an independent professional organization and is not affiliated with nor endorses any union or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



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

MARITIME DAY & AMERICAN MERCHANT MARINE VETERANS

On 22 May, many CAMM members participated in Maritime Day events and programs around

Resolution of Congress in 1933 and May 22nd was the day designated because on that date in 1819 the SS SAVANNAH left Savannah, Georgia for England. The SAVANNAH became the first steam ship to cross the Atlantic. Since then every President has issued a yearly Maritime Day proclamation praising the Merchant Marine. Yet, little attention or recognition is given to the American Merchant Marine. Some of our major ports have maritime fairs or celebrations honoring the port but not the merchant marine. The actual date of Maritime Day, May 22nd, seems unimportant and this year MARAD decided to hold its Maritime Day celebration on May 21st. This is akin to the State Department celebrating Independence Day on July 3rd.

In 1944, as the Allies were on the road to victory, General Dwight D. Eisenhower said, "When final victory is ours, there is no organization that will share its credit more deservedly than the Merchant Marine." After the war, there was no recognition given to American Merchant Marine Veterans (AMMV). No GI Bill and no veterans status of any kind; this despite a higher per capita death rate than any of the armed services. U.S. Merchant Mariners continued to man ships to carry needed war sup-

plies during the Korean War, Vietnam War and both Gulf Wars. It was not until January 19, 1988, after a long court battle, that AMMV were accorded some rights and privileges of veterans. Ten years later Congress recognized veterans from the Persian Gulf War and granted more rights and privileges for veterans of the Merchant Marine.

Despite their service to our country, Merchant Marine veterans were excluded from Veterans Day and Memorial Day celebrations honoring those who sacrificed their lives during times of war. In 1970, on Maritime Day, Merchant Marine veterans and those mariners who gave their lives were honored during a Maritime Administration sponsored ceremony. For the last 45 years Maritime Day has been a defacto Memorial Day for merchant marine veterans.

The Department of Transportation seems to treat the Merchant Marine with the same indifference as Congress has treated AMMV. This is exemplified by the appointment of the superintendent of our national maritime academy, the United States Merchant Marine Academy at Kings Point, New York. All the federal academy superintendents are of two or three star rank and all graduated from their respective academies *except* the Superintendent of the Merchant Marine Academy. He is Admiral Helis (U.S. Maritime rank), a graduate of West Point who held the rank of Colonel. Out

of respect and practicality, shouldn't the superintendent of our national maritime academy at least be a graduate of a maritime academy? It would be of benefit if they had sailed as an officer in the merchant marine (see table, opposite page, of current superintendents).

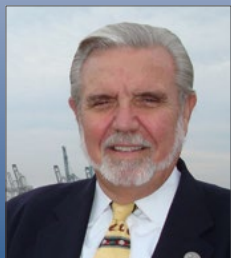
The United States Merchant Marine Academy is older than the Air Force Academy and the only federal academy authorized to carry a battle standard as part of its color guard. The battle standard perpetuates the memory of the 142 Academy cadet/midshipmen who were casualties of World War II. Despite its history and the continual turnout of excellent merchant marine officers for over 70 years, the U.S. Merchant Marine Academy must fight for adequate funding and is often on congressional hit lists of places to close.

In her latest book, *Ninety Percent of Everything*, Rose George calls the maritime industry "The Invisible Industry." This seems an apt description of our industry and may explain why the merchant marine is of little concern to the general public. To gain the needed respect and understanding we deserve, CAMM must strengthen its resolve to educate the public and government leaders of the importance of maintaining a viable U.S. Merchant Marine.

Captain R.J. Klein

SECRETARY - TREASURER

GREETINGS, CAMM SHIPMATES!



Captain
Manny Aschemeyer
CAMM National
Secretary-Treasurer
#1548-R

As you read this report we will have completed our final appeal for the 2015 annual CAMM dues campaign (and also for earlier years, in some cases). Over the past six months I have sent out emails, mailed out second and third dues notices, and made appeals in *Sidelights*.

We still have nearly 100 CAMM members delinquent in their dues; some are in arrears two, three, and even four years. This shortfall in collecting dues is detrimental to our operating budget and is discouraging to those in leadership who strive to keep CAMM strong, viable, and growing for the future. I encourage all of you who have not paid your dues, please do so at your earliest opportunity.

To those members who are seriously in arrears: CAMM National President Captain R.J. Klein has reached out to

those who owe dues for three or more years and is offering a one-time reinstatement fee of only \$100 make their membership status current. Several delinquent members have already responded favorably to this offer and we hope more will take advantage. So, if you're in this multi-year unpaid category, send in your \$100 reinstatement fee *now!*

As you read through this latest fine edition of *Sidelights*, I trust you can see and appreciate just how valuable it is to CAMM for promoting our members, stating our positions, and defining our policies; and which ultimately protects and promotes shipmasters and the entire American Merchant Marine. It is also a great recruiting tool for bringing in new members.

We need to do everything possible to keep the quality and frequency of this publication sustained for the future, while protecting our CAMM budget in the process. That is one reason why paying your dues is so important. A free subscription to *Sidelights* comes with your membership. We have recently captured several new ads for our maga-

zine - we need more to make it reach our goal to make our magazine revenue neutral. So please do your part by soliciting advertising for our *Sidelights* magazine. Our media kits contain all the needed information for a prospective advertiser. You can download a media kit at www.mastermariner.org/Sidelights/MediaKit.pdf or if you wish to one can be mailed to you; please contact me promptly at captmanny@mastermariner.org or phone 951-767-3037.

In spite of the obvious good efforts demonstrated by many of you over the past 12 months to actively recruit new members into CAMM (we welcomed over 20 new members in 2014), we suffered a net loss in our ranks.

I challenged the CAMM members at the AGM in NOLA last April to double efforts to recruit new members. Let's all agree on a target of at least 50 new members for 2015! The CAMM membership application is available online at: application.mastermariner.org. Direct your sponsored candidates to this easy-to-use method to apply for membership. Of course, we still accept paper applica-

tions which are available in every addition of *Sidelights*. Start bringing in those new, young members today!

Finally, I will be preparing a mid-term budget review in a few weeks, and will report on that in October's *Sidelights*.

So until next time, Smooth Sailin'!

Captain Manny Aschemeyer

Year Founded	Academy	Current Superintendent	Rank	Graduated From
1802	U.S. Military Academy at West Point, NY	Lt. General Robert Caslen, Jr.	☆☆☆	USMA 1975
1845	U.S. Naval Academy at Annapolis, Md.	Vice Admiral Walter E. Carter, Jr.	☆☆☆	USNA 1981
1876	U.S. Coast Guard at New London, Conn.	Rear Admiral James Rendon	☆☆	USCGA 1983
1943	U.S. Merchant Marine Academy at Kings Point, NY	Colonel James A. Helis		USMA 1979
1954	U.S. Air Force Academy at Colorado Springs, Co.	Lt. General Michelle D. Johnson	☆☆☆	USFA 1983



Council Reports

VP Report: Government & Public Relations

Captain Joe Hartnett, #2193-R

I had the pleasure of representing CAMM at the 31st Annual Maritime Industry Salute to Congress. This year's recipient was The Honorable John Garamendi. Rep. Garamendi (D-CA-03) is the ranking minority member of the House Subcommittee on Coast Guard and Maritime Transportation. Rep. Garamendi has consistently been an avid supporter of the maritime industry. We appreciate Rep. Garamendi's recent efforts with the Coast Guard Authorization Act of 2015. The House recently gave its approval to HR1987 which approves U.S. Coast Guard and Federal Maritime Commission funding for two years.

National Maritime Day was celebrated at the Department of Transportation in Washington, D.C. on May 22, 2015. During the ceremony Maritime Administrator Paul "Chip" Jaenichen announced the establishment of the Merchant Marine Flags Program. This program is an effort to promote the U.S. Merchant Marine. MARAD will provide flags to approved organizations. Flag program guidelines can be found at: Marine Flags Program.

I would urge CAMM members to send a correspondence to Congressman Duncan Hunter (R-CA-50) and thank him for introducing his amendment to the Maritime Security Program (MSP). The amendment proposes a \$400,000 increase for each of the 60 vessels within the MSP program. The current \$186 million dollar MSP funding has not been raised since 2012. If approved, the \$24 million dollar increase will continue until 2019.

2nd VP Report: Pilot Relations

Captain Dan Jordan, #2698-R

No report available.

Sidelights and Website Report

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

Interim Committee Chair

With this release, *Sidelights* is back on its publishing schedule and will make its target dates going forward. Many thanks to Davyne Bradley who has continued working with us in laying out and organizing *Sidelights*. Her help has made my interim job much easier. More accolades are due to Captain Aschemeyer for bringing in additional advertising. While we have yet to make our magazine revenue natural, we are much closer and expect to reach that goal by the end of this year.

Some subtle updates have been made on the website and we will endeavor to improve its content and ease of navigation. All active members can make updates or corrections to their personal information by logging onto CAMM's data base (MAS). Use the "Membership Login" tab and use your CAMM # as your User ID. If you have not established a password, click on "forgot your password?" and a temporary password will be sent to your email address. Any active member having difficulty logging in please contact me at captklein@mastermariner.org.

North Atlantic VP Report

Captain Frank Zabrocky, #1964-R

No report available.

New York Metro

Captain George Sandberg, #1919-R

Chapter President

No report available.

Baltimore / Washington, D.C.

Captain Joe Hartnett, #2193-R

Chapter President

Members of the Baltimore/Washington, D.C. chapter participated in the 2015 Maritime Day Commemoration and Maritime Expo aboard the *N/S SAVANNAH* in Baltimore. This year's event featured 46 companies and 16 vessels.

We were happy to hear that the Port of Baltimore set two new cargo records in March. The port moved 913,139 tons of general cargo and 49,971 containers. We would like to congratulate the Maryland Port Administration and everyone involved in moving the ships and the cargo.

Our chapter continues to represent CAMM on the golf circuit in Baltimore. Our members participated in the Propeller Club Golf outing and look forward to participating in the Seafarer's Center outing.

South Atlantic VP Report

Captain Tim Brown, #1494-R

No report available.

Port Everglades / Miami

Captain Paul Coan, #3021-R

Chapter President

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

Tampa Bay

Captain Ron Meiczinger, #1747-R

Chapter Secretary

Nine members attended the chapters' May luncheon. The week prior, CAMM members visited Captain James McCarthy, who rarely misses meetings but was laid up due to a bad knee. The chapter presented Jim, who sailed in the Merchant Marine during WWII, with



a U.S. Merchant Marine Veteran WWII baseball cap.

The last meeting of the season was June. The chapter remains solvent, and will break for the summer with meetings resuming in October.



PHOTO: COURTESY RON MEICZINGER

Captains Bob Holden, Dick Andrews, Jim McCarthy (seated), and Ron Meiczinger.

Gulf VP Report

Captain Michael Mc Cright, #2753-S

No report available.

Mobile Bay

Captain Jerome "Rusty" Kligore

Chapter President

No report available.

New Orleans

CE Horace George

Chapter Secretary, #3223-A

Chapter meetings are now held at the Port Ministry Center of the Global Maritime Ministries in New Orleans, on the second Thursday of the month September through May.

At the April meeting, Captain Bob Phillips moved that the present slate of chapter officers continue in their positions for the coming year. These officers include President Captain Ed Higgins and Secretary/Treasurer CE Horace George. The quorum of voting members voted unanimously in favor of this motion and both men accepted the results.

The CAMM PDC/AGM conference held in New Orleans was discussed and it has been agreed by all to have been a success in all respects with all attendees and their guests having an enjoyable and informative time. The chapter has

received many compliments for a job well done in hosting the conference.

In May, the chapter held its final meeting before the summer pause. We had expected Mr. Paul Matthews from the Port of New Orleans to be our speaker, which would have given us an opportunity to thank him and his associates at the Port Of New Orleans for all their help during the CAMM conference last month. Unfortunately, Mr. Matthews was unable to attend due to last minute scheduling conflict.

Happy Birthday to CAMM member Captain Adrian De Boer, #1203-R, who will be celebrating his 100th birthday on June 28, 2015.

Houston

Captain Michael Mc Cright, #2753-S

Chapter President

Please see Maritime Day activities, page 15.

South Pacific VP Report

Captain Klaus "Nick" Niem, #2167-R

Chapter President

Please refer to the San Francisco Bay Area report.

Los Angeles / Long Beach

Captain Dave Boatner, #2162-R

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 typically 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-R

Chapter President

At our June meeting, our chapter had a quorum and we had nothing on the agenda to vote on. Our usual meeting

place, Sinbad's on Pier 2, has closed for the ferry services expansion. For the foreseeable future, the SFBA Chapter will conduct monthly meetings at the Nantucket Restaurant in Crockett.

Captain Tulli Messer-Bookman and I will undertake to establish a Cadet Chapter at CAMM with Ms. Samantha Ligne, the first member on the CMA campus. We will have several discussions in June to accomplish this.

At recent meetings, we discussed Captain John A.C. Cartner's presentation at the CAMM PDC & AGM. He gave his professional view, as a maritime lawyer, on four very important subjects the American shipmaster must know and adhere to. His presentation was approximately 39 minutes long, produced by Maritime TV, and the link is on CAMM's website. The SFBA Chapter recommends that CAMM should make CDs of Captain Cartner's presentation and distribute them to sailing masters to enhance their knowledge in current maritime affairs and laws which could affect their jobs.

A discussion for a new slate of National CAMM officers had mixed results.

The chapter had several discussions about ECDIS and AIS. These are fine tools, but the master should make sure the mates, including himself, look outside through the bridge windows to ascertain if the electronics relayed the right info.

