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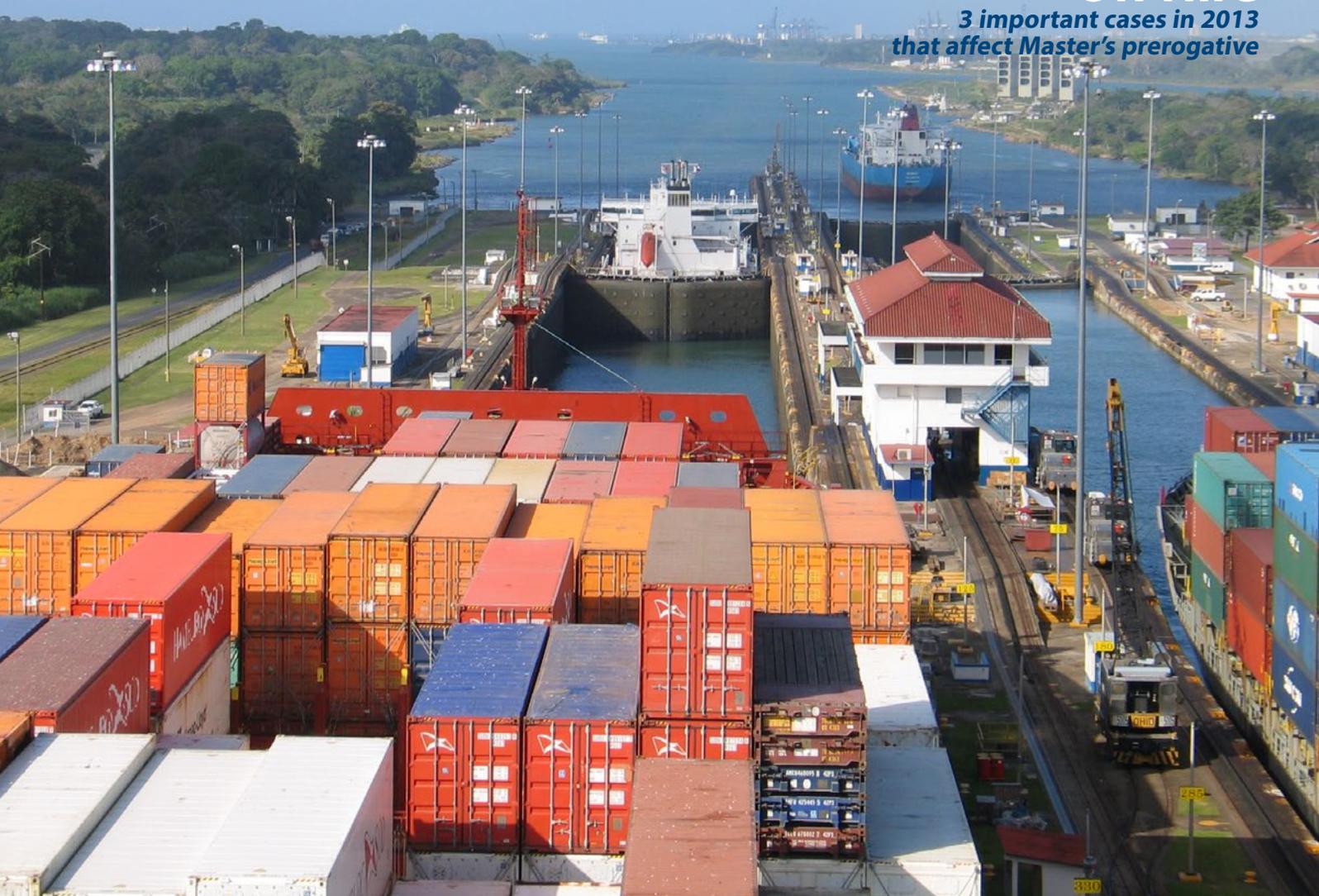
February 2014 Vol. 44, No 1

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Panama Canal Expansion
*A conversation between Captains
Wilbur Vantine and Doug Olsson*

Are We Safe Yet?
10 years after ISPS and MTSA

Off Hire
*3 important cases in 2013
that affect Master's prerogative*



Mission Statement

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.

www.mastermariner.org

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In This Issue



ON THE COVER

Transiting the Panama Canal,
January 2014.
Photo by Captain Bill Huff

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

PUBLICATION DEADLINES

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

View From the Bridge

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President Captain R.J. Klein reports an increase in Jones Act Shipbuilding with hopes it will be "a high latitude nautical twilight."



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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.

view

from
the

Bridge

JONES ACT SHIPBUILDING COMING TO LIFE



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

During his first Presidential campaign, then Senator Barack Obama said, "America needs a strong and

vibrant U.S. flag merchant marine. That is why you can count on me to support the Jones Act." Like most recent presidents, he has done little to further the growth of the U.S. merchant marine. According to the U.S. Maritime Administration (MarAd), ocean-going U.S. flag ships engaged in international trade

has shrunk from 857 ships in 1975 to approximately 200 by the end of 2007. The Jones Act fleet has also declined from 193 ships in 2000 to only 93 ships in 2013. The Transportation Institute has reported that overall, the Jones Act fleet is responsible for close to half a million U.S. jobs and generates 45.9 billion dollars to our GDP. Which makes one wonder why the Jones Act continues to be under attack on so many fronts.

Fortunately, Jones Act shipbuilding appears to be emerging from the doldrums. During the last year, Aker Philadelphia Shipyard (APSI) delivered a second Veteran Class product tanker to Crowley Maritime. This was the 14th and last of the 46,000 DWT Veteran Class tankers to be built by APSI since 2007. This may be just the beginning of a revitalization of Jones Act ship building. APSI has two 115,000 DWT Liberty Class tankers under construction for SeaRiver Maritime (Exxon Mobil Corp.) to be delivered this year. They have also signed a contract with Crowley to build four 50,000 DWT product tankers with an option for four more, the first to be delivered in 2015. APSI and Matson Navigation have agreed to build two 3,600 TEU ships scheduled for delivery in 2018.

General Dynamics NASSCO will begin building four 50,000 DWT product tankers for American Petroleum Tankers late this year. They have also contracted with Seabulk for three tankers (with an option for a fourth) of the same design. NASSCO states that the new 610-foot long tankers will deliver improved fuel efficiency and incorporate the latest environmental protection features, including a Ballast Water Treatment System. Totem Ocean Trailer Express (TOTE) has contracted with NASSCO to build two 3,100 TEU container ships which will be LNG powered. TOTE will also have NASSCO convert its two Orca Class ships to LNG power.

It is hoped that this surge in Jones Act shipbuilding will be a

high latitude nautical twilight and not just a green flash.

Industry Notes

Good News: According to Marinelink.com, in late December a court in Tamil Nadu, India has granted bail to the master and all crewmembers of the U.S. owned *SEAMAN GUARD OHIO*. The Business Standard (India) said police must file a charge sheet within 60 days of the arrests, but had failed to do so, and hence the court granted bail. The master and crew were arrested in October 2013 for having weapons on board without a permit. The *SEAMAN GUARD OHIO* is a private maritime security vessel so it should not have been a surprise that they had weapons on board.

Not so Good News: Reuters has reported that since mid-November, China has rejected at least 600,000 tons of U.S. corn and corn products because they contained Syngenta AG's MIR 162 corn. This genetically modified corn has been awaiting Chinese import approval for more than two years. The U.S. Department of Agriculture reported a net cancellation of 116,000 tons in corn sales to China in the week ended Dec. 26. The rejection of U.S. corn by Beijing has left many ships standing-by in Chinese ports. A CAMM member, close to U.S. west coast grain exports, has reported that one Chinese port has as many as 40 ships at anchor waiting to unload U.S. corn. Some of the corn has been diverted to other Asian markets, but as agents try to assure the corn can be discharged on arrival, at least one ship has been sent to Spain instead of Asia.

PDC & AGM Sponsorships

Sponsorships for the PDC & AGM are available. Types and rates are listed on the website and on page 5 of this issue of *Sidelights*. Members can help by soliciting a sponsorship from a contact they have in the industry – maybe the shipping company you sail (or sailed) with, or your current employer. Members can help individually by becoming a sponsor; think about the contributor's level or if you have a business, purchase one of the PDC/AGM sponsorships and display your logo.

RJ Klein

Captain R.J. Klein

Secretary & Treasury Report



by Captain
David H. Williams
CAMM National
Secretary/Treasurer
#2318-R

Secretary's report

The Secretary's job gets busy at this time of the year. Dues receipts are being readied for mailing. Since our convention is in June the dates the various items to be mailed will extend. Dues are \$60 and raffle tickets are \$20 per book of twelve. Dues and raffle ticket sales are our only fund drive and extra donations are very helpful in producing good things from CAMM.

This year we have 554 dues paying members. This is a net loss of 36. There are 9 new members in the pipeline so this would make for a 27 member loss this year (2013).

The membership drive is in full force. The goal of each member should be to recruit a new member. Chief Mates would be a good choice. If they have not had command but have the Masters license they are qualified and become Special members. When they have had command they can apply for regular membership. This goes for pilots also. Remember the reward for three new members is in effect. If you sponsor three

new members you get a waiver on next year's dues.

This year's convention is at Mystic, Connecticut. It promises to be a good convention. This will also be a good time for members from the northeast to get together. I hope all can attend.

Treasurer's report

CAMM entered 2014 with its finances in good shape.

Membership is holding steady. Dues remain steady from last year at \$38,460 for 2012 and \$38,810 for 2013. Total revenue grew from \$62,319 to \$77,821.

At the convention we are looking for sponsors. A sponsor can be a donation of \$100 or more. On the dues invoice for this year will be an opportunity for sending in donations. The more sponsors for the convention the better speakers and programs can be provided. Check out the details of the convention in this issue of *Sidelights*. It promises to be a very good convention.