Recently a foreign vessel transited San Francisco Bay on her way to Stockton. As it turned out, the vessel did not have charts from San Pablo Bay to Stockton. The master stated that all the vessel's publications are British Admiralty Charts & Pub. The Admiralty Chart Catalog was the 2015 edition. After perusing the catalog for the San Francisco Bay toward Stockton and Sacramento, lo and behold, these charts have been omitted from print. The master failed to order the required charts and could have had them delivered by the boarding pilot on arrival. When the master was asked

Continued on next page >>>

Council >>>Continued from page 9

how his officers plotted the vessel's progress toward Stockton, he said his ARPA printed their position every two seconds and that the pilots had ECDIS. I will leave up to the reader to think about the legal aspects.

There will be no chapter meeting in July. The chapter will resume Tuesday, August 4th, with new faces and a guest speaker.

North Pacific VP Report

Position Vacant

Captain Carl Johannes has resigned his position as the North Pacific Vice President. The CAMM Board of Governors is searching for and vetting an interim replacement until elections are held at the 2016 Annual General Meeting.

Columbia River

Captain Bill Good, #1924-R
Chapter Secretary

The Columbia River Chapter will be co-hosting the next PDC/AGM in Portland. As our chapter is relatively small, the National will be assisting us. We are looking forward to sharing our port city with CAMM Members next

April.

The Columbia River Chapter meets at 12 noon on the 2nd Friday of the month at the Red Lion Hotel at the Quay, I-5 and Columbia River. (It's the one on the Washington side of the Columbia River.) Guests welcome.

Seattle / PNW

Captain Douglas Subcleff, #2329-R
Chapter Secretary

A total of 13 were in attendance for our May 14th meeting held at McCormick & Schmick's, Lake Union restaurant. In addition to the normal chapter business topics, we were privileged to hear a sea-going report from Captain Paul Willers, who had recently disembarked from the *MAERSK IDAHO*. Captain Willers also announced that this was his final voyage, as he had chosen to retire from off-shore service. He was accorded a hearty round of applause for his many years of merchant marine service. Also noteworthy is the participation of Captain Willers and his crew on the *MAERSK IDAHO*,

and those on the *MAERSK KENTUCKY*, in several years of contributions to a child welfare organization, KidzNet, in Sri Lanka. The November-December 2014 issue of MM&P magazine featured a news story about their ongoing support of providing homes for orphaned and abandoned children in that country.

Our guest speaker for this meeting was Captain Andy Smith, our most recently inducted new member. Captain Smith spoke about his career history, including an early stint as master of a 100-ton ferry on the East Coast, followed by MM&P night mating, a Great Lakes relief job, oil supply boats running to the Azores, Sabine product tankers, APL, RRF, American Heavy Lift, and now, Polar Tankers on the Alaska / West Coast run. Andy's slide show included photos of his most recent command: the 2006-built *POLAR ENTERPRISE*. This 141,000

New Members

Congratulations! You now have all the benefits of CAMM membership!

- 3378-S Captain **Brad Hopkins** of New Orleans
Seward Services
Sponsored by Captain Liz Clark #997-L
- 3379-A Ms. **Samantha Ligne** of Vallejo, Calif.
CMA Graduate, 2015
Sponsored by Captain Tuuli Messer-Bookman #3293-S

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.

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Captain Smith concluded his presentation with one of the challenges of today, asking: "Where do we find the AB of tomorrow?" recommending that more emphasis needs to be placed on entry-level training for mariners.

Our June 11th meeting was also held at McCormick & Schmick's restaurant and a total of 13 were in attendance. Although we had no guest speaker, the meeting group was kept busy answering

Above left: CAMM Seattle member Captain Andy and Mrs. Ingrid Smith, and Captain R.J. Klein.

Left: Captain R.J. Klein and Captain Paul Willers, who recently commanded his last voyage and has chosen to retire from offshore service.



PHOTOS: DOUG SUBCLEFF

questions from special guest, Ms. Celeste Larsen. Ms. Larsen, who has a degree in biochemistry from UC Davis, is considering enrollment at the California Maritime Academy. She is the granddaughter of Captain John File, a former Seattle Chapter President, who passed away earlier this year.

Our chapter meeting being planned for July 9th will be a Lake Union cruise on Captain Mel Flavel's boat, *MV CAPELLA*. The next couple of months will be busy with preparation for the Seattle Chapter's hosting of the 8th annual Bob Magee charity golf tournament on Thursday, September 3rd. Proceeds will benefit the Youth Maritime Training Association. The website link for sponsorship and golfer sign-up is at: www.mastermariner.org/golf. ☆

**BOB MAGEE
Memorial Golf Tournament**



Seattle CAMM-YMTA
8th Annual Golf Tournament

Great Golf for a Good Cause

Named in honor of Bob's commitment, dedication and support for Youth Maritime Training Association (YMTA) and the Puget Sound Maritime Community.

We are privileged to have Bob's name, and what it stood for, associated with the tournament. Proceeds benefit the YMTA, a non-profit organization that is helping bring young people into the maritime industry.

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\$5,000 Hole-in-One Contest

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35 miles east of Seattle

www.mastermariner.org/golf




CAMM a Maritime TV sponsor for Kings Point Commencement Ceremony broadcast



In response to an appeal by CAMM's Board of Governors, members of CAMM made a special donation for CAMM to sponsor the broadcast of USMMA Kings Points 2015 Commencement Ceremony on Maritime TV.

As part of the sponsorship, Captain R.J. Klein was interviewed by Maritime TV's Mr. Dave Gardy. Captain Klein congratulated and gave some words for the graduates, spoke about CAMM's mission, and on our annual meetings.

To view Captain Klein's interview, follow the link at mastermariner.org. ☆



National Maritime Day



Memorial Wreath at Galveston ceremony.

Long Beach

by Captain Manny Aschemeyer, #1548-R

On May 22nd, National Maritime Day, CAMM's LA/LB Chapter was well represented at the memorial service held at the National American Merchant Marine Veterans Memorial, located at Los Angeles Harbor overlooking the main ship channel. The nearly 100 attendees included local active CAMM members who are merchant marine veterans of WW II, the Korean War, and the Vietnam War. Also present were family members of American Merchant Marine Veterans (AMMV) who died serving their country in the U.S. Merchant Marine.

During the observances, CAMM's LA/LB Chapter President, Captain Dave Boatner, was recognized and saluted for his longtime service and dedication to the preservation and promotion of the National American Merchant Marine Veterans Memorial. Comments were offered by representatives from the U.S. Coast Guard, the U.S. Maritime Administration, and port authority officials.

The keynote speaker was Rep. Janice Hahn (D-CA-44), who represents Los Angeles / Long Beach Harbor Congress. She is a long-time supporter of the

Los Angeles /

American Merchant Marine, the Jones Act, and the American merchant mariners who served and died during wars and conflicts. Rep. Hahn announced that she has introduced a bill in Congress (H.R. 563) which will give all American Merchant Marine Veterans from WWII a one-time benefit of \$25K in recognition of their sacrifice and services. She asked all present to write to their congressional representatives in support of this bill.

Over a dozen floral wreaths were presented by various corporate, maritime academy alumni, and labor organizations. The wreaths were carried out to sea in honor of all those American merchant mariners who gave their lives during wars in which our country was involved. After the ceremonies and observances at the National American

Merchant Marine Veterans Memorial, a Maritime Day Luncheon was held at the nearby Ports O' Call Restaurant. Approximately 200 attended and enjoyed good food, warm fellowship, a few short speeches and sea stories. ☆

Right: Captain David Boatner is recognized by Mr. John Pitts, the Chair of the National American Merchant Marine Veterans Memorial Committee.
Below, Color Guard from VFW Post 2967 - Port of Los Angeles/Wilmington California.



PHOTO: MANNY ASICHEMEYER



PHOTO: MANNY ASICHEMEYER



PHOTO: MANNY ASICHEMEYER

CAMM Chapters take part in the 82nd Maritime Day celebrations and ceremonies across the country.

NATIONAL MARITIME DAY, 2015

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

For over two centuries, proud mariners have set sail in defense of our people and in pursuit of opportunity. Through periods of conflict and times of peace, our Nation has relied on the United States Merchant Marine to transport goods to and from our shores and deliver troops and supplies around the world. On National Maritime Day, we honor the women and men who take to the seas to boost our economy and uphold the values we cherish.

Our Nation is forever indebted to the brave privateers who helped secure our independence, fearlessly supplying our Revolutionary forces with muskets and ammunition. Throughout history, their legacy has been carried forward by courageous seafarers who have faithfully served our Nation as part of the United States Merchant Marine -- bold individuals who emerged triumphant in the face of attacks from the British fleet in the War of 1812, and who empowered the Allied forces as they navigated perilous waters during World War II. Today, patriots who share their spirit continue to stand ready to protect our seas and the livelihoods they support.

Ninety percent of the world's commerce moves by sea, and businesses across our country rely on domestic and international trade every day. Helping to protect our vital shipping routes, Merchant Mariners are critical to our effort to combat piracy and uphold the maritime security on which the global supply chain relies. And in times of war or national emergency, they bolster our national security as a "fourth arm of defense." Whether transporting commercial goods or military equipment, battling tough weather or enemy fire, they strive and sacrifice to secure a brighter future for all Americans. On this day, we reaffirm the importance of their contributions and salute all those who serve this noble cause.

The Congress, by a joint resolution approved May 20, 1933, has designated May 22 of each year as "National Maritime Day," and has authorized and requested the President to issue annually a proclamation calling for its appropriate observance.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim May 22, 2015, as National Maritime Day. I call upon the people of the United States to mark this observance and to display the flag of the United States at their homes and in their communities. I also request that all ships sailing under the American flag dress ship on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of May, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

Baltimore / Washington D.C.

by Captain Joe Hartnett, #2193-R

Members of the Baltimore/Washington chapter participated in the 2015 Maritime Day Commemoration and Maritime Expo aboard the N/S SAVANNAH in Baltimore on May 17. This year's event featured 46 companies and 16 vessels.

Speakers included Maritime Administrator Paul "Chip" Jaenichen, who also spoke again on May 22 for the Maritime Day celebration at Department of Transportation's headquarters in the nation's capitol. ☆



PHOTO: JOE HARTNETT

Ms. Helen Delich Bentley (#1070-H) addresses attendees at the Maritime Day ceremony aboard the NS SAVANNAH.

Continued on next page >>>



PHOTO: JOE HARTNETT

Captain Kevin Kiefer-Sector, Commander, USCG Sector Baltimore addresses aboard the NS Savannah. Seated left of the podium, is Ms. Helen Delich Bentley (#1070-H) and MARAD Administrator Paul "Chip" Jaenichen.



You sailed the ships and delivered needed cargo, despite the many dangers encountered during your voyages. For that we are forever in your debt and offer a sincere

— THANK YOU —

from our members who served in the U.S. Merchant Marine during World War II and on behalf of the entire Council of American Master Mariners.

Seattle / Pacific Northwest

by Captain Doug Subcleff, #2329-R

On May 22nd, National Maritime Day, the Executive Committee of the Seattle PNW Chapter met in a special session at the Compass Café at Seattle's Museum of History and Industry. The purpose of this meeting was two-fold: to commemorate the history of the American Merchant Marine and also to recognize that this particular Friday was the start of Memorial Day Weekend.

Following the luncheon meeting, a brief tour was made of the historic, 1922-built steam ferryboat, the VIRGINIA V. Our group

was allowed the privilege of hoisting our flags aloft in honor of all of the CAMM members, past and present, who have sailed for our country, in times of peace and war. We mustered on the fantail to read off a list of names of CAMM Seattle members and relatives who have Crossed the Final Bar the past ten years. After the list was read, 8 bells were struck, and a small wreath of fresh flowers was cast upon the waters. ☆

CAMM Flag hoisted alongside the Merchant Marine flag on the VIRGINIA V.



PHOTO: DOUG SUBCLEFF



PHOTO: DOUG SUBCLEFF

CAMM Seattle members Captain Doug Subcleff, Captain Donald Moore, Peter Chelemados, Ms. Pat Hartle, Captain Andy Subcleff, Georg Pedersen, Mrs. Jackie Moore, and Captain R.J. Klein.



PHOTO: DOUG SUBCLEFF

Members of the CAMM Seattle chapter in the wheelhouse of the VIRGINIA V.



The Council of American Master Mariners, Inc.

Annual General Meeting

Professional Development Conference

Spring 2016 ☆ Portland, Oregon

Hosted by the Columbia River CAMM Chapter

Slate of Officers Elected

The Nominating Committee is now being formed in accordance with our by-laws (Article VI, section 1) and its chairman will be announced in the next edition of *Sidelights*.

All National Officer Position will be up for election.

It is time to think about possible candidates for National Office.

Note: The Constitution prohibits Captain Klein from running for re-election as President.

Lalonde Nominations

Nominations are now open for the Lalonde Spirit of the Seas Award. Please see website for more details.



PHOTO: JILL FRIEDMAN

Houston / Galveston

by Captain Jill Friedman

Another Memorial Day weekend has passed. I'm not much for holidays, but I did go to Galveston on Thursday, May 21 for the National Maritime Day Commemoration Ceremony last week. Since I am a merchant mariner and have been almost my whole life, I feel I should remember this day and the reason for it. Everyone else celebrates Memorial Day for the armed services and forgets about all the Merchant Marine has done for the country (and still does, *every day*).

By the time I got there, the actual ceremony was about to start, which was delayed to let rain pass by. Captain John Peterlin III (#1839-S), Port of Galveston,

spoke opening and closing words for the day.

I would have liked to take a tour, but I arrived too late. The *GENERAL RUDDER* from Texas A&M was dockside, the *ELISSA* was right next door, there were a couple of other ships/boats around and also the *OCEAN STAR* oil rig.

A couple of tents were set up behind the Harbor House Hotel on Pier 21. There were quite a few people milling around and a bunch of kids. A few of the old veterans were there and it was nice to see they made it out to participate in the whole affair; this event is largely in their honor after all.

I was glad to see there was a pretty big turnout (maybe 80-100 people, that's big for these things). I heard they had over 500 kids come throughout the day to check out the ships! I am pleased to learn they are starting up more maritime programs for kids.

Captain Charles Azar and Captain Wayne Farthing (#3015-A, Houston Chapter Treasurer) at the Galveston National Maritime Day Commemoration Ceremony.

Personally, I think maritime is a great industry to get involved with; there are many different job functions within the industry to cover all interests. It's fairly easy to get started and you can work your way up as you go. It is getting much harder to do, but it is still possible.

After the ceremony, several older mariners hung out by the wreath for people who wanted to take their pictures. Those guys really have some sea stories! They were happy to be there. ☆



PHOTO: JILL FRIEDMAN



PHOTO: JILL FRIEDMAN

Flags and a U.S. Merchant Marine Memorial Wreath adorn monuments at Galveston's Pier 21. The lower plaque was dedicated by CAMM to the American Merchant Marines on D-Day, June 6, 1994.

Close-up of the plaque dedicated by CAMM.

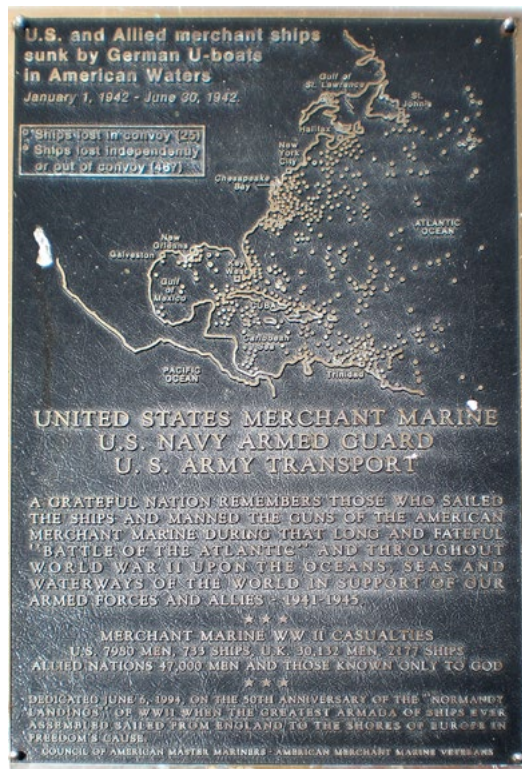


PHOTO: R.J. KLEIN

CAMM represented at Maritime Security Conferences

by Captain Manny Aschemeyer, #1548-R

CAMM was prominently on display at Maritime Security 2015 East held in Jacksonville, Fla., March 9th through the 12th. The gathering attracted participants from all over the East coast, with others coming from the Gulf and West coasts. The conference also attracted foreign interest from Canada and Haiti. It



PHOTO: MANNY ASICHEMEYER

Captain R.J. Klein mans the CAMM booth at the Maritime Security 2015 East in Jacksonville.

was held inside the spacious JAXPORT Cruise Ship Terminal, located at the north end of the Port of Jacksonville. Over 200 registered attendees were present for this event, along with nearly 30 exhibitors.

As a sponsoring organization, CAMM was provided an exhibit booth. National President, Captain R.J. Klein, and National Secretary/Treasurer, Captain Manny Aschemeyer, manned the booth and introduced CAMM to interested participants, guest, and exhibitors. In addition to federal, state and local law enforcement agencies, there were also elected officials, representative from port authorities, the U.S. Coast Guard, the U.S. Navy, and academia present. Captains Klein and Aschemeyer took full advantage of this exposure by mak-

ing the rounds of the conference hall and exhibit area, passing out media kits for *Sidelights* magazine, soliciting advertising from many firms we approached during the networking coffee breaks and meals. One ad has already appeared in *Sidelights*, with the expectation of gaining additional ads soon.

CAMM will be a sponsor of the Maritime Security 2015 West event in San Diego August 17th through 19th (see full page ad on inside front cover), and once again CAMM will have booth space. Over 350 registrants and over 45 exhibitors are expected to attend. Captain Manny Aschemeyer, local CAMM member Captain George Zeluff (#2530-R) and other local CAMM members will man the display booth to promote CAMM and its mission. ☆

CROSS'D THE FINAL BAR

CAPTAIN ALBERT DOMINIC PETRULIS #1036-L

Captain Albert Dominic Petrusis, 93, of Virginia Beach, Virginia, died May 14, 2015. He was born in South Boston, Mass. to Lithuanian parents Dominic and Stanislaw Petrusis. He proudly served in the 82nd Airborne Division during WWII. He started as an Able Body Seaman, advanced and retired as a Captain from the U.S. Merchant Marine, having sailed 50 years with numerous shipping companies. He was a member of St. Pius X Catholic Church, Norfolk Council of Knights of Columbus #367, the 82nd Airborne Division Association of Hampton Roads, and the International Organization of Masters, Mates & Pilots. Albert was survived by his wife of 56 years, Dorothy; his children: Caroline Petrusis, Captain Peter Petrusis, USMM; Captain Thomas Holman, USN; CDR Charles Holman, USCG; six grandchildren, and two great-grandchildren.

In lieu of flowers, memorial contributions may be made to Knights of Columbus, Norfolk Council #367, 5201 Kennebeck Ave., Norfolk, VA 23513. Online condolences may be made to the family at hdliver.com.

CAPTAIN RALPH BUCHAN #2592-A

With a sad heart we report that Ralph Buchan of Napa, Calif., and long-time member of the San Francisco Bay Area Chapter of CAMM went on to his final voyage on June 2, 2015. Ralph was 93 years old. Ralph was born in Honolulu on July 18, 1922 and graduated in 1944 from USMMA Kings Point. He served in the U.S. Navy in the Pacific during WWII.

Ralph developed an interest in sailing on San Francisco Bay early in his life, and it became a life-long hobby. He raced his 18' Mercury, *FEATHER*, and later his Cal-20 Piper. Being employed by a large shipping company was also part of his life. He loved sharing his adventures with all who would listen.

Ralph is survived by his wife Phyllis of 38 years. ☆

Please have a "Moment of Silence" for the following departed brothers.

Captain **Lester L. Roberts** #1110-R of Ormond Beach, Fla., crossed 1/17/2015

Captain **Joseph D. Cleary** #1985-R of Santa Monica, Calif., crossed 3/10/2015

Captain **Edward W. Knutsen** #774-R of Cypress, Texas, crossed 2/6/2015

Stella Maris



by Will Watson
#3256-A

Roman Catholic and many other Christian seafarers have for centuries prayed to Our Lady Star of the Sea for safe deliverance from the perils of maritime transits.

Also known by the Latin name, Stella Maris, this face of the B l e s s e d

USA.

A number of AOS-USA board members and numerous Washington area dignitaries – including Deputy Maritime Administrator Michael Rodriguez – attended the special Mass, which capped a week of events to mark Maritime Day.

families, and all who work and travel on the waterways of the world.

The U.S. branch of the apostleship was begun in 1976 and falls under the pastoral care of migrants, refugees and travelers, a division of the Secretariat of Cultural Diversity in the Church at the U.S. Conference of Catholic Bishops in Washington. It is considered the professional association of Catholic seafarers, port chaplains, lay ecclesial ministers and priests serving on cruise ships. The agency also advocates for the rights of mariners. ☆

Virgin Mary is now immortalized in the nation's largest Catholic churches – The Basilica of the National Shrine of the Immaculate Conception in Washington, D.C.

The bas-relief sculpture that pictures Mary calming troubled seas with the North Star above her head was dedicated during the annual Mass for Seafarers on May 24th, which is also Pentecost Sunday, one of the major holy days on the Catholic calendar. The sculpture, which is displayed in the narthex of the Basilica's upper church, was sponsored by the Apostleship of the Sea of the United States of America and the Confraternity of Our Lady, Star of the Sea. The two groups commissioned Lou DiCocco and the Liturgical Arts Studio in Havertown, Pennsylvania, to create the sculpture.

Father Sinclair Oubre, a CAMM member, seafarer and diocesan director of the Apostleship of the Sea for the Diocese of Beaumont, Texas was one of a number of Catholic priests who concelebrated the mass, whose principal celebrant and homilist was retired Bishop J. Kevin Boland of Savannah, Georgia, who is also the U.S. bishop-promoter of AOS-USA, a worldwide Catholic maritime ministry. Assisting at Mass was Deacon Patrick LaPoint, port chaplain board member of the Apostleship of the Sea



Also on hand was Mr. Joseph Cox, who just retired as president and CEO of the Chamber of Shipping of America. Mr. Cox was a leading advocate for having the sculpture created and placed in the Basilica and played a major role both in fundraising for the project as well as fostering the event.

The Apostleship of the Sea, which was begun in Glasgow, Scotland, in 1920, takes the form of seaside chapels and Catholic welcome centers as well as on-ship clergy and Catholic chaplaincy programs. The AOS, which operates under the Pontifical Council for Migrants and Travelers, has an international network of chaplains and volunteers who serve the pastoral and social needs of mariners and those working in the fishing industry, as well as their

Father Sinclair Oubre, CAMM Chaplain, is on hiatus this issue. Filling in on seafarer welfare issues is maritime journalist Mr. Will Watson. Mr. Watson is a CAMM member and sits on the administrative board of the Apostleship of the Sea of the USA.

Apostleship of the Sea - United States of America

The professional association of Catholic Mariners and the official Organization for Catholic Cruise Ship Priests and Maritime Ministers



Please contact us if you are interested in becoming an AOS-USA member!

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Polar Code Challenged over Sewage, HFO



Maritime Executive
 May 15, 2015
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The environmental provisions for the Arctic Code were approved Friday following the week-long 68th

Marine Environment Protection Committee (MEPC) session. Not surprisingly, some environmental organizations are disappointed despite the achievement.

The IMO, in announcing the move, said ships trading in polar regions will have to comply with strict safety and environmental protocols specific to the harsh conditions in the Arctic and Antarctic in accordance with the provisions adopted.

A Range of Protection Measures

The Polar Code covers the full range of design, construction, equipment, operational, training, search and rescue and environmental protection matters relevant to ships operating in waters surrounding the two poles.

The newly adopted environmental provisions will:

- Prevent the discharge of oil or oily mixtures into the sea and mandate that oil fuel tanks be separated from outer shell.
- Prevent the discharge of and noxious liquid substances or mixtures containing noxious substances into the sea.
- Prevent the discharge of sewage or garbage unless in accordance with MARPOL and Polar Code regula-

tions.

The adoption of the new environmental provisions comes at a critical time for the maritime industry as shipping through both Arctic and Antarctic waters is set to increase. Trends and forecasts indicate that due to melting ice, polar shipping will grow and diversify in coming years. According to the IMO, “these challenges need to be met without compromising either safety of life at sea or the sustainability of the polar environments.”

Sewage Discharge

Campaigners Antarctic and Southern Ocean Coalition (ASOC) have said that Polar Code did not go far enough to protect the Antarctic environment from shipping, adding for instance that the regulations would continue to allow raw sewage to be discharged beyond 12 nautical miles from land.

“While some vessels will carry the necessary equipment, the Code does not explicitly spell out what should happen in the event of an oil or chemical spill,” Sian Prior of ASOC said.

“The inclusion of specific provisions in the Code could have tailored existing requirements to the special needs of polar waters.”

Heavy Fuel Oil

Friends of the Earth (FOE) has engaged in negotiations on the Polar Code since the outset of in-depth discus-

sions in 2010, and is pleased to see them come to fruition. The environmental portion of the Polar Code will include some noteworthy elements including voyage planning provisions to safeguard marine mammals. Already established in the safety portion of the Code, this will provide additional conservation protection, says FOE. These provisions will be the first species-specific measures that explicitly extend beyond whales and thus will also pertain to sea lions, seals and walrus.

However, FOE says the IMO omitted many important issues from the environmental portion of the Code. Namely, heavy fuel oil use by vessels in the Arctic is not banned (though it was for the Antarctic in 2010), despite strong policy and environmental arguments put forward by Friends of the Earth and allied NGOs. Eliminating heavy fuel oil use in the region, for example, would have the dual benefit of reducing oil spill damage risk and decreasing black carbon emissions.

Other omissions in the Code include mandatory invasive species protections, graywater restrictions, underwater noise abatement and sufficient oil spill response requirements, says FOE. Nevertheless, while the IMO did not integrate these issues within this phase of the Polar Code, which dealt with larger ships like cruise liners, bulk carriers and oil tankers, negotiators will have an opportunity to address these

types of issues in phase two of the Code, which will succeed today's adoption and include additional categories of ships such as fishing vessels, yachts and specialized craft.

A Positive Step

"The Polar Code is a seminal step for IMO, finally making mandatory provisions affecting polar shipping in construction, outfitting, operations, manning, training and certification for SOLAS ships," says Captain Duke Snider, Principal Consultant at Martech Polar, specialists in ice pilotage and polar navigation.

"Though for many, the Polar Code was deemed to 'not go far enough', having to put aside some of the more complex requirements that existed in earlier versions to gain consensus, it's primary significance is it's mandatory nature. After initial attempts to produce a mandatory code in the 1990's was relegated to recommendatory guidelines apply-

ing to Arctic waters only then in 2009 extended to provide guidance for ships operating in Antarctic ice covered waters as well, international shipping now has a solid set of mandatory rules that will form the foundation for changes to flag and coastal state regulations."