CAMM is in the need for volunteers to become involved in the various functions of CAMM. The chapters are in need of help especially in the leadership positions. Help with a function at the convention. If interested please give me a call or an email. ☆

CASH RAFFLE

1ST PRIZE \$ 800

2ND PRIZE \$ 500 3RD PRIZE \$ 200

Winners drawn at CAMM's 2014 Closing Dinner in Mystic. Need not be present to win.
Raffle tickets were mailed with dues notices in January.
Please remit to Secretary Captain Dave Williams via USPS mail.
For more raffle books, please contact Captain Williams: captwilliams@mastermariner.org.

\$2⁰⁰ each - OR - \$20⁰⁰ 12/book

AGM Sponsorship Levels

All sponsorships include logo or name on event website, event program and *Sidelights*. Higher levels include booth displays, tickets to closing dinner, and promotional items in welcome kit. See website for further distinctions.

Commodore Level: \$1,500

Booth Display, 4 dinner tickets

Captain's Level \$1,000

Booth Display, 2 dinner tickets

Master's Level \$500

Logo display

Contributor's Level \$100

Name Display

SABINO Boat Cruise \$750

Sign at Gangway

Meeting Breaks \$200 per break

Logo display at coffee/buffet table.



1st VP Report: Government Relations

Captain Joe Hartnett, #2193-R

I am pleased to report that the Maritime Security Program funding has been approved for 2014. This program directly affects 60 U.S. flag vessels which employ approximately 2700 mariners.

I recently had the opportunity to attend the Maritime Administrations "National Maritime Strategy Symposium" in Washington, D.C. This event was the first of its kind and brought together over 225 stakeholders from all aspects of the maritime community. Some of the featured speakers included; The Honorable Anthony Foxx, Secretary of Transportation; The Honorable John Garamendi, Member of Congress (D-CA); The Honorable Duncan Hunter, Member of Congress (R-CA); The Honorable Randy Forbes, Member of Congress (R-VA); Ms. Helen Delich Bentley, Former Congresswoman (MD) and Mr. Paul "Chip" Jaenichen, Acting Maritime Administrator. The event consisted of group discussions and breakout sessions on several topics related to our industry in attempt to establish a commonly acceptable National Maritime Strategy. You can view some of the presentations on the Maritime TV web site. Hopefully our industry will be able to combine forces and move forward with a strategy during these challenging times.

I would urge all CAMM members to contact the aforementioned members of Congress and thank them for their continued support of the U.S. Merchant Marine.

2nd VP Report: Pilot Relations

Captain Dan Jordan, #2193-R

No report submitted.

Sidelights & Website Report

Captain Tom Bradley, #1966-L, Chair

CAMM will begin to accept credit card payments online via our website. February 15th is the target date to be up and running for members to pay dues and verify accuracy of personal information. Other payments, such as AGM registration, raffle tickets, and more will be available at a later date. Watch for further upgrades coming soon!

Website ad sales are at a steady level; however, we still are looking to strengthen *Sidelights* ad sales. *Sidelights* subscriptions are available to non-members for a nominal fee. Please contact Captain Bradley to arrange.

North Atlantic VP Report

Captain Frank Zabrocky, #1964-R

No report submitted.

New York Metro

Captain George Sandberg, #1919-R

Chapter President

The New York Metro meeting on January 29 at SUNY coincides with *Sidelights* going to press, so look for an update in the next issue. On the agenda for the meeting: adoption of chapter By-laws; chapter organization; June CAMM Annual General Meeting at Mystic, Conn.; speakers for future meetings and future chapter meeting dates and venues.

Baltimore / Washington, D.C.

Captain Joe Hartnett, #2193-R

Chapter President

After our first month of winter most of our members are ready to transfer to warmer climates. We've never heard of the term "Polar Vortex" and now we can claim that we survived the event.

Our chapter continues to participate in

maritime events throughout our region. Our participation in these events has created numerous inquiries concerning membership. We would like to welcome all of our new CAMM members.

The most recent event that we have supported was the Apostleship Of The Sea annual Bull and Oyster Roast fundraiser. We have also attended the MarAd National Maritime Strategy Symposium in Washington, D.C. and the Propeller Club January luncheon which featured Admiral Thomas K. Shannon, Commander, Military Sealift Command.

South Atlantic VP Report

Captain Jerry Benyo, #773-R

No report submitted.

Miami / Port Everglades

Captain Paul Coan, #3021-R

Chapter President

No report submitted.

Tampa Bay

Captain David H. Williams, #2318-R

Chapter President

The Tampa Chapter has begun its fall schedule of meetings. We meet at the Columbia Restaurant in Ybor City. The meeting starts at 1200 with most members gathering at the bar at 1130. Our next meeting will be held on Feb 11. We meet every 2nd Tuesday of the month October through June.

Tampa has sad news. Two of our members have passed away. Captain Don Mercereau, who has been our treasurer for many, many years. A memorial service was held on Feb 1. It was well attended by active CAMM members from the chapter. Captain Bob Thompson passed away Christmas Day 2013. Many members knew Bob in New York and how helpful he could be. They both will be



sorely missed.

Gulf VP Report

Captain Robert Phillips, #1310-L

No report submitted.

Mobile Bay

Captain Rusty Kligore

Chapter President

No report submitted.

New Orleans

Captain Karl Jaskierny, #2852-R

Chapter President

No report submitted.

Houston

Captain Michael J. Mc Cright, #2753-S

Chapter President

The Houston chapter has now set meeting dates for winter and spring: January 22, February 12, March 26 and April 23. The January meeting (held while *Sidelights* was at press) was to feature a licensed AGGIE G & H Towing Company operator to speak with student chapter members attending about the actual job, safety and environmental compliance, and prospects.

South Pacific VP Report

Captain Klaus "Nick" Niem, #2167-R

Please refer to San Francisco report.

Los Angeles / Long Beach

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

San Francisco Bay Area

Captain Klaus "Nick" Niem, #2167-R

Chapter President

The San Francisco CAMM Chapter reached a significant milestone and goal that has been in the planning process for some time now, the establishment of a CAMM Cadet Chapter at California Maritime Academy. We welcome cadet members Ryan Kozlowski, James Andersin, Carly Verhoort and Mitchell Kobayashi.

SFBA CAMM members and guests welcomed the cadets at our December meeting, which took place in the new cafeteria on the California Maritime Campus. Captain Pat Moloney impressed on the future cadet members the importance to join the Council of American Master Mariners and what CAMM can do, such as providing a pro bono defense to a shipmaster who has been accused of any alleged misconduct.

At the luncheon, Captain Niem pre-

sented Captain Jim West of the Liberty-Maritime Museum in Sacramento with a \$1,000.00 donation for the all-female Sea Scouts crew to operate their PTF-26, *LIBERTY*, a Vietnam era torpedo boat. The group won the Navigator's Trophy along with eight first-place awards in a national Sea Scouts competition in May 2013. For more info, please visit their website at www.libertymaritime.org.

Captain Harry Bolton pointed out that CMA's new cafeteria and Conference Center with beautiful views over the bay and Pinole Head Lands is available for weddings and other functions. The food service staff can provide all the food services required. The facility has meeting rooms available for up to 300 persons.

The CAMM members and their guests attending the business lunch praised Mr. Bones, Chief Steward, and his staff for an excellent delicious lunch and outstanding, courteous service.

cont'd on next page



PHOTO: COURTESY NICK NIEM



Above: *LIBERTY* crew prepares softpatch combing during main engine swap. Right, top: Captain Klaus Niem present Captain Jim West with a donation to the Liberty Maritime Museum Sea Scouts program. Right, middle: *LIBERTY* crew prior to dress inspection onboard *HORNET*. Right, bottom: *LIBERTY*, after Old Salts Regatta, 2012.



PHOTOS: COURTESY JIM WEST / LIBERTY-MARITIME MUSEUM



COUNCIL cont'd from pg. 8

North Pacific VP Report

Captain Carl Johannes, #2147-R

No report submitted.

Columbia River

Captain William Good, #2147-R

Chapter Secretary / Treasurer

No report submitted.

Seattle/Pacific Northwest

Captain Doug Subcleff, #2329-R

December 12th meeting was held in Seattle's Fado Irish Pub. A total of eleven Chapter members met in The "Dungeon" room for a festive, pre-Christmas celebration as our final meeting of the year. Chapter President Captain Richard Klein introduced our invited guest speaker, Mr. Chris Gough, Church Development Officer for Seattle's Union Gospel Mission. Chris spoke to us about the many activities of this organization, formed in the 1930s. Their stated mission is to serve, rescue and transform people in need in the Seattle area. Key areas of focus are Hunger, Homelessness, Poverty, Addiction and High Risk Youth. Chris then pointed out the many volunteer opportunities available and extended an invitation for chapter members to go on a tour of the downtown shelter. At the conclusion of the meeting, an impromptu collection was taken and the resultant sum of \$205 was added to the chapter's annual \$100 donation check. Chapter Treasurer, Captain Don Moore, presented this to Mr. Chris Gough for the Union Gospel Mission.

In addition to the Seattle Chapter's support of this organization, annual donations are also given to the Catholic Seafarers' Mission and the Millionaire Club.

Our first meeting in 2014 was held on January 9th at the Lake Union location of McCormick & Schmick's Seafood restaurant. Captain Don Moore, once again, did an excellent job of making the arrangements. A total of 15 were in attendance. Captain Klein facilitated the pre-lunch discussion of chapter business. Captain Louis Sackett informed the

chapter that fellow retired Puget Sound pilot, Captain Jim Osnes, was to have back surgery on this very day. We wish Jim well with his recovery.