Amendments will surely follow in short order, says Snider, as the gaps that formed as certain sections were dropped or provisions reduced in coverage are experienced, however this tremendous step forward in providing a more level playing field for all involved in SOLAS polar shipping should be heralded by all of us in the industry as a positive step.

Entry into Force

The adoption of the environmental provisions follows the December 2014 adoption of the safety-related requirements of the Polar Code and related amendments to make it mandatory under the International Convention for the Safety of Life at Sea (SOLAS).

MEPC was the last committee level approval necessary prior to acceptance by Council. Though a number of amendments are yet to be approved, these are expected to be in purely a perfunctory manner, the wording having been accepted by the IMO sub-committee on human element, training and watch-keeping (HTW). It is only scheduling of process meetings to rubber stamp that STCW amendments that may slow the adoption of the training and certification requirements.

The complete Polar Code, encompassing the safety-related and environment-related requirements, is expected to enter into force on 1 January 2017.

The Polar Code will apply to new ships constructed on or after 1 January 2017. Ships constructed before that date will be required to meet the relevant requirements of the Polar Code by the first intermediate or renewal survey, whichever occurs first, after 1 January 2018. ☆



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23 JUNE

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Oil Spill Response in Santa Barbara



by Jennifer McWhorter, M.A.S
Coastal Data Information Program
Southern California Coastal Ocean Observing System

Southern California Coastal Ocean Observing System Provides Rapid Support

On May 19th, 2015, a pipeline ruptured at Refugio Beach spilling an estimated 101,000 gallons of crude oil. Southern California systems cover a high percentage of the coastline, there are still gaps in certain areas. In order to address a gap in the system, a temporary HF Radar site was quickly installed by University of California, Santa Barbara to fill in coverage north of the spill and run a local trajectory model adverting simulated particles through the current field to visualize the potential path of the slick. These data were easily ingested because of the work IOOS has done to establish HF Radar as a national network.

used to feed the models that predict the current trajectory for the responders. This demonstrates the importance of having a persistent observing asset that can immediately be used in an emergency situation.

The ROMS Model was also a useful data product when tracking the oil spill. Similar to a weather forecast, oceanographic data collected by HF radar, gliders and other in-water platforms as well as satellites are assimilated into a 3D ocean model to provide oceanographic information (e.g. ocean current to estimate oil spill trajectories) at not only those data collection locations but, data gap areas as well. Three-day forecasts of ocean conditions are provided by the California Regional Ocean Modeling System (ROMS), developed under IOOS and supported by SCCOOS and the Central and Northern California Ocean Observing System (CeNCOOS), help NOAA and U.S. Coast Guard plan response strategies.

In addition to HF radar data, gliders data, and ROMS model information, the State of California and U.S. Army Corp of Engineers funded Coastal Data Information Program (CDIP) provided accurate wave data in the Santa Barbara Channel and offshore of Point Conception during oil spill response operations.

The data from this comprehensive suite of observations and models proves critical during these hazardous events. It demonstrates the importance of having the infrastructure in place to respond quickly and nimbly.

For more information: sccoos.org ☆

Coastal Ocean Observing System (SCCOOS) data products, including High Frequency Radar, Gliders (a type of autonomous underwater vehicle), Regional Ocean Model System (ROMS) and CDIP wave data, rapidly provided support to predict the trajectory of the oil spill in the ocean.

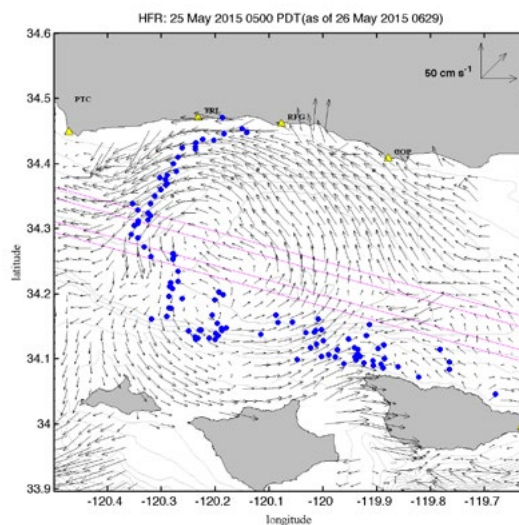
High Frequency (HF) Radar derived surface currents were sent to NOAA Office of Response and Restoration (ORR) and California State Office of Spill Prevention and Response (OSPR). In addition, SCCOOS HF Radar visualizations were used by local News Channel 3 in Santa Barbara during the weathercast in order to show circulation patterns in the area.

In 2004, the State of California had the foresight to fund the installation of 21 HF Radar sites in the State.



Temporary HF Radar site.

Since that time the operations and maintenance have been covered by NOAA IOOS. Even though these



Static image of the HF Radar Oil Spill Projection.

Working alongside the HF Radar products, the gliders also provided a comprehensive network. There are five Spray underwater gliders off the coast of California providing temperature, salinity and ocean current data as frequently as 16 times per day. The glider missions are funded through IOOS and NOAA's Climate Program Office/Climate Observation Division. These data were

To Sail or Not to Sail?



by Dr. Captain
John A.C. Cartner
#2574-R

That is the Question.

At the 2015 World Maritime Rescue Congress, John Dalziel and Dr Robert Weisbrod of

paper trail when in fact in his or her personal life there are various things which would cause rejection by an owner having greater concern for the vessel than a mere personnel agent. By devaluing the master to “crew” as the name implies, he or she is another peg to plug in the hole. That hardly gives one comfort as to the ditty.

to the master in his or her decision-making. Further, the managing entities for vessels and masters had strong interest in the masters selected. One hundred years later such statements would be gross overstatements.

In the 19th century, the laws of the shipmaster became, as one author has said, “ossified.” That is, the glory days of sail and required laws dealing with the vagaries of wooden ships designed by experienced tradesmen and not engineers, sail propulsion evolved over several millennia and not necessarily efficient or safe,

the Worldwide Ferry Safety Association stated in simplistic fashion, “It is the master’s decision whether to sail [;] It is the owner’s decision who is the master.” They characterized this schoolboy mnemonic as “the seafarer’s dilemma” citing CHARLES S. PRICE in the Great Storm of 1913. If life were so clear-cut and obvious now as one hundred years ago, we would all be happy. Unfortunately, the dilemma does not exist in today’s realities – it is a false proposition.

It is the owner’s decision who is master.

Let us unpack the snappy and seemingly pithy words. To do so meaningfully we will start at the top, “It is the owner’s decision who is master.” Not so fast. Masters sailing on the majority of vessels have nothing to do with the owner but are selected by a crewing agency which acts for the owner or deponent owner. The agency has little incentive to select the best master which whom the agent likely has little or no experience. Hence the master is selected by a bureaucratic procedure wherein the paper trail of the past is presumed to be a predictor of performance in the future. Paper trails are not difficult to spin and more than one master has a sterling

It is the master’s decision to sail

Now let us look at “It is the master’s decision to sail.” So far so good. However, the master also wants employment. Not to sail raises immediate questions with ship operators ashore as to the master’s ability. Not sailing is costly and the excuses had better be good. Even delays in sailing on the decision of the master in some trades are frowned upon. Not sailing or too many delays are a quick ticket to the beach and most, if not all, masters unprotected by collective labor agreements know that.

Perhaps the better sloganeering should be “It is the master’s decision to not sail if he is adroit enough to withstand the criticism and if he is monied enough to withstand dismissal; it is the uninterested crewing agent acting for the owner or deponent owner who selects the master from the available pool that day.”

Let’s get down to further realities here. A hundred years ago there was a distinct branch of laws dealing with maritime matters which was adjudicated by judges in admiralty with a great deal of experience and within a system of laws which gave great deference to the maritime nature of the admiralty jurisdiction and

weather reporting that was rudimentary at best and not instantaneous as today, communications systems with master and vessel from and to the shore which were only slightly leavened by Marconi’s invention of marine telegraphy, the fob system of lading requiring fiduciary acts by the master and other systems quaint by today’s standards. Therefore the master at sea was by law God, king and the constitution. The decision not to sail was given great deference and the decision as to whom would be appointed master was given equally great deference and often was in the person of a part-owner of

Continued on page 24 >>>

The Seafarer’s Dilemma:

**It is the master’s decision
whether to sail.**

**It is the owner’s decision
who is the master.**

Remembering Grace Line's M-Ships



*Captain
Manny Aschemeyer
#1548-R*

Known as the Four 'M' Ships – SANTA MARIA, SANTA MARIANA, SANTA MAGDALENA, AND SANTA MERCEDES –

these unique vessels were originally designed and built for Grace Line back in the early 1960s.

Public spaces included a large first-class dining room with floor-to-ceiling windows that provided excellent views of the sea or the port, and all passengers enjoyed their meals together in a single seating, no first and second seatings required. The food service and quality were superb.

The ships featured an attractive and comfortable bar and lounge with a large dance floor, an outdoor salt-water swimming pool with surrounding sun deck, a comfortable and quiet reading/game room, a large gift shop and beauty/barber salon, a well-appointed purser's office for handling passengers' business and requests, a medical clinic with a doctor and nurse available 24/7 an outdoor movie theater with films projected onto a large screen conveniently positioned on one of the aft container gantry cranes, and an additional game/observation deck on the flying bridge for passengers to enjoy.

With typically a small complement of passengers making the voyages (80 to 90 was average), many of their comments were, "It's like sailing on your own personal yacht!" Indeed, it was a very popular cruise itinerary with superlative services and accommodations, and passenger repeat business was 42%.

General cargo, mostly palletized, was carried in three large cargo holds served by five side ports and five large elevators for load and discharge to the decks below. The #1 hatch near the bow was also rigged with traditional booms and winches to handle cargo overhead. All the cargo decks could carry reefer car-

gos, including frozen and chilled products.

In addition, two large cellular-fashioned container cargo holds (one forward and one aft) could carry a combination of 20-foot and 40-foot containers, though they ceased carrying 40-foot containers after the vessels were transferred to the West coast. Both container holds had their own on-board gantry cranes (two forward and two aft) for handling the boxes at all the ports in South America, none of which had shore-side gantry cranes in those days.

Their original runs took them through the Caribbean with occasional stops along the way, depending on cargo demands, en route to Panama. These vessels brought cargoes and passengers to and from the U.S. Canal Zone, and were an integral part of the main supply line for the Panama Canal Company moving personnel, equipment, and supplies between the U.S. Canal Zone and the U.S. East coast.

After discharging their cargoes and passengers in Panama and transiting the Panama Canal, these vessels made stops in Buenaventura, Colombia; Guayaquil, Ecuador; and Callao, Peru (near Lima). Occasionally they would go to Valparaiso, Chile, if cargo bookings demanded, but mostly they maintained their regular runs from New York, through the Panama Canal, and on to the west coast of South America, then turning at Callao, Peru, to begin the journey back to New York.

On their northbound legs, these ships were loaded in Ecuador with boxed

They were ships of superlative beauty and practical functionality. Nothing like them had ever been seen or operated anywhere on the maritime scene.

The M-Ships had been named after the patron saints of the four Latin American countries they were scheduled to serve: Colombia, Ecuador, Peru, and Panama. They were originally home-ported in New York and sailed on weekly schedules to Panama and the West Coast of South America during the 1960s and into the early 1970s.

The naval architects at George G. Sharp Co. — working with executives, cargo experts, travel consultants, and engineers at Grace Line — designed the vessels specifically for South American trade routes. In addition to having a capacity for embarking 125 passengers in deluxe accommodations, these ships also had the capacity for carrying nearly 10,000 tons of cargo including general, reefer, and containers.

Passenger accommodations included large, well-appointed staterooms; all but a handful were outside cabins with large square windows (no portholes there). There were even a few luxury suites featuring adjoining rooms for entertaining and sleeping, and large private bathrooms with tubs and showers.



bananas on pallets (carried on decks that were refrigerated); and tons of palletized and containerized coffee loaded in Colombia. As mentioned earlier, cargo and passengers were also loaded in Panama for the return trip to New York. These ships traveled “full and down” both ways, which was unusual for most lines in those days of fierce competition on the high seas.

The M-Ships sailed successfully for Grace Line until the late 1960s when Prudential Line bought out Grace Line. For a few years thereafter the ships ceased carrying passengers, and were in the cargo business only, from New York to the Caribbean and Panama.

The four M-Ships were eventually transferred to the Pacific Division of Prudential Lines in 1972, where they were extensively overhauled, outfitted, and reconditioned for cargo and passenger services again. They were finally returned to their original elegance and functionality that they had demonstrated in their early years of service.

When the M-ships came west in 1972, two of the four on-board gantry cranes used to handle 40-foot containers on and off the ships were removed (one forward and one aft), which then allowed for handling only 20-foot boxes. The remaining two cranes were raised 12 feet to allow for 20-foot containers to be double-stacked on deck, thereby increasing their TEU capacity to 275, which was a fairly large number back in those days.

The four M-Ships sailed on fortnightly schedules out of San Francisco on a 65-day “Round South America” (RSA) voyage, which took them south to Los Angeles, then on to ports in Mexico (Manzanillo, Acapulco, and Puerto Vallarta), through the Panama Canal and on to Colombia, Venezuela, Brazil, and Argentina. From Buenos Aires, they proceeded through the Strait of Magellan, then on to Chile, Peru, Ecuador, Mexico, and back to Los Angeles and San Francisco.

The cargoes carried between the various ports on the RSA route were certainly diverse: bagged borax from Los Angeles to Brazil, palletized garlic

from Mexico to Venezuela, KD boxed Volkswagon autos and parts from Brazil to Chile and Peru, frozen concentrated orange juice in 55-gallon drums and bagged coffee from Brazil to Los Angeles and San Francisco, Chilean fresh fruits to California (grapes, peaches, nectarines, plums, and other stone fruits carried in the reefer decks), bananas, coffee, and frozen seafood from Ecuador to Los Angeles, more bagged coffee from Colombia to Los Angeles and San Francisco. Two of Boeing’s high-speed hydrofoil passenger ferries were shipped from Tacoma, Wash. to Maracaibo, Venezuela, as deck loads on two different M-Ships.