After lunch, we were privileged to hear from the chapter's Seagoing Vice President, Captain Kevin Coulombe. Kevin took the time to provide us with a very insightful summary of his voyages last year on the *MAERSK WYOMING* and *MAERSK MEMPHIS*. He prefaced his remarks with a brief description of the Maersk Line, Limited (MLL) U.S. flag fleet and the difference between the G-Class and the newer K-Class vessels. Kevin talked about the reflagging process for the *MAERSK MEMPHIS*, previously Singapore-flagged and named *MAERSK KWANGYANG*. He said 2013 was a difficult year with many challenges, particularly with the engine wear and tear that needed to be addressed continuously throughout the voyage.

Captain Coulombe's talk provided our meeting group of mostly retired master mariners with a realistic, first-hand

description of life at sea today. Those in attendance would all agree that Kevin's seagoing report, and the discussions that followed, definitely made this a memorable meeting! Please read Captain Coulombe's Voyage Report is on page 26.

Our next meeting will also be held at McCormick & Schmick's Harborside restaurant. (1130 hrs on Thursday, February 13th). This will be our special "Valentine's month" themed meeting with a focus on women in the maritime industry. Our guest speaker will be CDR Elaine Collins, USN, Captain of the Navy destroyer *USS MOMSEN*. Thanks to Captain Fred Triggs for inviting her! ☆

**Progress is a tide. If we stand still,
we will surely be drowned.
To stay on the crest,
we have to keep moving.**

— Harold Mayfield



PHOTOS: DOUG SUBCLEFF

*Above: Seattle Chapter's January meeting at McCormick & Schmick's.
Right: Captain Don Moore presenting Chris Gough with donation money for the Union Gospel Mission.*





Watchkeeper's Report:

USCG National Maritime Center

compiled by Captain
Tuuli Messer-Bookman, #3293-S

Contact Information Verification Requested

The USCG requests mariners with valid STCW endorsements but new/different contact information (such as a new address, etc) to update this information at www.uscg.mil/nmc/csc/color-box/mariner_validation_form.asp This is to ensure timely delivery of changes to STCW documents and other regulatory changes. If nothing has changed, then no action is necessary.

STCW Amendments Published (New Requirement for Medical Certificates)

The USCG published the Final Rule "Implementation of the Amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), as Amended, and Changes to National Endorsements." It is available in the December 24, 2013 Federal Register at www.federalregister.gov. This final rule incorporates the 2010 Amendments to the STCW Convention into U.S. regulations. The new regulations will be applicable to all mariners who begin service or training towards an endorsement, on or after March 24, 2014.

One change that applies to everyone immediately is the requirement to hold a medical certificate, especially for those mariners sailing internationally. The Coast Guard will issue a separate medical certificate to certify a mariner's compliance with the minimum medical standards. While the medical certificate is not a STCW requirement until 2017, the International Labor Organization's Maritime Labor Convention (MLC) requires that mariners have a separate

medical certificate issued by the flag administration. Not having such a certificate could result in a U.S.-flag ship being detained by a nation that is also signatory to the MLC.

Effective January 2nd, 2014, the NMC will begin issuing medical certificates to those mariners who hold STCW endorsements, and, on January 24, 2014, will begin to issue medical certificates to all mariners in the normal course of the application process. Once issued, the medical certificate should be carried with the merchant mariner credential (MMC). The medical certificate must be carried when acting under the authority of a credential once it has been issued to a mariner.

Also, if you are a current holder of a valid STCW endorsement and you do not receive your medical certificate by March 31, 2014, please contact the NMC at 1 888-I-ASKNMC (1-888-427-5662).

There are other new requirements that apply to mariners holding existing documents, such as training in leadership and managerial skills, but most new requirements will not be mandatory for existing mariners until on or after January 1, 2017.

NVICs, available on NMCs website, will be issued to help clarify these new requirements: www.uscg.mil/nmc/regulations.

New Forms for Articles, and Shipment and Discharge of Mariners

The traditional Shipping Articles and Discharges are going away. Shipping Articles (form CG 705A) and the Certificate of Discharge to Merchant Mariner (form CG-718A) will no longer be stocked by the USCG; masters will instead need to download the new forms (now 8½" x 11") from the USCG website. The new forms are available elec-

tronically and can be filled out online at www.uscg.mil/nmc. The old forms were in use since WWII and were last modified in the 1980s. This change in size and format will better accommodate modern technology.

Increased Processing Times

Due to the interruptions caused by the government shut-down as well as a surge of applications for the new security endorsements that are required as of January 2014, the NMC is warning of delayed processing times and longer hold times and delayed call backs from the NMC. The NMC is averaging over 2400 additional endorsements over and above the normal flow of applications.

Honolulu RECs New Address

Regional Exam Center Honolulu, HI
650 Iwilei Rd
Suite 208
Honolulu, HI 96817
☆



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CAMM Annual

Professional Development

"The Challenges of Educating and

June 11-13, 2014

Wednesday, June 11

Golf Outing

Shennecossett Golf Course, \$75 per person

CAMM Welcome Social

Hilton Mystic

Thursday, June 12

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Featured Speakers

Evening Dinner & Cruise

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Friday, June 13

Annual General Meeting

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Keynote Speaker TBD

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Maritime Lawyer
Principal Author, "The International Law of the Shipmaster"



Father Sinclair Oubre, #3220-A

CAMM Chaplain; President, Apostleship of the Sea USA



Captain George Sandberg, #1919-R

Professor, Department of Marine Transportation,
United States Merchant Marine Academy

* Additional speakers TBD

CAMM Business Meeting



State of CAMM Address by CAMM President Captain R.J. Klein

Officers' Reports

Election of 2014-16 Slate of Officers

CAMM Views and Positions

CAMM Constitution and By-Law Changes

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Wednesday, June 11, 2014

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Captain R.J. Klein
captklein@mastermariner.org
425-246-9814

General Meeting

ment Conference

Training the Modern Maritime Officer"

Mystic, Conn., USA

Closing Dinner

Keynote Speaker

TOPIC: *The Challenges of Educating and Training the Modern Maritime Officer*

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Introduction of 2014-2016 CAMM Slate of Officers

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Event Chairperson:

Captain RJ Klein
captklein@mastermariner.org
425-246-9814

Post-meeting New England / Canada Cruise

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www.mastermariner.org/membership

Dear CAMM,

Three lesser known navigable canals

I enjoyed Captain A.K. Bansal's article about the three lesser known navigable canals. While on various European break-bulk vessels, I had the good fortune to sail through the Kiel Canal about 30 times. The Canal Helmsman and the Pilot board at Brunsbüttel-Koog, where the Canal Helmsman takes over the wheel and steers the vessel through the Canal



and again westbound from Kiel. In 1959, while employed as A.B. on the M/V ALEPPO, we went through the Corinth Canal five times on our way to Patras from Piraeus. I had the bad fortune to steer the M/V ALEPPO for all together three times. To my chagrin, this wasn't bad at all. Bank cushion on both bows, the ship just about steered by its self. The ALEPPO was actually build to utilize the Corinth Canal.

Captain Klaus "Nick" Niem. #2167-R

Panama Canal Expansion

Dear Captains and Ladies and Friends,

Following is an exchange of correspondence between Captain Wilbur Vantine (#1250-R) and Captain Douglas Olsson, who recently retired from the Panama Canal Pilot force. This exchange was printed at the request of Captain Vantine with consent from Captain Douglas Olsson.

Email from Captain Douglas Olsson 1/5/14

I just left Panama late this year! We went out to tour the area of the new lock on the Pacific side. Got up above it near the Cocoli hill area... I did NOT see a whole lot of anything going on the day we went over to check it out, and that was a weekday. I think there are some serious problems with the entire project, quite frankly. This "thing" they are building might work for slightly larger ships than are currently using the canal, maybe in the 6-8 thousand TEU range, but not a lot much bigger! Either way, I think the "good intentions" of a lot of hard working people on the current project might be a big disappointment for the major container liner companies with anticipation(s) of being able to move their VLPP (my own acronym for the "very large post panamax" ships). I did a week on the latest simulator training at the ACP before retir-

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.



ing this year. We had 6 senior pilots and 6 senior tug masters. I really think the tug masters were more worried about the whole lockage-maneuvering scenario(s) than the ACP management was! Most of the pilots, including myself, had a very difficult time making safe entries into the new locks. Then you have issues about navigating across Gatun Lake and making either entrance or egress from the new Atlantic lock. In the Dry Season with 25-30 knots of wind, a VLPP (say 1100ft by 150ft with a deep draft of even 55ft) will still have an exposed aerial surface (total...including the 8-9 high container stack configuration) of about 100ft, perhaps more. So, if one takes essentially the 1000 by 100 (pretty conservative numbers I feel); that is 100,000 sq ft of sail area. The wind of 25 kts will produce a side-thrust force (at max of 90° angle— a bit less at



reduced angles obviously), but at the 90° angle, the “side force” will amount to almost 400 tons of wind pressure! Given that the projected ACP tugs will have an anticipated bollard pull/power of about 75-90 tons (ideally), it is easy to see that 3 or perhaps even 4 tugs would barely be adequate to simply offset the vector force of wind pressure on the windward side of the vessel. I, as well as many of the other pilots at the seminar (and after the seminar!) asked the ACP folks conducting these exercises if they realized that with the effects of sea-entrance currents, along with the potential of the wind pressure dynamic, if they realized that more likely a form of the very powerful and maneuverable “rotary tugs” such as exist up in the Pacific Northwest and in some areas of Europe; that this type of tug should be considered for the maneuvering of these VLPPs, container vessels in particular. Of course we were told that these tugs were “too expensive” and not deemed to be really necessary. Period.