On the northbound leg along the U.S.

passenger vessels, they were granted priority berthing at all Latin America ports. When they arrived they were docked immediately, even if it meant pulling a working cargo ship off her berth to make room for the arriving M-Ship. All cargo shipments were guaranteed a fast transit to — and a speedy, on time, discharge and load — at each port. This unparalleled performance earned a net market share of nearly 65% on all cargoes shipped from the U.S. West Coast ports to South America.

Passengers benefited likewise. When M-Ships came alongside their berth, they were granted 36-48 hours to complete all cargo operations. This gave the passengers extended stays at the



S.S. SANTA MARIANA

©CITY OF VANCOUVER. PHOTOGRAPH BY WALTER E. FROST

West Coast, the ships made what was called “The Canadian Loop,” sailing north from San Francisco to Tacoma, Wash., then on to Vancouver, B.C., before turning south again and steaming back to San Francisco. Then the next 65-day RSA voyage would begin all over again.

The combination of cargo and passengers made for a very successful symbiotic relationship, benefiting both immensely. Virtually all of the ports in South America during that time were seriously congested, which typically required cargo ships to “ride the hook” for days (and sometimes a week or more) while they waited for a free berth to come open.

Since M-Ships were also classified as

magnificent ports they wanted to see, visit, and experience during their cruises. This included exciting ports like Acapulco, Puerto Vallarta, Panama City, Cartagena, La Guaira/Caracas, Port-of-Spain (Trinidad), Rio de Janeiro, Santos/Sao Paulo, Buenos Aires, Valparaiso, Callao/Lima, Guayaquil, Manzanillo, and others.

On most cruise ships (then and today), passengers are lucky to get 8 to 12 hours in port; hardly enough time to really see and enjoy those faraway places with strange-sounding names. Such was not the case on M-Ships, where the passengers had ample time to see and experience all the ports in a most thorough and memorable way.

Continued on next page >>>

In the Membership

M Ships >>>Continued from page 23

The fleet of M-Ships sailed successfully for Prudential Lines during the 1970s full of cargo and passengers on each voyage, and into the 1980s as part of the Delta Line fleet, which acquired Prudential Line in 1978.

Finally, in the early 1980s, Delta Line was acquired by Crowley Maritime Corp., which was mainly a tug-and-barge company then, and unfortunately went into bankruptcy with the Delta Line fleet by 1984. As a result, the M-Ships ceased their operations and were laid up, never to sail again as passenger/cargo vessels.

The *SANTA MERCEDES* survived to

sail again when it was transferred to Massachusetts Maritime Academy to serve as its training ship and renamed *PATRIOT STATE* from 1984 to 1999. Her three sisters, however, fared much worse and all were sent to the ship breakers by the late 1980s. The *SANTA MERCEDES* finally met her end when she went to the ship breakers in 2011.

Thus ended the spectacular history of successful performance and operations of the four magnificent M-Ships – unique, successful, lovely, functional, and popular until the end...

To see a personal video of one of the last voyages made aboard the



PHOTO: MARAD

TS PATRIOT STATE, circa 1990.

SANTA MARIA from Los Angeles to San Francisco, and produced by one of the passengers, Mr. George Gillow, see www.cruiselinehistory.com. ☆

To Sail >>>Continued from page 21

the venture or at least a holder of cargo primage space.

Today we deal with a maritime law which has gradually been overtaken by terrine thinking and terrine crimes. These crimes may not be appropriate to the maritime business but here they are and governments have not been standing still. They have the modern conveniences just as do modern companies. Thus, when a prosecutor gets wind of an accident which looks like a crime and

smells like a crime and walks and talks like a crime it is a crime to his terrine view there is a terrine prosecution. The niceties of maritime law suggested by Dalziel and Weisbrod may have worked well in 1913. That is not a defense in 2015. One need look only at cases such as *HEBEI SPIRIT*, *ERICA*, *PRESTIGE*, *EXXON VALDEZ*, *AMOCO CADIZ*, *ZIM MEXICO* and many others to see that the master has been placed into the legal position of being a mere factotum who is perversely punished in a latter-day thinking unre-

lated to seagoing but still binding as law.

Ferries in the inland trades are not much different. There may be the alleviation of onus because of state employment of the master or the like but there is still the thinking by management and prosecution that the master – in some sort of pseudo-military albeit non-existent structure – is the man to arrest when things go wrong. Further, the master is usually hung by the press far before any objective inquiry can be made. Hanging is what is wanted in the crassest form of revanche in the press and hanging is what governments give.

Hence, the arguments of Dalziel and Weisbrod are like Favvre's music – nostalgic and warm and dreamy – but not realistic to today's black and white and hard-bitten world. Would most masters sailing today be sailing? Not if the polls going around the past few years are an indication. Masters understand their positions – targets with large red and white concentric circles back and front. Many simply hope to be retired before being struck by a criminal charge. ☆

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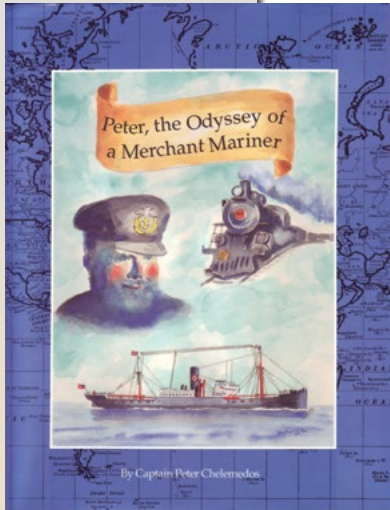
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by Captain
Peter Chelemedos
#1671-R

Peter, the Odyssey of a Merchant Mariner

Chapter 27: Western Trader
1960

The depression days of the late Eisenhower administration gave thoughts to people from many walks of life to start over in a different environment. Not the least of these were those who picked up on the dream of Don Harrsch to build a self-sufficient colony in the Galapagos Islands off the coast of Ecuador.

Don's Island Development Company program proposed that if 100 families each put \$2,500 into a fund, he could buy the necessary ships to transport them and to rebuild a lobster plant on one of the islands, which would furnish them a livelihood.

The first real details of this plan to come before the public eye was the adventures of the *ALERT*, the first of the ships he had purchased, as it made its way down the west coast to San Pedro. The *ALERT* was a wooden-hulled ex-Puget Sound Freight Line vessel, which had been used mainly in the waters of Puget Sound hauling paper and lumber products from the many small mills to main ports for further shipment.

When the *ALERT* met the waves and swells of the Pacific Ocean, her planking twisted and wracked, causing more leakage than her pumps were designed to handle. This necessitated repeated calls to the Coast Guard for additional pumps

and visits to nearly every "dog-hole" port along the coast to get her pumped out and rendered seaworthy again. These adventures were given great play in the daily newspapers.

One item told of the work being done on a second ship, the *WESTERN TRADER*. The *WESTERN TRADER* was a 130-foot steel-hulled ship that had been used in the Aleutian Island trade and suffered much abuse from the weather and lack of maintenance. She was being readied by a second group preparing to sail from Lake Union in Seattle for this land of dreams.

The members of my Sea Scout group had been casting about for a community assistance project for one of their requirements in the sea scouting program, and I felt this might be a natural, as it would give the boys the opportunity to work on a large, seagoing ship. We took on the project of breaking loose the lifeboat davits from their bed of rust, and overhauling the lifeboat and its launching equipment.

In conversations with the group of prospective colonists, I met a dam-site engineer, college students, farmers, lawyers, schoolteachers, and several others who were desperate often not being able to find employment in their fields. The prospectus for the adventure outlined plans to start a school and design and build a community, using the old lobster

plant as a freezing facility and engaging in fishing as well as farming the lush land of this tropical island.

The prospectus painted a rosy picture to be sure and, if each point had been followed, the colonists may not have had such a difficult time. Most of the people couldn't come up with the entire \$2,500, instead putting in what they could and contributing their labors to work off the balance due. Each person tried to make up for the lack of cash by being very conscientious about his or her tasks, from

The prospectus painted a rosy picture to be sure and, if each point had been followed, the colonists may not have had such a difficult time.

overhauling the ship's plumbing system, cleaning the years of accumulated grease from the engine room, and learning the operation of the different pieces of equipment therein, all the while restructuring the insides to accommodate the sixty-five persons who would be traveling south with the ship.

Since the ship was documented in the fisheries trade and was less than

Continued on page 27 >>>

SEATTLE, MONDAY, MARCH 6, 1961

Galapagos Dream Ends For American Colonists

BY ROBERT COUR

IT IS ALL over for the rugged American colonists on the Galapagos Islands and the dream of a bright, new civilization under sheltering palms with the whole blue Pacific Ocean as a front yard is over, too. Charles Harrison Jr., 40, and his family — last to leave the island dream — came home to Kenmore yesterday to tell a story of near-starvation under blistering heat.

"WE LIVED like animals ... It was like a nightmare," Charles Harrison, a tough man whose tenacity to make his dream come true exceeded all others, said in unmasked disillusionment. "I am older and wiser — and poorer by about \$10,000," Harrison said.

In the past year he has acquired an even tan and a small, walrus-type mustache. He has also turned gray and learned the real meaning of the word, worry.

"Everybody's gone from the Galapagos now," Harrison said. "We gave it our best but it was too much for us."

Gone from San Cristobal, main island of the Galapagos group, are all the hardy pilgrims that sailed from Seattle and San Pedro, Calif., in the Alert and Western Trader, two battered vessels re-rigged for the voyage 650 miles out into the Pacific Ocean.

"I want to warn anyone considering anything like this that the imagined and real are quite two different things," Harrison said.

HARRISON LEFT Seattle last March 25 aboard the Western Trader. Mrs. Harrison closed their house at 18424-73rd Ave. NE, Kenmore, and followed by bus with the couple's two children, Ronnie, now 15, and Mike, now 13.

"I paid \$2,500 for the right to settle San Cristobal and I could afford it," Harrison said. "Plenty could not. They had scraped together every dime they could to make the trip."

While the Western Trader was scheduled to be in San Pedro only a few days, it was not until August 2 that the

ship, with 50 colonists aboard, set sail.

"It was miserably hot and my wife worked like an animal in the galley. The long delay in San Pedro had depressed everyone but we had our money invested so we went along."

THE WESTERN TRADER arrived in San Cristobal on August 19 but nobody wanted to go ashore.

"We looked out from the ship and there was nothing there — just nothing. The colonists were frightened. I finally grabbed my family and went ashore," Harrison said.

Colonists from the Alert had already landed a few weeks before. They had found little of the new civilization they sought. About half of those aboard the Western Trader kept their berths. They went back to America with the Western Trader. The ship sailed loaded full; the empty berths were quickly taken by those from the Alert, already fed up with "community life."

"Some of the people who got off had as little as \$20 on them when we landed and some of those had brought little children along," Harrison said.

THE ECUADORIAN government had issued visas to all but had stipulated that they could bring with them no stoves, no furniture, no equipment of any kind. The colonists were supposed to buy that at native stores.

"We lived in a shanty. The roof sagged and the boards were rotted. It was so hot you couldn't breathe. There was no running water, no electricity. We burned candles for illumination but you had to be careful that the candles did not bend double from the heat and start fire."

The Harrisons settled near Wreck Bay, aptly named, they soon learned. The city smelled of dead fish and lack of sanitary facilities. Drifters from all parts of the world dotted community life "human garbage," Harrison termed them.

There was no work to be obtained. No income for the

colonists who had thought they might get wealthy in coffee, tuna, lobsters or in tourism.

No income but the cost of living was considerable. The natives slaughtered one steer each day, then cut it up with an ax.

"No steaks or chops or roasts," Harrison said. "They just hacked it up into chunks and sold it by the pound. A good portion of it was inedible."

MANY OF THE colonists had to sell the things they brought with them for food. The Harrisons, along with others, ate "baby food sandwiches." Canned baby food was plentiful for some reason.

Little or no supplies came from America. The Western Trader brought a second load of colonists and some food but there were so many waiting to catch a ride back that the Captain of the ship insisted on keeping most of the food for the return trip.

One by one the colonists left the island, bitter and broke. They sold tables and chairs, even clothing, to get back home to America.

Harrison hung on tenaciously.

"Why? Well, I wanted to give it everything I had. And it was an experience we would never forget. I wanted to see it through to the end."

THE END came on January 27 when the Harrisons left aboard a converted LST—the only ship to call on San Cristobal each month. After a brief stay in South America and in Florida, the Harrisons reached home.

Harrison reached first for a glass of cold Cedar River water, "the most underrated thing in the world." As colonists, they had to boil all water. Lois Harrison went first to her electric stove and refrigerator stocked full with fresh food. The children went to the games and books they'd left behind.

In a few days, they will have a turkey with dressing, gravy and cranberries — the works.

"It's for our Christmas," Mrs. Harrison said. "We missed it last December 25."



Odyssey >>>Continued from page 25

200 feet long, many of the Coast Guard regulations for passenger-carrying vessels didn't apply. However, they were required to purchase and install ship-to-shore telephone equipment as well as the proper lifejackets, etc. This made a deep dent in the monies they had for food and other amenities, but it had to be.

After the Sea Scouts finished their project, the next I heard from these people was a request to use my license to take the ship south, as a licensed captain was another Coast Guard requirement. I took a week off from my position as office manager at PuttyStik, Inc. to sail with them. On March 25, 1960, we sailed out of Lake Union for San Pedro, California. The weather was clear and fine as we steamed up between the beautiful mountains of Puget Sound. The Olympics hadn't lost their winter coat of snow, and Mount Baker smiled at us from the northeast.