Not to mention, as well, since we are talking about the “locks”... How are 150,000 ton ships going to be secured IN the lock once they are actually inside? I don't really buy into (and neither did any of the guys in our group) that a tug or two (one on bow. one on stern) with leads up to the main decks of

Captain Bill Huff sailed northbound through the Panama Canal in early January 2014, taking photos from the bridge. Above, the probable entry to the new locks. Right, new lock gates.

said ship of perhaps an angle as high as 60-70° vertical would be able to exert sufficient force and in a timely manner —continuously— to have the required equivalent lateral controlling element of some sort of lock-locomotive system as already exists in the older locks. Of course, ACP folks tried to put a straight face on and disagree with us. However, we all could see the less-than-assured (and even quite worried!) faces of some of those people. My suggestion, considered a good one by most of our group, was simple. If the ACP did not want to invest in some motive-mechanical system to control lateral motion in the locks, then at least a form of constant tension winches —set up in sets— at each level with the ship is finally stopped would be a possible alternative. I proffered this suggestion given that the ACP folks seemed to think that throwing

a few ships mooring lines over the side to fixed bollards on the lock wall would be enough to get the job done. In my humble opinion, if you are going to take the time to toss lines over, and then very possibly as the “surge” of water comes up, you start to have those ships mooring lines begin to stretch out. Hmmmm... all it will take is one or two of those to snap like rubber bands (and we all KNOW how good ships mooring lines are in general, right!? and the next thing you



know, lines will part; some will be in the water, maybe fouling the tug propulsion units. People will be getting knocked over (or worse?). The ships will begin to oscillate/bounce around in the concrete box, and the two tugs ??? they will most likely become very large VLFFs (very large floating fenders), unless one sinks from being damaged/crushed in the process. Now you can see why the tug masters in our group were more than just a little “nervous” about this whole number. They also thought that having the constant tension winches installed on what would be the wing-wall/side wall side of the lock, and

cont'd on page 14

PANAMA CANAL cont'd from pg. 13

then having them simply haul the ship over alongside the wall (riding up probably on some of that super-duper hard yellow high-density plastic??). That this would make more sense any day than a few mooring lines tossed down to line handlers on bits at ridiculously high angles, like the old car carriers in the current locks during a relay!

Anyway, as you can see Capt. Van, I have more than a few "reservations" about how this whole new locks system is going to play out (several of the Maersk captains I had some long conversations with also had very similar doubts as well). Now we are seeing that the :money: is not going to be enough! 1.6 BILLION??? dollars in cost overruns! Hmmmmm... who is kidding who here? I think this project will be VERY lucky if it even gets finished and is open by 2016, or even later. I am "hoping for the best" from this crowd; but if I were a ship owner, I would be keeping a very close weather-eye on the whole scope of things going on in Panama and their new 21st-century lock project!

I hope you will have a healthy and peaceful New Year, Capt Van! I always enjoyed working with and of course learning A LOT from you! I still remember vividly some long night transits and how you very patiently worked with me and many in

my group that came right after the Treaty turn-over to get "up to speed" and become good ship handlers! We are all forever in your debt Capt. Van! All the best.... again...thanks for everything you showed and taught by example!

Email from Captain Wilbur Vantine 1/6/14

I greatly enjoyed reading your latest. It is obvious that it was a horrible mistake not to design approach walls and locomotives into the new canal locks design. What they are planning is not going to work. It will be a disaster.

In the early nineties there was an event that turned out to be a waste of time but could have been useful. There was a "TriNational (US, Japan and Panama) Commission created to study ways to improve the Panama Canal.

At the time, Japan was by far the major user and they had a lot of money in the bank. They sent very competent experts to participate. I had been "forced" into retirement from the Canal a few years earlier and was living in Panama at the time. I was getting interesting experience working for Petroterminales as a part time berthing pilot for very large tankers on the Alaska Oil Lift. I was available and was appointed to be the "Maritime Expert" for the Commission with the principal duty to calculate the canal capacity under the various plans to be proposed.

Except for the Japanese experts, some of the engineer types involved were not at all knowledgeable about ship handling and they thought ships could be scheduled five minutes apart in the canal and at the locks. They did not understand the basics. Such things as mixing heavily loaded and ballasted ships in the schedule and the many variables about the capabilities of the ships and weather conditions were not considered at all in their ranks.

The two main concepts under consideration were one which included digging a new canal at the level of the Caribbean Sea with locks only on the Pacific end and second one similar to what they are doing now. The old canal would operate normally until the new sea level one was completed. When the switch-over occurred, the locomotives from the present canal could be transferred for use at the new Pacific Locks which would be designed in a layout similar to the present well-proved one. The capacity of the canal would only be limited by how many locks were constructed and their size. More could be added as needed. The present canal could be converted to generate electricity and be a tourist attraction. No fresh water would be required to operate the new locks.

The initial cost of the sea level canal would be great. However, once done, it would never become obsolete. It would be cheap to operate.

The Japanese experts and I favored the sea level plan. The Panama participants were very much against it. The United States delegation decided to support the Panama position. The official conclusion and explanation, to make it appear that the present expansion plan was the overwhelming better financial

cont'd on page 17

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CAPTAIN PIETER BEOLE

Born in Rotterdam, Holland in 1920, the son of a Chief engineer, Captain Pieter Beole attended the Merchant Marine Academy for four years. When war broke out in Europe he served in the Royal Dutch Navy including the submarine service after receiving permission from the Queen of Holland. Because of his height of 6ft 3in, he was considered too tall. The Dutch Navy was quite small and it lost many of its ships so they joined the allied forces.

For some time Pieter sailed as a junior officer doing convoy duty between Britain and the East Coast of the U.S. He was torpedoed once and the captain of the German ship that sank them sent a boat over to see if they needed charts, food or water.

When the U.S. declared war in 1941, they were badly in need of ships, fast ones. Pieter's Dutch ship was chosen to be converted to a troop carrier/hospital ship that carried 2000 men. The conversion was done in Portland, Ore. When Pieter saw the West Coast it was love at first sight.

From 1942 until the end of the war, his ship sailed from the West Coast across the Pacific carrying troops over and wounded back on roughly a three month schedule. His ship participated in almost all of the Pacific Islands invasions often being one of the first ships in to get the wounded.

He met his first wife in Alameda and after the war immigrated here with the help of her family. He became a U.S. citizen as quickly as one could. On becoming a U.S. citizen he was able to go to work for an American company, American President Lines.

For forty-one years, he sailed in and out of the Bay Area first with passengers and cargo on freighters, then on the containers around the world many times.

As per his wishes, he was cremated and his ashes scattered "out the gate." No services will be held.

CAPTAIN DEAN K. BRUCH #1175-R

Captain Dean Bruch passed away January 15, 2014. He attended Pass Christian Basic School (Merchant Marine Cadet Corps) in 1943 and later at Kings Point.

His maritime career was varied, impressive and unsurpassed. His service included time as a Panama Canal Pilot. It is rumored he had the longest active unlimited Master's License ever.

CAPTAIN STEPHEN P. MONIZ #1106-L

Captain Moniz passed away on September 6, 2013. He last sailed for American President Lines as Master of the SS

PRESIDENT HARRISON. His hobbies were fishing and crabbing, which he loved to do with his children. He is survived by his wife of 49 years Maria, two sons, two brothers, a granddaughter, nephew and daughter-in-law.

CAPTAIN BARRY VINCENT COSTANZI #2520-R



Captain Costanzi was a graduate of the U.S. Merchant Marine Academy at Kings Point. Among the highlights of his career was the rescue of a yachtsman who had suffered a stroke at sea. Barry enjoyed sharing his knowledge of the maritime industry with others, which led him to serve as an instructor at the Maritime Institute of Technology and Graduate Studies (MITAGS). In his free time, he enjoyed hunting and listening to live music with his sons and playing games with his grandsons. He died on duty, while sailing as master of the *HORIZON RELIANCE*. He is survived by his wife, mother, four children, four siblings and two grandchildren.

CAPTAIN DONALD MERCEREAU #2590-RP



Captain Donald M. Mercereau, 88, cross'd the Final Bar on January 17th, 2014. Captain Mercereau was born in Staten Island, NY. He had been a member of the CAMM Tampa Bay Chapter since 1993. In addition to serving as Chapter Treasurer, Captain Mercereau also served as Shore-side Vice President and Chapter Secretary.

Don started his maritime career in 1943 when he enlisted in the U.S. Coast Guard. Upon completion of Boot Camp training, he was assigned to the *USS HURST (DE 250)* as Quartermaster. The *HURST* was assigned to convoy escort duty in the Atlantic and European theaters in 1944 and 1945, and then to the Pacific and Asiatic theaters. He remained with the vessel until his discharge in 1946.

Captain Mercereau joined the United New York New Jersey Sandy Hook Pilot Association in 1946 as an apprentice. While an apprentice he served as Master of the pilot boats *WANDERER, NEW YORK, NEW JERSEY,* and *SANDY HOOK*. During his tenure as an apprentice he received his USCG license as Master / First Class Pilot. In 1951, when he completed his apprenticeship, Don received his New Jersey Pilot license.

Captain Mercereau was awarded the American Campaign Medal; the European, African, Middle Eastern Campaign Area Medal; Asiatic Pacific Area Campaign Medal; Victory Medal; and the USCG Combat Veterans Ribbon. Captain Mercereau was also a member of the Venice Yacht Club.

Don is survived by Claire, his wife of 68 years, and 3 daughters. ☆

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

Captain **Ralph P. Leupold** #2785-R of Canterbury, Conn., crossed 3/5/2013

Captain **John H. Gannon** #1101-R of Largo, Fla., crossed 9/21/13

Captain **Robert Thompson** #1463-R of St. Petersburg, Fla., crossed 12/25/13

Do Our Maritime Security Policies Take Into Consideration the Real Mariner?



by Father
Sinclair Oubre
CAMM Chaplain
#3220-A

In designing a security policy, one must take into consideration the area that one is trying to apply security, the physical and human resources

that are available to maintain security, and the profile of the persons who are the subject of

tens of millions of dollars, carrying a cargo of tens of millions of dollars to self-destructive, drunk simpletons.