As we sailed out of the Straits of Juan de Fuca and turned south, however, the prevailing northwest wind and its accompanying sea and swell gave the ship an uneasy motion. The ship rolled sideways and pitched up and down, twisting at the same time. As a consequence, most of the sixty-six people aboard suffered seasickness. One woman came up to me while we were passing San Francisco to remark, "I can now understand why the Pilgrims never went back. They swore no matter what hardships they had to face, they wouldn't set foot aboard ship again once they reached dry land."

When I tied the ship up at Pier 227 on Terminal Island, San Pedro, I left to return to Seattle. We had called United Air Lines and booked a seat on the 1:00 p.m. flight. By the time we reached the airport, however, the flight had already been called so the ticket agent wouldn't sell me a ticket. I said, "But I must get to

Seattle in the worst way."

He looked at me, then picked up the telephone, talked a bit into it and, after putting it down said, "I have booked you on a Westem Airlines coach flight which will depart at four."

I had less than one dollar with me so, instead of spending it for lunch, I sat in the waiting room reading newspapers I found on a seat. I figured I'd get a meal on the plane (if I could believe the advertising).

When I was finally aboard the propeller-driven plane and waiting for take-off, I rummaged through the seat pocket ahead of me and picked out a Western

tion took place in Ecuador between the governor of the islands and the president of the country. The governor didn't want the colonist invasion, and the president had made a political commitment to accept them. I am including here a clipping from the Seattle Post-Intelligencer by Robert Cour describing the further adventures of the group.

The WESTERN TRADER started a return voyage to the States from Galapagos, but in a storm off the Gulf of Tehuantepec, Mexico, she lost one propeller. The ship went into Salina Cruz, Mexico, to await the monies to be accumulated to pay for drydocking. It never came.



WESTERN TRADER, Lake Union, 1960

Airlines schedule.

I found that Western had a jet flight direct to Seattle that departed at 4:00 and arrived in Seattle at 8:00. My flight wasn't due to arrive until midnight considering all the stops en route. When I asked the stewardess what was on the dinner menu she said, "This is a coach flight. We don't serve meals."

You know, I did tell that United Air Lines ticket agent that "I had to get to Seattle in the worst way." I guess this was the worst way he could think of.

As for the Galapagos colonists, they had a long wait in San Pedro while awaiting their visas and a near-revolu-

Few by few, the people left the ship to make their way home on their own. One family went down to Salina Cruz to join the ship and found it abandoned there. They heard rumors in town that the Mexican government was planning to seize it for unpaid dockage charges. I had left a couple of books on steamship operations aboard and, I understand, this family by dint of these was able to get the machinery started and slipped out of port about two a.m. and brought the ship into San Diego.

The next I saw of this ship was her stern lying on the pier of a dismantler's dock at Seattle many years later. ☆



Compiled from
IFSMA newsletters
March 2015 &
June 2015
www.ifsma.org

2015 started with a number of major causalities, one of which started at the end of December, the *NORMAN ATLANTIC*. As per usual, the master has been charged

with manslaughter and causing a shipwreck by the Italian authorities. Regrettably, a number of people died

affected by their passing must never be forgotten.

What should have happened is that a level playing field of sentencing should have taken place, instead many involved were given lenient sentences and the master and crew were made scapegoats.

The *HOEGH OSAKA* nearly capsized when leaving Southampton and was stranded on a sand bar. Because of the availability of the ship to the media, this had more coverage than ships that had sunk elsewhere in the world.

The matter of 6 on-6 off raised its head again with a ship once more running up on the rocks when it should have turned to port. This happened on the West Coast of Scotland and the radar display shows the vessel proceeding steadily along the course and missing the alter course point. The vessel continued on this course until it ran aground on the opposite side of the channel. So all in all, this year has not started well.

Ports of Refuge

This is an ongoing problem for shipmasters and recent events like the *MARITIME MAISIE* in the Korean Straits highlight the need for a more structured and rapid response to such events. The ship suffered a major collision and then fire. She drifted in the Korean Straits for over 100 days while a solution was found. The Government of Korea offered a port of refuge and the ship entered port and discharged the remaining cargo without incident.

IFSMA worked with Intertanko and others to bring a paper to the IMO to raise this issue and the need for

a solution. This was sidelined but the European Community (EC) has brought forward a proposal which is hoped it will be used to progress this matter. The EC are in the late stages of putting together guidelines on Ports of Refuge. There is a potential timeline for this to be progressed, but at the moment Maritime Safety Committee 95 in June of this year will determine how it will progress.

Refugees at Sea: UNHCR – IMO and P&I Coverage

This tragedy is unfolding and accelerating at an alarming rate. Reports by the media of the numbers involved are stunning, but the actual number of persons who drowned while trying to make this passage remains unknown. In the first three-quarters of 2014, more than 3,000 people died attempting to cross the Mediterranean to Europe. They included more than 500 people who perished in a single incident in September when their boat was sunk by their human traffickers off the coast of Malta. As of mid-December 2014, over 207,000 refugees had arrived in Europe by sea. In comparison, a total of 60,000 people made the voyage in 2013. It does not matter whether these people are economic migrants or refugees escaping persecution, they all deserve to be treated with respect.

The people traffickers are armed criminals who care little for the people that they transport. It is all about maximizing the profit, at any cost. Italy and Malta have borne the brunt of this assault but are being overwhelmed by the number of people involved compared to the resources that they have. While this is

in the incident and this number will probably never be exact due to the fact that it is reported that a large number of stowaways were on the car deck where the fire was.

This was not the only point. The master of the *COSTA CONCORDIA* received 16 years and one month as a sentence. The industry is divided over whether this is just or not. Captain Schettino is appealing the verdict. It does not matter what opinion is formed about this man, it is the fact that he was singled out for a harsh sentence which sets a precedent. When the sentences handed down to others who played a major part in this disaster, they were treated very leniently.

The crew members of the *SEWOL* presented their appeals and this will be decided upon in April. Captain Lee Joon Seok was sentenced to 36 years for negligence but it must be noted that he accepted this sentence and did not appeal the sentence. Yet the prosecutors' revisited his case and even looked once more at bringing the death penalty to the table.

This is a barbaric position to be taken. The terrible loss of life in this tragic accident was heightened with so many young people losing their life. Those who lost their lives and the families

a global problem it is becoming localized as a European problem. There is no easy answer, but in the meantime, crews on board ships trading this area are required to give assistance. Progress is being made on what to do, but it will take time.

The obligation to assist another vessel in distress can have major consequences for the shipowners involved with the rescue of migrants at sea. While many of the costs of diversion for the shipowner can be reimbursed, it is important to note that no compensation will be paid out under the P&I insurance for hire lost during the diversion. The Club is currently developing a cover, complementary to traditional P&I insurance, for such shortfall in revenue while the vessel is unable to trade.

Vessel TRIAGE

Vessel TRIAGE is a multinational project, established by the Finnish Border Guard as the responsible maritime search and rescue (SAR) authority, the Finnish Transport Safety Agency and the Finnish Transport Agency to develop a categorization and risk identification system for vessels in ship accidents.

A uniform, international categorization system describing the safety status of a vessel is necessary in order to assess the seriousness of the vessel's situation and to facilitate decision-making regarding SAR. Categorization enables rapid identification of the key operational risks and a commensurable vessel status in order to guarantee appropriate SAR and further operations.

The goal of the system is to facilitate the maintenance of situational aware-

ness between the authorities and the distress vessel, and enhance the communications between them. Categorization would make the cooperation between SAR services and various actors significantly more effective—both nationally and internationally.

events on shore, for example in the preparation of place of refuge decisions and at evacuation centers, would also benefit from the categorization system. The project will be implemented between July 2014 and May 2015, funded by the Ministry for Foreign Affairs of Finland. More information at this website: www.raja.fi/vesseltriage.

ISFMA interventions at IMO

ISFMA added a new section on the website to highlight actions taken at IMO. They are found in the membership section, under IMO Reports. ISFMA makes interventions that are appropriate to the situation and where they are relevant to the shipmaster.

While interventions were made and recorded, it is becoming more difficult at the IMO to be heard. The IMO Secretariat is always helpful and supportive of ISFMA and this is greatly appreciated as it ensures that ISFMA follows the procedures at all times.

HTW 2: Intervention on the implementation of changes to the certification on eyesight tests will the implementation of the 2010 Manila Amendments.

SDC 2: Intervention on Watertight Doors Operation to save persons being crushed.

Intervention on Guidelines addressing the carriage of more than twelve industrial personnel on board vessels engaged in international voyages. People should have rights while under this particular situation.

Intervention on Amendments to SOLAS and FSS Code to make evacuation analysis mandatory for new passenger ships. ISFMA believes that a full evacuation scenario be conducted using people and not be based on computer modeling.

March saw NCSR 2 and SSE 2 being held and these are reported on the IFSMA website. At this time there is an adjustment going on as these new sub-committees find the work that is

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IFSMA >>>Continued from page 29

needed and where some items may be transferred to other areas of the IMO.

April saw LEG 103 being held. The dates for this clashed with AGA 41, but Mr. Charles Boyle, Director of Legal Services, Nautilus International UK sat on behalf of IFSMA. The main point from this meeting was that the paper that IFSMA co-sponsored / wrote was well received and supported. This was on the subject of Seafarers' Rights.

The issue of the *DANNY F II* remains unresolved. As the master, who lost his life, was an IFSMA member it was hoped that the final report would be completed and released. The incident occurred in 2009.

PPR 2: Intervention was prepared but due to the structure of the meeting this was not allowed.

IMO Secretary-General

An important point to note is the pending departure of the IMO Secretary General, Mr. Koji Sekimizu, who is standing down and not seeking re-election for a second term. There are six candidates who have placed themselves in contention for the post. It will be interesting to see which way the organization takes over this matter.

New Fuel Switch Law for Hong Kong

The Air Pollution Control (Ocean Going Vessels) (Fuel at Berth) Regulation was published on March 13, requiring ocean-going vessels to use clean fuels while berthing in Hong Kong to improve air quality. Compliant fuels required by the regulation are low-sulfur marine fuel (sulfur content not exceeding 0.5%), liquefied natural gas and any other fuels approved by the Director of Environmental Protection. Heavy fuel oil typically has an average sulfur content of 2.6 per cent.

It prohibits ocean-going vessels from using any fuel other than compliant fuel while at berth in Hong Kong, except during the first hour after arrival and the

last hour before departure.

Shipmasters and ship owners must record the date and time of fuel switching and keep the records for three years. If an ocean-going vessel uses technology that can achieve the same or less sulfur dioxide emission when compared with using low-sulfur marine fuel, the vessel may be exempted from fuel switching.

Shipmasters and owners who fail to switch fuel face six months jail and a HK\$200,000 fine, while those who fail to keep records face three-months jail and a HK\$50,000 fine. The new regulation will cut sulfur dioxide emissions by 12% and respirable suspended particulates by 6%, improving air quality and reducing health risks. The Government will table the regulation at the Legislative Council on March 18 so it can take effect on July 1, 2015.

UKHO launches expanded range of e-NPs

A further Flag State approval for the use of e-NPs in place of paper equivalents UKHO has recently published an expanded range of Admiralty e-Nautical Publications (e-NPs). e-NPs are official Admiralty Nautical Publications in a convenient electronic format, bringing improved efficiency, accuracy and access to information that bridge crews need. Containing the same certified data as their paper counterparts, e-NPs are devised to meet SOLAS carriage requirements, can therefore be used in place of their paper equivalents and are approved by the Flag States of 80% of ships trading internationally.

The Admiralty e-NP portfolio has been significantly expanded, with eight more official nautical publications newly available in the e-book format in the first quarter of 2015. This range includes Sailing Directions (74 volumes), Mariners Handbook (NP100), Ocean Passages of the World (NP136), The Nautical Almanac (NP314), Guide to ECDIS Implementation (NP231), Policy and Procedures (NP232) and more.

Building on the success of e-NP

Version 1.0, UKHO has also issued Version 1.2 which contains several substantial improvements, including the saving and printing of the e-NP Certificate and Snapshot improvements allowing users to print pages and Notice to Mariners (NMs) in one easy function.

This permits bridge crews to select specific e-NP pages to reinforce passage planning, as well as aiding port inspections by clearly showing when an e-NP was last updated with weekly NMs. All e-NPs can be read using the Admiralty e-Reader software, which is supplied at no extra cost.

Christine Trickett, Senior Product Manager - Publications, at the UKHO commented: "We have worked hard to further expand and improve our range of e-NPs whilst retaining the same familiar look as all Admiralty Nautical Publications. With the recent addition of Sierra Leone, the Flag States of 80% of ships trading internationally have now approved the use of e-NPs in place of their paper equivalents, meaning that the vast majority of bridge crews can have easier access to an even wider range of essential navigation information in electronic format. For example, weekly Notices to Mariners can be added in seconds."

Captain Hailwood, a renowned expert on ECDIS and integrated bridge procedures, has delivered the UKHO ECDIS seminars for the past three years. Captain Hailwood's recent blog highlights that Paris Memorandum of Understanding data shows that 'deficiencies in nautical publications' are the second most common reason for the detention of ships. Captain Hailwood explains that mariners using e-NPs can help avoid such circumstances by using the NMs application, which can be downloaded and applied to electronic publications immediately with a quick certificate display.

This program makes it easy to check and demonstrate an update status to the necessary authorities during an inspection, proving that a vessel's publications are up-to-date. 🌐



The Company of Master Mariners of Canada is a professional association for those qualified to command. It was established to encourage and maintain high and honourable standards within the nautical profession, further the efficiency of the Sea Service, and uphold the status, dignity and prestige of Master Mariners.