This mariner stereotype was manifested by Illinois Congressman Joe Walsh when he accused President Obama of “spending like a drunken sailor.” There was no outcry for Congressman Walsh to apologize to mariners, or undergo sensitivity training, because, for most Americans, he was just stating a fact.

Contemporary mariners do not fit this profile. They come on board with internationally recognized training certificates and credentials. They spend a significant portion of their vacation in ongoing education and training to maintain their ratings and licenses. They are often married, and the income they earn educates their children, and provides a home for their families. In fact, mariners’ lives mirror the lives of airline crews. They are well trained in their profession, entrusted with expensive vessels and valuable cargoes, and performing essential services for maintaining the quality of life of the world community.

Mariner Profiling

Too often, maritime security plans are based on the stereotypical image of mariners, and not the professionals who actually arrives at their facilities. Security plans focus on strict security policies, but little on partnering with the mariner to promote a more secure environment.

We assume that airline pilots are professionals, and when something goes

terribly wrong, there must be a reason, because airline pilots are professionals. (There is a certain circular logic here!) However, with seafarers, since they are drunkards and simpletons, we must be tough so that they won’t hurt themselves, and most of all, they won’t hurt us.

So, is it any wonder that days after the Asiana Airlines crash landing, the pilots are continuing to be questioned about what happened. Simultaneously, no one is calling for the pilots to be charged with manslaughter in connection with the deaths of the three passengers. Yet, after Captain Apostolos Mangouras saved the lives of his 26 crew members when the *M/V PRESTIGE* broke in two, he was immediately arrested by the Spanish government, imprisoned for ten months, and has been held under house arrest since 2003 for polluting the Spanish Coast.

So, What is the Reality?

1. Seafarers are well trained professionals, who are entrusted with tens of millions of dollars of assets, and consistently meet the challenges of the sea and the weather to deliver their cargoes.
2. They have been invited by the local maritime facility to either deliver or load cargoes.
3. U.S. mariners have been subjected to extensive criminal and terrorist background checks, and have been issued TWICs.
4. All foreign mariners are screened 92-hours before arrival, and must possess a D-1 visa issued by the State

that security.

As I sit and write this, two items are dominating the news. First, the jury has found George Zimmerman innocent of murdering Trayvon Martin. Second, investigators continue to question the pilots of Asiana Airlines flight 214 on what happened during the approach to San Francisco International Airport.

Profiling

Though these news items appear to have nothing to do with maritime security, they are key to understanding the problem: How people act on their impressions or prejudices, and then formulated policies and actions accordingly.

The whole case of George Zimmerman revolves around the question of whether he prejudiciously stereotyped Trayvon Martin, and then took action not against a hoodie-wearing youth who had just bought a pack of Skittles, but of a thug and thief who was a potential threat to the neighborhood.

Seafarers are victims of stereotyping. Like Zimmerman’s profiling of Martin, seafarers are assumed to be self-destructive, drunkards, and simpletons. However, if this is true, then why do business leaders entrust a ships worth



Department. To attain this visa, mariners undergo extensive criminal and terrorist background checks.

5. Foreign seafarers, who possesses a D-1 visa, can only go ashore after they have received a shore pass from Customs and Border Protection.

6. The 2011 GAO report stated that "According to Coast Guard National Maritime Intelligence Center officials we met, to date there have been no terrorist attacks involving seafarers on vessels transiting to U.S. ports and no definitive information to indicate that extremists have entered the United States as seafarer non-immigrant visa holders."¹

7. Denial of shore leave surveys show that 91.3% of all seafarer detentions are related to a lack of D-1 visa, 4.6% are related to ship or shipping company restrictions, and only 4.0% are related to some action by Customs and Boarder Protection.²

8. The maritime terrorist attacks against the *USNS COLE*, the *M/V LIMBURG*, and the *CITY OF MUMBIA* were not perpetrated by mariners. ☆

1. U.S. Government Accountability Office, Maritime Security: Federal Agencies Have Taken Actions to Address Risks Posed by Seafarers, but Efforts Can be Strengthened. GAO -11-195. Washington, D.C.: January, 2011, page 12.

2. Center for Seafarers' Rights, "2013 Shore Leave Survey," The Seamen's Church Institute New York/New Jersey, www.seamenschurch.org/sites/default/files/sci-shore-leave-survey-2013-web.pdf (accessed July 21, 2013), page 8.

PANAMA CANAL cont'd from pg. 14
choice, concluded (falsely) that the present canal operations would continue to be needed and included these future operating expenses into the equation.

It appears that the same dumb engineers came back to design the new big locks. They will have to retrofit approach walls and locomotives at great expense and delay. Big ships can not be routinely, expeditiously and safely lined up from an open bay for entry into the locks.

Email from Captain Douglas Olsson
1/7/14

I see that you also have had a lot of similar "reservations" about how the whole new "canal locks/expansion" project is going to turn out. As I mentioned, these observations of mine — are mine. There are people who will probably disagree strongly with some of my observations or conclusions. That being said however, I truly feel a lot of concern for the pilots and tug masters tasked with "making it all work" when many of us (whether "retired" or active pilots and tug masters) see some very difficult scenarios forthcoming in this new locks expansion plan and those who will have to do the "heavy lifting" to try to "make it work". I forgot to add that at the END of our seminar back in I believe—it was November of 2012—we peppered one of the canal-expansion engineers who came the last day to give us a "pep talk" about his project with all kinds of diagrams/artist-conceptions, etc. Toward the end, when he saw we still have MANY questions and reservations about said plan, he rather nonchalantly said something to the effect, "well of course...this project is really an "interim" expansion". Hmmmmm... we all sat in silence for a moment, then immediately our voices (almost in unison) asked the obvious: What is the "final" project???? He then began a short, rather vague description about this "other project, to the tune of: "Well, you know in the FOURTH set of new locks we are projecting to construct..."

Well, most of us felt pretty incredulous that there even WAS a FOURTH set of locks being proposed, first of all. Secondly, "who, how and in what manner" would this be paid for?? We all know that the revenue stream necessary to justify the current lock project was something in the order of 3-4 of the VLPPs, the big Post Panamax container and other ships, utilizing the waterway to the maximum extent. From what I research I have done and looking at current trade routing and the continuing world economic downturn, it is difficult for me to envision 4 of these ships on a daily basis, along with the other canal traffic, arriving and transiting routinely. Soooo, how will "they" be able to justify (and put the proverbial financial "hook" for the billions of extra bucks needed) these huge expenses to the Panamanian people??? This engineer was not too forthcoming with a lot of details as you might expect, but mentioned something about a 2025 "start time" for this next project. Hmmmmm... Well, all I can say is "good luck with that." It will take much longer than anyone realizes right now to generate the income and then recover the investment cost for the CURRENT project (assuming that all goes well, shall we say). If this current project turns out to be a "boon-doggle" and the revenue stream is NOT generated—what then? Not to mention the very high cost it will take to insure the operation for the indemnity against ship damages when those ships actually begin to utilize this current lock project.

Well, all I can say is that I am "hoping for the best" for all our fellow pilots and tug masters. I really mean that. However, I have a dark foreboding that things may get quite difficult, perhaps worse, if there is damage done routinely in the new operation as it is currently perceived/planned. I think "hope for the best. Hmmmm, but perhaps prepare for some tough going". Lets just hope for their sake the going isn't too tough! ☆

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Events (Put a check mark in the boxes you plan to attend)						
	Wed. Jun 11	Thursday, June 12		Friday, June 13		
	Golf Outing \$75/person	Development Conference \$75 / person	SABINO Cruise \$50/person	General Meeting \$75 / person	Closing Dinner \$65 / person (please circle choice)	TOTALS
Primary Attendee					Atlantic Salmon Filet Mignon	
Guests					Atlantic Salmon Filet Mignon	
					Atlantic Salmon Filet Mignon	
Grand Total Due						

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Maritime Security: It's ten years since ISPS and MTSA were enacted – Are we safe yet?



by Will Watson
#3256-A

Shortly after the 9/11 attacks on the World Trade Center and the Pentagon, maritime authorities

around the world, led by the U.S. Coast Guard, came to the realization that terrorists Customs and Border Protection (CBP), the Transportation Security Administration and others imposed stringent new rules on seafarers and those who work on or near ports and terminals. Vessels were tracked using a variety of systems.

could wreak havoc on global trade by attacking the marine supply chain. They pushed the International Ship and Port Facility Security Plan (ISPS) through the International Maritime Organization (IMO) and the Maritime Transportation Security Act (MTSA) through Congress.

Numerous new security related programs were then launched and new acronyms came into the seafarer lexicon, like C-TPAT (Customs – Trade Partnership Against Terrorism), CSI (Container Security Initiative), TWIC (Transportation Worker Identification Credential) Cards and many, many others. Agencies like the Coast Guard,

Now, a decade after the onset of the regulatory onslaught, the question arises – Are we safe yet? And, unfortunately, the answer is that the maritime sector is safer but not yet safe. It's generally acknowledged that ports and vessels remain “soft targets” that terrorists, willing to die, could attack with ease. Multi-million dollar surveillance systems in place at most U.S. ports would only serve as witnesses to the mayhem that could be wrought by terrorists using waterborne

Accountability Office (GAO) points to the need for information on foreign ports from which vessels embark en route to U.S. ports. The report noted that CBP “did not meet its national performance goal” relating to enhancing the security of U.S.-bound cargoes from foreign ports. The report continued that



Truck security gate at the Manzanillo International Terminal (MIT) facility in Panama.

Improvised Explosive Devices (IEDs).

Sources at the Coast Guard and the Department of Homeland Security (DHS) insist that improving intelligence and information sharing is the key to enhanced security. A report issued recently by the Government

U.S. authorities did not assess and could not quantify improvements in security.