The strange voyage of 2nd Officer Frank Le Riche, 3rd Officer John Campkin, and the *MT EULIMA*, 1943

The North Atlantic is notorious for bad weather, but the winter of 1942-43 was the worst for decades.

by
Captain Alan Knight
CMMC

greatest strength which it would ever achieve. When Convoy ON-166 assembled at Liverpool in early February 1943, the Battle of the Atlantic was at its height, and every man would have been aware of the extreme danger into which they were sailing. Among the ships assembled for ON-166 was the Shell tanker *EULIMA*, a three-year veteran of the longest continuously-fought battle in world history.

When, on 11th February, ON-166 departed from Liverpool, bound for New York, *EULIMA* sailed in position 41, (4th column from the left, front rank of the convoy). The crew of 63, led by Captain Frederick Wickera and C/E David Mitcheson, consisted of 23 Brits (including 9 DEMS gunners), and 40 Chinese. In the North Channel, 18 ships from Milford Haven joined up, and ON-166 headed into the Atlantic, screened by the U.S.-led Escort Group 3A, which consisted of the U.S. Coast Guard cutters *SPENCER* and *CAMPBELL*, the corvette *H.M.S. DIANTHUS*, and the Royal Canadian Navy corvettes *TRILLIUM*, *CHILLIWACK*, *ROSTHERN* and *DAUPHIN*. The 1600-ton rescue ship *STOCKPORT* trailed the convoy, tasked with picking up survivors of sunken ships. As ON-166 passed Malin Head, the barometer began to fall steeply, and for eight days ON-166 battered its way westwards into the teeth

of a Force 10 storm, barely managing 4 knots. Station-keeping was difficult under these conditions, and by the time the storm abated, ON-166 was in loose formation, with several stragglers well astern. Air cover had to be suspended because of the terrible weather, and the full moon illuminated the night, stripping the convoy of the protective cloak of darkness. ON-166 was now in extreme danger.

On 20th February, U-604 sighted the convoy, and was ordered by U-boat HQ to maintain contact, and to “home” the other 18 U-boats of Wolfpack *Sturmbock* for the attack. The USCG cutter *CAMPBELL* began to hear nearby U-boat transmissions. There was no doubt that the convoy was being shadowed, and an attack was imminent.

On 21st February, the Norwegian *STIGSTAD* which had straggled, was torpedoed by U-332 with the loss of three men, and the straggler *EMPIRE TRADER* was torpedoed by U-92, though all 92 crew survived the sinking. The Rescue Ship *STOCKPORT* was detached from the convoy, and rescued the survivors from the sunken ships, but whilst attempting to catch up with the convoy during the early hours of 23rd February, she was hit by two torpedoes fired by U-604. The small ship would have been blown apart by the explosion. There were no survivors from the crews on *STOCKPORT*.

There were further losses on the 22nd, when the *CHATTANOOGA CITY* (U.S.) and

the *EMPIRE REDSHANK* (Br.) were torpedoed by U-606. *EXPOSITOR* (U.S.) was torpedoed by U-303. The tanker *N.T. NIELSEN ALONSO* (Nor.) was torpedoed by U-92, but did not sink; she was later sunk by the escort to prevent her becoming a hazard to navigation.

On *EULIMA*, after what was doubtless a sleepless night, Chief Officer Sam Parry Jones took over the watch at 0400. At 0456, U-186 fired three torpedoes at the convoy. One hit the *HASTINGS*, which sank quickly, taking nine men with her. At 0458 one torpedo struck *EULIMA*, and she began to lose speed, and dropped astern of the convoy. One can imagine the hectic activity as the crew began damage-assessment, and the engineers endeavored to keep the job running.

At 0830, U-186, now well astern of the convoy, sighted *EULIMA* again, and fired another torpedo, which caused the after end to break off and sink, probably taking the engine room crew down with it. U-186 surfaced and approached the two lifeboats which had got away, looking to take the captain prisoner, but Captain Wickera was never seen again. The U-boat’s report stated that there were many floating bodies nearby. While U-186 was assessing the situation, one of the two life-boats capsized, flinging the survivors into the water. U-186’s sparse report does not state whether they were picked up by the remaining lifeboat. U-186 then shelled the fore part of

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Eulima >>>Continued from page 31

EULIMA until it sank around 1130, before departing the scene.

The 15 men in the remaining lifeboat were now in a desperate situation; most of their shipmates were dead; they were in an open lifeboat in the North Atlantic in February, drenched with spray, doubtless suffering from sea-sickness, and hundreds of miles from the nearest land. They were now well astern of the convoy, and unbeknownst to them, their main hope of rescue, the *STOCKPORT*, was now on the bottom of the North Atlantic. As the light faded on the 23rd, they would have huddled together for warmth. The senior surviving officer, 2nd Officer Frank Le Riche, (who had been torpedoed before) and 3rd Officer John Campkin, would have posted lookouts. It would have been a long, bitterly cold night, and they would have had to bail constantly. With the coming of dawn, they would have stretched their cold-cramped limbs, and breakfasted on lifeboat biscuits, washed down with ice-cold water.

In the fading light of the afternoon of the 24th, U-409 was running on the surface, when the lookout reported a lifeboat ahead. U-409 stopped near the

water, tinned bread, and a navigational chart be given to the men in the lifeboat, and told them the course to the nearest land. U-409 resumed the pursuit of the convoy. Sadly, the men in the life-boat were never seen again.

John Campkin told me that once in the U-boat, his name was recorded, and his watch and wallet were confiscated. U-409 was assigned to the Wolfpack Wildfang, which was ordered to attack the eastbound convoy SC-122. (Slow Convoys were assembled at Sydney, Nova Scotia, and consisted of slow ships which could not maintain a 7 knot average).

On 9th March, U-409 sighted SC-122, and moved into the attack. At 2226, Massman fired a torpedo at the 3,827-ton *MALANTIC* (U.S.) which was loaded with bombs, ammunition and general cargo, striking it in the starboard side of #1 hold, and causing a violent detonation. The starboard life-boats were destroyed, and the survivors escaped in the port boats. Of the crew of 47, 22 survived to be picked up by the Rescue Ship *MELROSE ABBEY*. At 2241, Massman fired again, this time hitting the British tanker *ROSEWOOD* which was loaded with fuel oil. *ROSEWOOD* exploded and

plates in silence, listening to the noise of the thrashing propellers overhead, followed by the splash of depth-charges tumbling into the water. He heard them gurgling as they sank, followed by shattering explosions. The lights went out, and in the darkness he could hear water leaking from strained pipes. He said that the depth-charging seemed to last for hours. It must have been terrifying.

He told me that when the depth-charging ceased, and the propeller beats faded into the distance, the crew cheered and hugged one another, including him and Frank Le Riche. With a wry smile, he told me that he realized that he now had a new set of loyalties, because the British were trying to kill him, while the Germans were trying to keep him alive! He said that he and Frank were accepted by the crew of U-409, united by their common peril.

U-409 then refueled from a tanker U-boat, and was sent to report on weather from south of Greenland.

On 12th April 1943, U-409 reached the safety of France, ending Le Riche and Campkin's 47-day time as prisoners in what could very easily have been their coffin. As was customary, senior naval staff were on the quayside, surrounded by Teutonic maidens carrying bouquets of flowers, doubtless to disguise the rancid smell of men who had not washed for eight weeks! John Campkin's son, Simon, gave me the attached photos of the arrival, and of John Campkin and Frank Le Riche surrounded by the crew of U-409. The relief on their faces is evident. He said that they all shook hands, and wished each other well. The two survivors of the *EULIMA* were led up the gangway, and taken to U-boat headquarters for questioning, before being sent to the transit camp, and onwards to Germany. In Berlin, they were interviewed on the German State Radio station, on a program named *Voices from the Seven Seas*. I have a transcript of the interview. In England, the broadcast was intercepted,



Shell Tanker *UELIMA*.

PHOTO COURTESY: SIMON CAMPKIN / ALAN KNIGHT

lifeboat. Le Riche and Campkin were ordered to come aboard. Merchant Navy (U.K.) officers were high-value assets in this war of attrition, and were sometimes taken prisoner by U-boats. Oberleutnant Massman ordered that tins of

broke in two. There were no survivors from the crew of 41.

Retribution followed quickly. John Campkin told me that they heard the pings of the escort's ASDICs growing stronger, and that he lay on the deck



and John Campkin's parents, who had already received the telegram stating that "their Lordships of Admiralty regret to inform you..." and who believed that their only child was dead, were at the cinema in St. Ives, Cornwall, when a transparency was slid onto the projector, stating "John Campkin alive and well in Germany"!

The two men were sent to MILAG, near Westertimke. There were around 5,000 merchant seamen of various nationalities at the camp. As civilian non-combatants, according to Section XI, Article 6, of the 1907 Hague Conventions, which was then applicable, merchant seamen "...are not made prisoners of war, on condition that they make a formal promise in writing, not to undertake, while hostilities last, any service connected with operations of the war." The Germans, however, always treated Merchant Navy (MN) seamen as prisoners of war, which is testament to the high value which they placed on merchant seamen. One prisoner who was not a seafarer was the actor Henry Mollison, who had been returning to England in 1940 when his ship was sunk by a commerce raider, and he spent most of the war as a prisoner. During his time at MILAG, he became Entertainments Officer, organizing some 62 plays and shows. After the war, he starred in the movie *Whiskey Galore*. There was a library with 3,000 books, and also a MILAG Jockey Club, which built an oval track, and carved wooden horses, on which one would place bets. It was customary for winnings to be donated to the Red Cross, from which the prisoners received food parcels. Some of the prisoners attempted to tunnel to freedom, but digging tunnels through sand is difficult, and the tunnel collapsed. John Campkin told me that they were assembled on the parade ground, where the Commandant told that if they attempted to escape again, they would be shot. At this, Henry Mollison said in a loud "stage

whisper", "I think it strange that Jerry built a camp on top of a tunnel in the first bloody place!"

In late 1944, as Germany faced defeat, the situation at MILAG worsened. Food rations were reduced, and heating fuel became scarce. On 2nd April 1945, over 100 SS-Feld Gendarmerie entered the camp, and marched 3,000 prisoners to the East. During the forced march, the column was mistakenly strafed by British fighter planes. Several prisoners were killed on the eve of being liberated. I have been unable to ascertain whether Frank and John were in the forced march to the East. On 19th April, the 15th Panzer Grenadier Division positioned tanks and artillery round the camp, and the remaining prisoners began digging trenches for protection from the expected battle. Fortunately, the Panzer Grenadiers had retreated from the area by the time the British 11th Armoured Division liberated the camp on 1st May 1945.

The strange 27-month voyage of Frank Le Riche and John Campkin was at an end.

After the war, Frank Le Riche immigrated to Canada, and worked ashore in British Columbia. He died in White Rock, B.C., in 1999.

John Campkin stayed with Shell Tankers and rose to command. I sailed with him on *VITRINA* in 1972. Knowing what I know now, I am sure that he suffered from undiagnosed post-traumatic stress disorder. He had frequent nightmares and was a chronic insomniac. Like most of the Greatest Generation, he never spoke of his invisible wounds. In 1967, John Campkin was in command of the Shell tanker *AMASTRA* when it was mined by the Viet Cong at Nha Trang.

For the second time in his life, he had to abandon ship. This time, everyone survived.

I have a copy of a letter which John Campkin sent to his parents from MILAG, and I will let him have the last word.

"You don't state definitively whether any of the others of our crew have arrived home, although it seems pretty obvious



PHOTO COURTESY: SIMON CAMPKIN / ALAN KNIGHT

Arrival of John Campkin (wearing the Merchant Navy cap) and Frank Le Riche (hatless) in France.

that Frank and myself are the only two survivors. We did have hopes for those who were left in the lifeboat (13 men) but I am afraid that all those hopes have been dashed to the ground, after such a long period of time. There have been several inquiries in the camp for Jimmy Coudie, our apprentice, the first was about 2 months ago but he was with Capt. Wickers (sic), Mr. Parry Jones, Mr. Turner, and the remainder of the crew who were not in our lifeboat. As I said in my first letter, they didn't stand a chance when she was hit a second time, as the stern broke off after 4 mins, and we have to assume that they were sucked down with it. We sailed through this position when the action had ceased, and the only sign of life were 3 Chinese on an upturned boat, 2 were drowned, the 3rd had taken in water, and wouldn't jump for it in the sea and the swell were too heavy for us to do anything to keep him. I hope you will express my deepest sympathy to all the bereaved". 🍀

Maritime Liens



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

Historically, a craft had to be square-rigged with a minimum of three masts and a bowsprit to be called a ship and to have a unique legal personality,

like a person or a corporation, subject to laws of the Flag state.

Today, under Article

91 of UNCLOS, governments of every country are required to fix their own conditions for grant of its nationality to its marine craft. Once a marine craft complies with those requirements, she has to be registered and acquires a legal personality of her own and the right to fly the national flag. This way a registered ship is within exclusive jurisdiction and control of the Flag state in home waters and on high seas. The legal definition of a ship differs from country to country. In some countries, sailing vessels cannot be registered as ships, but in many countries, a sailing vessel can also be registered as a ship.

A registered ship can do wrong, incur liabilities and be held responsible. She has contractual rights and obligations independent of owners. She can incur debt for necessities, which includes all things reasonably required for a voyage. Owners usually discharge her liabilities and profit by her rights, though she can be arrested in her own right if her liabilities are not discharged. Yet she has no eyes, ears, brain, hands or speech. Therefore legally, the master is her alter ego and acts on her behalf. The master makes *her* accountable for damage done by her, payment for essential repairs made to her, or necessities including

stores/bunkers supplied to her.