Other programs like the TWIC system are also far behind deadline as few ports and terminals are able to use the full biometric value of the cards since workable readers have yet to be installed.

MarAd gets a bigger role; Information sharing is critical

Several weeks ago, the National Infrastructure Protection Plan (NIPP) was updated and now includes the Department of Transportation (DoT) along with the Department of Homeland Security (DHS) as Sector Specific
cont'd on page 23

Work, Rest & Documentation



by
 Captain Jeff Cowan
 #3070-R

The Maritime Labor Convention of 2006 (MLC 2006) is now in force – although not here

in the United States. How much different is what happens on MLC compliant ships from what transpires on

graph 5a and 5b). In doing the math, a seafarer could be limited to 72 hours of work in paragraph 5a, but in paragraph 5b, the seafarer must have a minimum of 77 hours rest in a week but could work 91 hours which may be why companies follow Standard 2.3 paragraph 5.b.

According to paragraph 12, seafarers shall receive a copy of their daily rest hours which shall be endorsed by the Master, or by a person authorized by the Master and signed by the seafarer. There is no excuse for a seafarer not getting rest, because everyone of competent authority signed the sheet verifying knowledge of the seafarers rest hours.

Real Life: Actual Practice

Recently, an associate, while aboard a ship and speaking with the Master, asked to see the rest log. Everyone in the crew had exactly the same legal hours of rest and work. Upon further investigation of the logbooks, the reviewer discovered the whole engine department was resting while taking bunkers (fuel used for ships propulsion and auxiliary machinery). Having sailed for 35 years, I only heard of this type operation once where the deck department loaded bunkers aboard a tanker. The ship in question was not a tanker, but a bulk carrier.

After speaking with the Master regarding the anomaly, the Master admitted to falsifying the rest records. On a charter ship, in this instance, the operating expenses and crew costs were fixed, meaning they absolutely could not go over budget but the crew still had jobs to perform while making the most money possible for the company. The ship's

Master, wanting to make it most equitable for his crew, minimized work hours to legal limits on paper, even if the rest data showed they were resting in the middle of work hours (i.e. bunkering). Obviously, the crew acquiesced by personally signing the rest log, necessary to protect their jobs because they have families to feed and house.

In another incident which further illustrates the problem, while reactivating a ship and trying to make the deadline for berth availability, a crew was working long hours taking care of the many problems of bringing a dead ship out of lay up while also making schedule. As part of the breakout procedures, the ship required an International Ship Management (ISM) certificate titled "Shipboard Management Certificate" (SMC), as well as the Document of Compliance (DOC). This entailed having an ISM audit while bringing the ship out of layup. These audits include interviews with crew members from various ship departments; Deck, Engine and Steward. In this instance, most of the crewmembers were not that familiar with their breakout ship and the interviews took much longer than expected. Because of this, the final meeting with the ship management team (Master, Chief Engineer, Chief Mate, First Assistant and Steward) was held at 2200 hours. Most likely, the team had been up since 0600 hours and didn't stop for any rest during the day. In this instance, would the MLC 2006 have held sway? Could that ship have stayed alongside to allow crew sufficient rest before getting underway at 0300 hours without the ship's Master suf-

U.S.-based, domestic workboats?

The Maritime Labor Convention of 2006 (MLC 2006) came into effect on 20 August 2013. Globally, the new rule impacts many aspects of how seafarers are treated, working conditions and a myriad of less well defined requirements that leave some operators scratching their heads to figure out. The United States has not ratified the Code and probably never will. That doesn't mean that we don't have work and rest rules under U.S. law, as well. We do.

Regulation 2.3 of the new MLC Code also delineates hours of rest and work for mariners. This type of regulation which mandates rest requirements is not new, but it may nevertheless change how vessels are manned, given the extra scrutiny that will now ensue. For those watching from the cheap seats in the "unaffected" domestic inland, coastal and workboat trades, what unfolds next is worth watching.

Apples & Oranges: Work Limits & Rest Hour Minimums

It is funny (or, perhaps not) how references to work hour limits have been replaced with rest hour minimums (both are mentioned in separate but closely aligned paragraphs; Standard A2.3 para-



fering the company's ire and becoming unemployed?

The maritime industry, with its "can do" spirit would have seen that ship sail at 0300. In other words, it is okay to trouble the crew during rest periods if an official piece of paper is involved because the MLC 2006 is waived. Right?

Parallel Universe

Our counterparts who fall under the Federal Aviation Authority (FAA) would have stayed on the ground. According to the FAA, an airline pilot needs a 10-hour minimum rest period. The rule sets a 10-hour minimum rest period prior to the flight duty period. The rule also mandates that a pilot must have an opportunity for eight hours of uninterrupted sleep within the 10-hour rest period. Could the ship Master described in the previous paragraph comply with the sample FAA ruling? Absolutely not.

A final example involves some boats of less than 1600 gross tons involved in international trade may only carry one engineer. The boat in question has a Safe Manning Certificate issued by a competent authority that states only one licensed engineer is required aboard the boat. Alas, due to the lack of technical engineering personnel aboard this boat, most of the repairs are performed by shore based entities while the boat is in port. Typically, these repairs are supervised by the boat's engineer because that engineer will ultimately have to live with any outcome. The repairs occur at all hours due to berth scheduling. Our engineer has been up without a "rest period" for 15 hours. When questioned upon his lack of rest, the engineer stated, "When the boat is tied up, I am considered a shore based engineer so the rest rules do not apply." Considering when the boat lets go and proceeds to its next berth, and when our engineer will be required to work, will the Port State Control tasked with enforcing the MLC 2006 put an end to this practice? That answer may be as unclear as some of the other provisions of the code which are largely left open to interpretation.

Effective Manning Practices

Effective manning is, as it turns out, more than a "catch phrase". One shipping company representative stated, "You could have 40 crewmembers aboard ship and still have fatigue problems, because it comes down to fatigue management." Given that the norm for crewing most ships now is 20 versus the hypothetical 40 crew, who will be called to replace an individual due to lack of rest when there is no one to replace our fatigued crewman?

Nominally, it is fine to increase crew size, but under the present monetary compensation system, increasing crew size means someone is going to make less money. On charter ships, as in the first example, the crew will make less money collectively if more crew signed on. The easy answer is to increase rates to provide for the increased crew or suffer the cost of a detained ship. Which is cheaper?

Some company ships have added a line to rest hour sheets and others to the overtime sheets attesting to the fact that the crewman has followed the MLC 2006 rest requirements. Typically, this notation is positioned immediately next to the signature line. A crewman signing on the line certifies compliance with rest requirements or faces dismissal. If the crewman puts in the hours actually worked or doesn't rest and is not in compliance with MLC, then that crewman will lose his job. Hence, it is more than likely that seafarers are being coerced into falsifying the work/rest logs. Those companies that do – as was discovered by our ship inspector as previously described – are trying to skirt the MLC 2006 treaty and thereby enjoy a competitive advantage by not hiring more crew to allow more rest and avert casualties due to fatigue. Crew advocacy groups have advised crewmen to sign the sheets only after striking the attestation clause.

Cause & Correction: Will MLC provide the panacea?

Human error is responsible for over 58 percent of all ship casualties and fatigue

represents the largest portion of human error for major claims according to a Protection and Indemnity Club. That's a fact. How can fatigue be reduced? It is simple, really: by using the MLC (2006) Code to effectively enforce its mandates equally and unilaterally and getting experienced Port State Control inspectors who are able to understand operations and decipher the "gun decking" (falsification of records) on rest logs. Unless the MLC is enforced unilaterally throughout international trading

The Oil Pollution Act of 1990 (OPA 90):

"On a tanker, a licensed individual or seaman may not be permitted to work more than 15 hours in any 24 hour period, or more than 36 hours in any 72-hour period, except in an emergency or a drill. In this subsection, "work" includes any administrative duties associated with the vessel whether performed on board the vessel or onshore." If a crewman works 15 hours in one day that crewman must have the compensatory rest period off in order to attain the 36 hours of rest in a 72 hour period.

The Issue:

Who is going to perform the crewman's work while our crewman is resting per OPA 90 minimum rest requirements? Given the limited number of crew available and aboard vessels trading in domestic U.S. waters, who is left to pick up the load?

fleets, there will remain a competitive advantage for those who gun deck the rest logs. The practice also defeats the ultimate goal(s) of MLC and OPA 90 itself, some of which include fair treatment of seafarers and the provision of a safe workplace for all.

From this side of the pond – and whether adhering to MLC (2006) or OPA 90 rest rules – there are lessons to be learned. The practice of fudging work and rest logs isn't unique to any one sector of the marine world, flag or nationality. Nor should it be tolerated. ☆

Captain Jeff Cowan sailed aboard various container ships as Master, capping a 35-year sea-going career. This article first appeared in the November 2013 print edition of MarineNews magazine. All rights reserved.

Coast Survey to improve “magenta line” on Intracoastal Waterway nautical charts



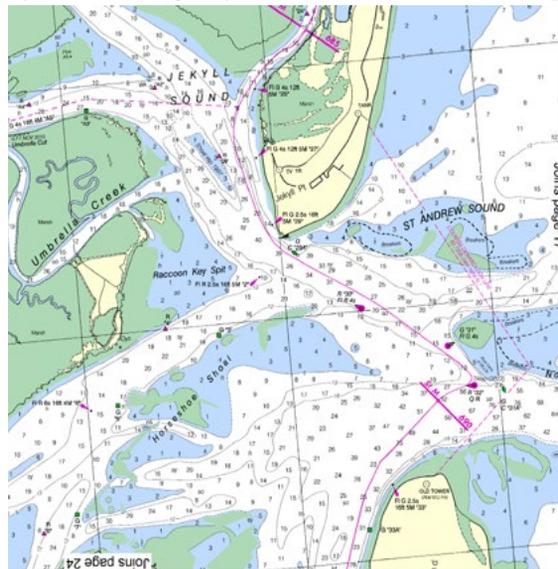
Office of Coast Survey
Press Release
January 14, 2014

The Office of Coast Survey will be updated to include an improved “magenta line” that has historically aided navigation down the East Coast and around the Gulf Coast. Additionally, Coast Survey will change the magenta line’s function, from the perceived “recommended route” established more than a hundred years ago, to an advisory directional guide that helps prevent boaters from going astray in the maze of channels that comprise the route.

The decision comes on the heels of a year’s investigation into problems with the magenta line. In early 2013, after receiving reports of groundings by boaters who followed the line into shoals, Coast Survey started to remove the magenta line from Intracoastal Waterway nautical charts.

“We cannot deliberately include chart features that we know may pose a danger to navigation,” explained Rear Admiral Gerd Glang, director of Coast Survey. “The problems of the magenta line’s misplacement, which had been developing over the past seven decades, were aggravated when some boaters assumed that the line indicated a precise route through safe water - although it actually

went over land, shoals, or obstructions.” The U.S. Coast and Geodetic Survey, a NOAA predecessor agency, first installed the line on nautical charts in 1912, when the advent of motor boating produced a demand for charts of the inland waters and shallower waters along the East Coast. The magenta line on Intracoastal Waterway charts received major updates in 1935, thanks to an influx of funding from the Great Depression’s Public Works Administration. Charts rarely recorded updates of the magenta line in the ensuing 70 years.



This portion of NOAA Chart 11489 (Intracoastal Waterway St. Simons Sound to Tolmato River) shows the so-called ‘magenta line,’ which historically depicted the recommended route for the Intracoastal Waterway on NOAA nautical charts.

Boating public wants directional guidance

In 2013, while Coast Survey cartographers were removing poorly placed lines from charts that were undergoing regularly scheduled updates, Glang

ordered a cartographic review of the magenta line’s function and maintenance. Simultaneous with an internal review of the issues, Glang issued a Federal Register Notice asking for public comments. Almost 240 individuals and organizations offered comments, saying that the line helped safe navigation on the Intracoastal Waterway.

“We asked Intracoastal Waterway users to let us know if they need the route designated on nautical charts, and the response was 99.9 percent in favor of keeping it on charts,” Glang said. “Many of the commenters explained how the magenta line saved them from dangerous or costly navigation errors. They also confirmed that we need to clear up any misunderstanding about what the magenta line is - and what it isn’t.”

The internal review and public comments confirm that the magenta line needs to be removed where it poses a danger to navigation, rebuilt to avoid shoals and other dangers, and reinstated to all the Intracoastal Waterway nautical charts. Importantly, Coast Survey will add notes to the Intracoastal Waterway charts, emphasizing that vessels transiting the waterway should be aware of changing conditions and always honor aids to navigation.

Improvements will take years to fully implement

“Today’s decision to reinstate the magenta line is not a quick fix,” cautions Captain Shep Smith, chief of Coast



Survey's Marine Chart Division. "It will take at least three years to fix problems that were 70 years in the making."

Of Coast Survey's 1052 nautical charts, 52 depict the magenta line. As charts are rotated through the update process,

Coast Survey will evaluate and update the magenta line using charted information. When no depth soundings are on the chart, the line will generally be positioned in the centerline of dredged channels and natural waterways, avoiding shoals or obstructions less than the controlling depth. When the chart data is insufficient for determining the line's preferred route, Coast Survey will attempt to gather additional data from partner agencies and reliable crowdsourcing.

"Most of the magenta line can be re-drawn by using the charted information, and we hope to get it done by mid-2015," Smith explains. "On the other hand, resolving discrepancies between charted information and the line will require research, and new data acquisition and processing, with support from other federal agencies."

Resolving chart discrepancies is a longer-term challenge, Smith says, and can conceivably take up to five years, or even longer. In cases where information is lacking and the line depiction can lead to risky navigation, Coast Survey will remove the line. ☆

The first known appearance of what is commonly referred to as the "magenta line" is in a set of eight charts (each titled "U.S. Coast and Geodetic Survey INSIDE ROUTE") included in a now-defunct U.S. Coast & Geodetic Survey publication, Inside Route Pilot, 1st edition 1912. An example of the Inside Route charts is this 1913 chart showing the magenta line from New York to Key West.

SAFE? cont'd from pg. 19

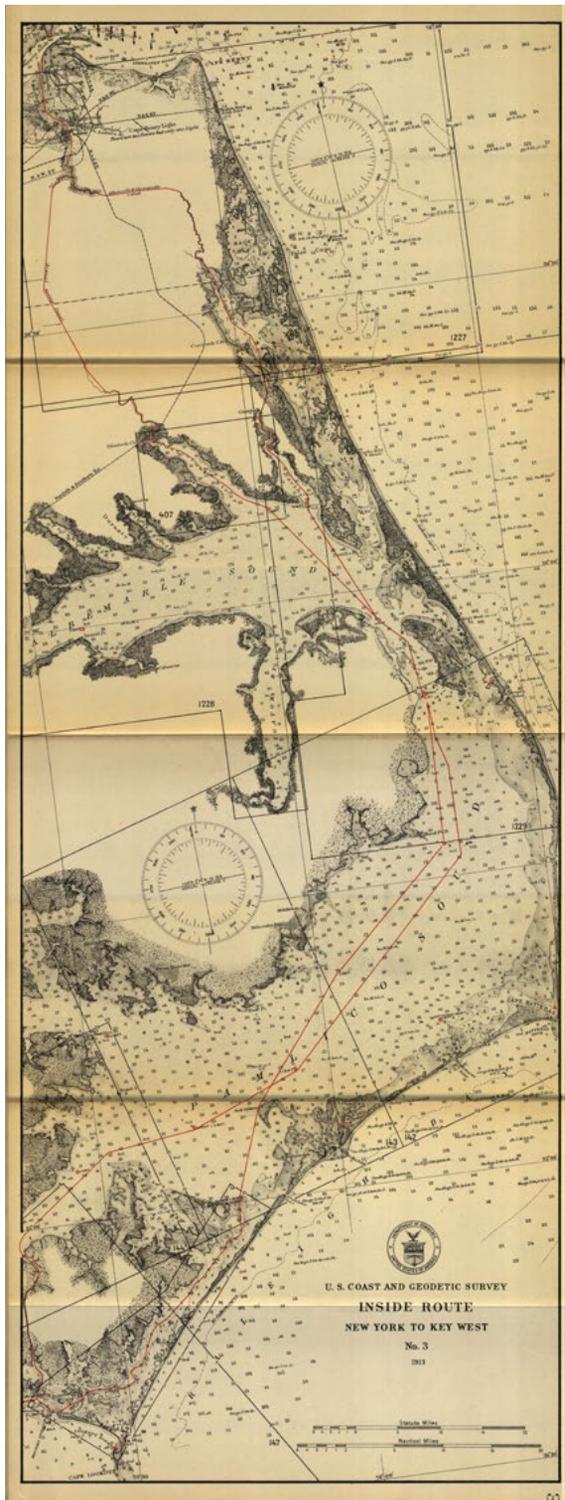
Agencies (SSAs) for the transportation sector. This offers broader authority to the U.S. Maritime Administration (MarAd) to work with the USCG in safeguarding the maritime transportation industry.

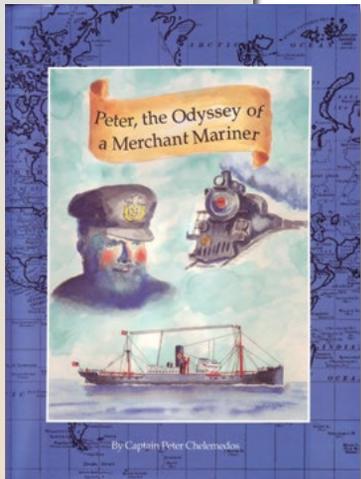
Beyond this, the government is seeking to enhance Maritime Domain Awareness (MDA) of the global maritime supply chain and improved information sharing between the government and the maritime industry through revitalization of the Sector Coordinating Council (SCC), which would liaise with the Government Coordinating Council (GCC), which is made up of the various agencies that have maritime security and intelligence in their purviews – like the USCG, MarAd, CBP, TSA, DHS – Infrastructure Protection, the FBI, Office of Naval Intelligence, the Naval Criminal Investigative Service and others.

The SCC is being revitalized after several years of dormancy through the efforts of the Maritime Security Council, which is reaching out to vessel owners and operators, port and terminal operators and other critical entities within the industry to promote more "real time" sharing of information relating to security. The vision is to have the representatives from Area Maritime Security Committees join the broader discussions.

It is hoped that members of the Council of American Master Mariners and the CAMM organization will take a voluntary and active role in this dialogue, which can only make voyages safer for American captains and crews. ☆

Will Watson is a member of the Baltimore-Washington, D.C. Chapter of CAMM and is Vice President and Governor of the Maritime Security Council in addition to being an acknowledged expert on maritime security, terrorism and piracy.





by Captain
Peter Chelemedos
#1671-R

Peter, The Odyssey of a Merchant Mariner

Chapter 19: George H. Williams, First Voyage

November 1944- March 1945

Barbara Watson, port manager at the American Mail Lines office in San Francisco, sent me to join the Liberty ship SS *GEORGE H. WILLIAMS*. On November 13, 1944, I signed on the *GEORGE H. WILLIAMS* at San Pedro. This was a week after landing in San Francisco on the Navy weather ship *ARGUS* which had picked us up after the loss of the *JOHN A. JOHNSON*.