A maritime lien is defined as a “privileged claim or a right to part of property *in the res* i.e., the SHIP.” Right *in rem* is against the ship herself. If she receives necessary service, she must pay for it as debtor. If she causes harm, she must make good the loss as wrongdoer. Collision is the oldest example where the ship herself is responsible, in law, to make reparations for harm done or damage caused by her, even under compulsory pilotage. Whereas a ship may be in a foreign country, her owners are not. If local citizens have a claim for damage done by her or essential supplies made or services rendered to her, they cannot proceed against her owners in another country, because of sovereignty rules and jurisdiction problems. Hence action against the ship *in rem*, present under local jurisdiction. There may be good defense in her favor against an alleged maritime lien. Before a judgment can be given, evidence has to be verified and the case tried.

Owners, their agents, and/or their P&I Club voluntarily submit to local jurisdiction, provide security, release their ship to go about her business and defend her, which they may not do if the ship was not arrested. This way, claimants have recourse in local courts against foreign owners and their ship, because nationals outside local jurisdiction have submitted to local courts. It is noteworthy that a P&I security is usually valid all over the world, but a bank guarantee may not be so valid.

Article 4 of International Convention on Maritime Liens 1993 lists maritime liens in order of priority, enforceable within one year. Most claims for damages caused through collision, bottomry, salvage, wages of master and seamen, disbursements on behalf of the ship and fee and expenses incurred by receiver of a wreck, create maritime liens. Under common law, if there is more than one lien, and ship’s value is not adequate, entitlements of maritime liens holders are not proportionate, but in order of priorities. Holder of a higher ranked lien is paid *fully* first, and then holder of next ranked lien and so on. Under the 1993 Convention, the wages of master

A mariner’s lien has been described as sacred. Public policy justifies giving it high priority.

and crew plus claims for loss of life and personal injury have priority and rank equally with each other and share their claims in proportion.

Common Law rules usually apply unless local laws accept other priorities. A mariner’s lien has been described as sacred. Public policy justifies giving it high priority. Rules and laws applicable to maritime liens and how they are ranked are not uniform in all countries. In 1999, a small ship which dam-



aged three moored yachts was arrested and sold. All maritime liens attached to her, including crew wages, far exceeded her sale proceeds. London's Admiralty Court held that wages of the master, officers and crew had priority over damage claims as "they have no alternative form of redress." Usually, liens arising from tort have precedence over contractual liens even if they accrued earlier. In some countries, salvage takes first place as against wages of crew, on the legal argument that unless the ship was saved all liens would have died with her.

Under Article 2 of the 1993 Convention, mortgages and/or hypothecates which are registered against a ship are enforceable in accordance with the law of the flag state, but maritime liens listed in Article 4 take priority and follow the vessel. This convention has not been ratified by many countries, even though it is already in force. Section 7 of the Admiralty Court Act, 1861, provides for maritime lien in respect of claims for damage done by any ship.

Courts in many countries, including the Indian Supreme Court, have also recognized 'right *in rem*' over part of property in a ship, and a privileged claim upon her in respect of services rendered to her or injury caused by her.

Maritime lien attaches to a ship like a leech, even in the hands of an innocent purchaser, and even if her flag and port of registry are changed. The right to enforce a maritime lien by action *in rem* was confined to a ship which caused damage or in relation to which a claim arose. If the ship sailed before claimants went to court, owners could continue to avoid liability by not sending her back to the same jurisdiction. Therefore, UK Admiralty Courts evolved the concept of arrest of a sister ship and later on, a ship under the same beneficial ownership. This provides an effective remedy to a lien holder as he can wait and watch for the right time to cause arrest of the right ship, under the same beneficial ownership, within one year.

Generally, a good defense in some countries is that if the ship to which the

maritime lien was originally attached has sunk, destroyed or been sold by order of a court, a sister ship or a ship under the same beneficial ownership cannot be arrested. In some other countries, if a writ has been issued before the ship ceases to exist, a claim may prevail against a sister ship. In one case of a maritime lien in the hands of the master, officers and crew, a manning agent paid their wages against assignments of their maritime liens against the ship signed by each of them. But a Hong Kong Court held that a maritime lien was a "personal privilege" that worked for sole benefit of lien holder. Therefore the assignment was ineffective in law. Under Common Law, a maritime lien can be assigned or transferred only with the sanction of an Admiralty Court. Section 16(1) of the U.K. Merchant Shipping Act, 1970, provides that a seamen's remedy for recovery of his wages shall not be capable of being renounced by agreement.

Courts have ruled that when P&I Clubs put up security to effect release of an arrested ship, club letters constitute security as defined in the Admiralty Jurisdiction Regulation Act, even when a claim relates to another ship which is a sister ship or is under the same beneficial ownership. Courts in England maintained a distinction between a maritime lien and a maritime claim, but did not draw a distinction between necessities for the ship and necessities for the voyage. Here are some judicial pronouncements.

- 1) "Although Maritime Liens and statutory rights of action *in rem* are similar in that they involve admiralty process *in rem*, none the less there exist fundamental differences between the two categories"
- 2) "A Maritime Lien is a substantial right whereas a statutory right of action *in rem* is in essence a procedural remedy. The object behind availability of a statutory right of action *in rem* is to enable a claimant to find a jurisdiction and to provide the *res* as a security

for the claim"

It was held in *THE SILIA* (1981) that the ship includes all property aboard her except what is not owned by ship owner. Bunkers are part of the ship. Proceeds of the sale of the ship, together with bunkers on board, are available for distribution to judgment creditors *in rem* only, and not among all creditors. In a 1996 Australian case, owners tried to establish that mobile equipments placed on board to assist cargo operations are not part of the ship. Therefore these cannot be arrested with the ship to enforce a maritime lien. It was held by the Supreme Court of New South Wales that such equipment being owned by owners, was part of the ship and is also subject to arrest.

Rules and procedures to enforce laws governing arrest of a ship can only be of the country where arrest takes place. Therefore, laws pertaining to maritime liens will always remain subject to local statutes and laws enforceable in a country because of Sovereignty of Nations. If a country has not ratified the 1993 convention, local law will override its provisions. In *Equilease Corp. v. MV Sampson*, an American Court held that because insurance is essential to keep a vessel in commerce, and is necessary under 46 USC Section 971, an unpaid insurance premium gives rise to a maritime lien under Federal Maritime Liens Act.

In another American case, an insurer provided insurance for a cruise ship. Premiums were to be billed in six installments spread over several years. The shipowner went bankrupt and the insurer filed a claim. The district court ruled that insurer was only entitled to a lien in the amount of premiums for which it had sent invoices prior to bankruptcy. The U.S. Court of Appeals for Eleventh Circuit held that the maritime lien arose automatically upon furnishing of what was necessary. The insurer was not entitled to a maritime lien for having insured the vessel while she was under arrest without obtaining prior approval from the court for providing such insurance.

Continued on next page >>>

Liens >>>Continued from page 35

In a recent case, *Liverpool & London Steamship Mutual v. Sea Success*, a P&I club alleged that the defendant vessel *MV SEA SUCCESS I* is a sistership of *SEA RANGER* and *SEA GLORY*, which were entered for P&I risks with the club for policy year 1999-2000. It was argued that because the two ships were owned by the same company which owned a 100% subsidiary company, owner of the defendant ship *SEA SUCCESS*, and because management of all three vessels is vested in the same beneficial ownership, she is a sister ship of the other two vessels. Since premiums on the other two vessels remained unpaid, the club is entitled to arrest any other vessel in the same beneficial ownership and to proceed against the defendant vessel *in rem* for an order of arrest, detention and sale of the vessel to recover the outstanding insurance premium, as this is the only remedy available to them. This argument succeeded in court.

... a maritime lien is essentially created by the ship herself and not by owners.

In its historical development, a maritime lien is essentially created by the ship herself and not by owners. For example, if there was a collision, it was the ship which caused it. Therefore she was liable in her own person. If she received essential repairs, stores or fuel, she herself was liable because she committed herself to those debts through the master's signature. Such liabilities were not legally created by owners, but it is owners who enter their ship in a P&I Club and commit themselves to pay the premium, not the ship herself, through the master.

This point raises fundamental questions which have not been addressed in the *Equilease Corp* case. The legal concept of maritime liens does not allow claims to be settled *Pari Pasu* but in full from value of the ship, before the next

claim can be entertained. Situations can arise where consequent to arrest of a ship there is not only a maritime claim against her, but also one or more maritime liens. Maritime liens have come to be accepted by most maritime nations, world-wide as it binds a ship, or other maritime property in debt in respect of services rendered to, or injury caused by that property, even in the hands of an innocent bona fide purchaser. In the old days, it was very difficult for creditors or an aggrieved party to get compensation in any other way because even if owners were known, they were far away and out of local jurisdiction, or owners may disown any such liability or even disown the ship. Hence proceedings against her *in rem*.

Usually time charterers are to supply bunkers to the chartered ship. The master usually protects his ship for supplies or services ordered by time charterers by endorsing receipts "on charterer's account." This places suppliers on notice that services they have rendered are not to the SHIP but to charterers. Thus no lien can be enforced against the ship, in law, for such supplies or services. In a 1996 case, a Singapore High Court found that bunker suppliers could not claim they contracted with owners for supply of bunkers, since wording of a master's fax to bunker suppliers "as advised by charterers" ought to have put them on notice that vessel was on charter.

In a recent American case, since bunkers were supplied for and on account of charterers, a maritime lien did not attach to the ship. Creditors, with claims against charterers, obtained an attachment order against bunkers on board, contending that since property in bunkers was vested in charterers this property could be attached to pay for their debts. The shipowner argued that since bunker price had not been paid, bunkers were not owned by charterers. Therefore creditors could not claim attachment order against bunkers. The U.S. Court of Appeals upheld this argument because bunkers were sold to the charterer under a FUELCON contract which provides

that if payment for bunkers has not been made, the bunker trader retains title.

In this case, since the master correctly endorsed the receipt for bunkers to the effect that it was for and on account of charterers, the bunker supplier did not earn a lien on the ship and the shipowner did not get involved. It meant that if he wished, the shipowner could simply pay and obtain a title on bunkers from the suppliers, thus avoiding any involvement of the ship or for charterer's debts.

Possessory Liens

A ship, i.e her master, has a possessory lien on cargo carried by her for unpaid freight for general average contribution and for expenses to protect and preserve that cargo. These rights are lost if possession of the cargo is lost. This can be amended, waived or negated by express agreement usually contained in charter parties and/or bill of lading which stipulate what lien a ship has. A right of lien in a charter party may not entitle the master to exercise liens under bill of lading clauses unless the charterer is also the owner of the cargo or the bill of lading gives right to the owners to lien cargo. If freight is not paid and the master liens the cargo on board, receivers in foreign countries *may and do* cause many problems. The port may not allow a ship to stay alongside or even to sail. In some ports, owners may be forced to discharge cargo under local laws, thus endangering the owner's right to exercise lien on board and/or after discharge. Some ports have limited, unavailable, expensive, or insecure storage facilities. To lien cargo on board, the master should check with owners and/or the P&I Club representative before taking any such action to avoid expensive delays.

In *CHRYSOVALANDOU DYO*, it was held that owners may validly exercise lien with a vessel anchored off the discharge port named in the bill of lading without waiting to berth to avoid unnecessary expense and congestion at the port. Thus it may not be necessary to exercise lien at

Continued on page 39 >>>



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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				
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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:	

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Type:	Date Obtained:
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 - (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.
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 - (S16) Valid USCG 1600 ton Master's license and commanded a vessel or vessels on voyages.
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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.

Signature: _____ Date: _____

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Liens >>>Continued from page 36

the berth named in the bill of lading to avoid endangering the owner's right to retain possession of their cargo.

Liens cannot be exercised for debts not yet payable. In the case of *FORT KIP*, "freight was payable immediately after **completion** of discharge." Owners could only hold that part of the cargo which they could detain *after* discharge but before it was delivered to consignees.

In one case, a master exercised a lien on board when the receivers refused to sign the general average bond. The owners claimed demurrage for delay to the ship as it was reasonable for the master to detain cargo on board pending receipt of a general average bond. Arbitrators held that the owners were reasonable to detain cargo on board for the receivers' refusal to sign the bond and were entitled to claim demurrage.

Sometimes freight or hire is to be paid by the charterer under the charter party a number of days after loading is completed. The charter party requires bill of lading to be signed as presented, which are usually endorsed "freight prepaid." This gets owners into a situation where bill of lading certifies that freight has been prepaid whereas it has not actually been received.

Even if the charter party gives the master the right to exercise lien on cargo it cannot be done unless the bill of lading holder is also the charterer or the charter party is incorporated in the bill of lading. Otherwise, independent bill of lading holders, who may have bought the bill of lading for value on the basis that freight has been pre-paid, are not bound by terms of charter party unless they have been placed on notice that a charter party exists and that they are bound by its clauses. The master must check with the owners and P&I club before signing such bill of lading or before exercising any such lien on cargo, **and** clear all such doubts *before* the ship enters territorial waters of the country of discharge, otherwise local authorities can create problems for him and his ship.

It should be remembered that a maritime lien in the hands of a repairer or a supplier is for supplies made or services rendered which were **necessary** for the ship or for execution of the voyage. Even if goods supplied or services rendered to a ship are not necessities, a person has a right to receive payment and his claim is an equitable lien which is legally a right against a person such as the owner, and

not the ship. It does not stick to the ship like a leach. ☆

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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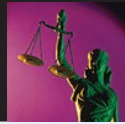
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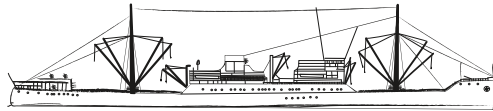
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