The rain was pouring down as I rode the "Red car" from the Los Angeles railroad station to San Pedro. While in San Francisco, I had only taken time to pick up a new uniform, a set of khakis and three white shirts, which I had in a "loot bag" as I came into the office. When I introduced myself to the agent, he in turn introduced me to my new captain, Alvin C. "Smokey" Johnson. Captain Johnson said, "We're just heading out to the ship. Would you like a ride?"

Of course, I said, "Yes, sir."

He looked at the sextant and the loot bag I was carrying and asked, "Where is the rest of your gear?"

I said, "Do I need more than this? We're just going around the world."

Smokey slapped me on the back and said, "Just what I need, a West Coast man. Come along." I rode out to the ship with him.

The ship had just returned from East

Coast. She had earlier participated in the Normandy landings. The chief mate, whom I was relieving, was returning to Greece since that country, his homeland, had been liberated. After looking over the ship and bringing myself up to date on the progress of the voyage repairs and storing, I set to work washing the three white shirts I had bought in 'Frisco but had used up by now. This was before the days of wash and wear. I hung them in the "fideley" (the inside of the smokestack above the fire room) to dry. That evening I was going to borrow a flatiron and finish the chore, but at supper time the third engineer said he had a car and would take us uptown to a movie.

I begged off as I hadn't a clean shirt to wear with my uniform, that I was intending to iron them. He said, "Just wear a wrinkled one and wear a scarf with your raincoat. No one will notice." Thinking that a good idea, and really wanting to go to a movie, I dressed accordingly.

The third squeezed about six of us in his large old DeSoto all right, but instead of stopping at the moviehouse he took us out to his sister's house in Long Beach. "Come in and make yourself at home," was his invitation.

Of course, I had to take off my raincoat and scarf. After doing so, I went out to the kitchen and pulled the ironing board down from the wall and plugged in his sister's flatiron. By the time the third came out, I had my shirt off and was busy ironing it.

"What are you doing?" he asked.

"Ironing my shirt," I replied. "You said 'make yourself at home' and if I were

home I would be ironing my shirt."

"Jesus, I said make yourself at home, I didn't say 'move in,'" he said. "I guess I better watch what I say around you."

Anyway, after tea and cake, we went on to the movie and the world was right again. I had called Kay in Massachusetts and asked her to send out my license so I could sign on another ship, since the *JOHN A. JOHNSON* had had engine trouble. I couldn't tell her the reason the engines wouldn't run.

The shipyard people finished the voyage repairs, and stevedores loaded a full load of mustard gas bombs to transport to India — a full load except that Number Three 'tween deck held some PX stores, cigarettes and such items, for the Navy in Perth, Australia, topping off with a deckload of crated machinery for India.

Six men of the deck crew were from the same high school graduating class from Cape Girardeau, Missouri. There was also a young man from Boston. I did have one old-timer, the boatswain. The captain, bo'sun and I were the only ones in the deck department who had been to sea in a merchant ship before. The second and third mates had been yeomen in the Navy, and had just come out of a maritime school. When we sailed, we ran a school for the crew at the same time we were lowering the cargo gear, taking each man through the steps one at a time. Also at lifeboat drills, each man was taken through all the steps necessary to launch the boats safely, rather than having to depend on someone who might not be able to do a vital part in the operation. After the *JOHN A. JOHNSON*



experience, I didn't want any delays if it came to abandoning ship again.

I was still rather jumpy from that experience. One night, while standing on the wing of the top bridge, a bolt of lightning hit the water right alongside the ship, and the immediate boom of thunder in my ears made me jump at least three feet off the deck, believe me.

Outside of the Equator crossing ceremonies and the meeting of a Foss tugboat near the Ellice Islands, our trip via Bass Strait south of Australia was uneventful until Christmas. That night, when the third mate relieved me at eight, he told me I should report to the officers' messroom. I couldn't think of a reason for such an unusual request, since I generally stopped there for a cup of coffee anyway.

I found that Captain Johnson and the first engineer had set up a Christmas tree there. The first was a perfect size for the Santa Claus suit he wore as he distributed small gifts to each member of the crew. Now, the ship was running blacked-out, which meant all the portholes and doors to the outside were closed, and the messroom measured about twelve feet by twenty feet. When the seventy men of the crew all mustered in that non-air-conditioned space, it was, shall we say, rather warm. But it made for a memorable occasion as we sang carols in the midsummer heat of that Christmas Eve.

We arrived in Perth for New Year's weekend to find that the longshoremen were on holiday. The Navy sent down a crew of yeomen and storekeepers that night to work cargo because the men were anxious for their cigarettes. To get them, they had to unlash and unload the large crates of machinery on deck, uncover the hatch boards and beams, discharge their cargo, and then cover everything back up again.

Since none of them had handled ship's cargo gear before, I had to stay with them all night. It was 6:00 a.m. before they finished lashing the last crate and went ashore, and we shifted ship to anchorage.

The captain went ashore for orders and I went to bed.

At about eight o'clock, I was wakened by a Coast Guard ensign who told me, "I am to observe your crew in an abandon ship drill."

"Abandon ship, you say?" I said as I sleepily picked up my lifejacket and went up to the wheelhouse to ring the abandon ship alarm. I then went on down the other side of the ship to my boat station. As the crew assembled, each man took up the next chore in line as I had taught them - opening the covers, leading out the sea painter, cranking out the davits, putting in the plug, etc., so by the time the boat's crew was all there, the boat was in the water and they were climbing down the nets to it. By the time the ensign came out on deck to see



Chief Mate, SS GEORGE H. WILLIAMS, New York, March 1945

what was going on, my boat was in the water standing off waiting for the third mate's boat to clear so I could come back alongside.

I climbed up the rope net to the boat deck, saluted the ensign and reported, "Abandon ship, sir."

He said, "I have never seen anything like it!" and was being complimentary. I told the bo'sun to get everything back aboard, and I went to bed.

From the newspapers the captain brought aboard, we learned of the Battle

of the Bulge in Europe and, closer to us, the rumors of Japanese submarine activity in the eastern part of the Indian Ocean.

We sailed on up the Indian Ocean and up the Hooglie River to Calcutta. My station was at the bow standing by the anchors while we were going up the river, and it was a trip of several hours. I set up King Neptune's throne, left over from the Equator crossing, on top of the small hatch to the forepeak, sat on it, and leaned back against the gun-tub. I noticed that the natives in passing craft were pointing at me and jabbering away, but didn't understand until I looked around and found members of the gun crew holding a large purple umbrella over me.

We docked and cargo operations were started, taking about a week to discharge the crates and bombs. Then we shifted to another berth inside the locks to load a cargo of gunny cloth and tea for New York.

One day, while walking near the Hogg market, I ran across a USO club. I went in for a cup of coffee and a doughnut. While there, three girls were being introduced to the club. This was done by the MC asking, "Is anyone here from Texas?" and then sending the Texas girl over to talk with them. The girl from Kansas, likewise. I was the only one from California, so had a one-to-one conversation with the Californian, only to find out she was from Albany High School and had been in classes with me in the days before I left home for the sea.

Our return to New York was via the Red Sea. When we sailed into the Gulf of Aden from the Indian Ocean, I came on watch on a dark, overcast night. The sea was flat calm. The porpoises swimming alongside the ship were leaving phosphorescent trails through the water, and occasionally jumping and splashing. The splashes of phosphorus gave the scene the quality of diamonds on black velvet. I think this was one of the most beautiful scenes the sea can offer.

The second mate came down with
cont'd on page 28

Voyage Report



by Captain
Kevin Coulombe
#3221-R

The year was busy. I was master of two different class of ships for the same owner.

Voyages on both were complicated by engineering and operational issues. Toward the end of my last voyage for the year I made the mistake of contemplating I might close out the year without a disciplinary issue and of course was detailed with a personnel logging and dismissal the very next port. But the highlight of the year was a new ship.

As background: I am master for an American flag liner fleet. I am a member of the International Organization of Masters, Mates and Pilots (IOMMP), one of several unions the owners have labor agreements with. I am permanently assigned my ship. While ashore I learned the owners were going to proceed with a flag out of my current ship and flag in a newer class ship currently in operation with the international fleet. To that end I was detailed and completed a ship simulator class conducted at the IOMMP MITAGS facility.

Shortly after completing the simulator class I departed Seattle for Colombo, Sri Lanka. The total travel time amounted to approximately 30 hours in the transit with stops in New York, Dubai and the Maldives. (Former IOMMP members will be interested to know that the flight was completed in coach. To think 30 years ago I flew first class as third officer! My chief, a member of MEBA, flew business class and claims he missed my

company all the way.) I caught up with my new chief mate in the baggage claim. (My former mate was promoted master to one of the new re-flags.) After a brief overnight at the Colombo Woodbury hotel, I found my first engineer waiting patiently for us in the lounge. The Woodbury was a luxurious experience after the flight but we hardly had time to take advantage of it with as we only had opportunity for an interrupted breakfast before we departed on a long overland trip by van for our new ship.

The port of embarkation was a small sea port, where after some delay we embarked a sturdy crew launch. During our wait I noted the port was crowded with fishing boats, a singular indication that sea conditions were very rough. Finally a uniformed man with an AK-47 arrived and the launch captain indicated it was time to go. The reason for the armed escort was never explained although it was clearly perfunctory as the guard was dressed in a standard uniform of the day and carried nothing else but the AK. The ride out to the ship was rough and tiresome. I began to doubt we would be able to embark the ship which was stopped waiting off shore, but as soon as we came alongside we and our luggage were onboard in short order.

Our team spent a week underway observing. We had the excellent cooperation of the master, chief and crew. As typical of the world fleet today the master was Polish, the chief and second officer United Kingdom and the rest of the crew Indian with one or two other nationalities in the mix. English was the

primary language although it was clear it was understood with difficulty by some of the crew. While underway my officers and I raced to learn as much about the standard operation of the ship as best we could and prepare for the re-flag. The ship arrived in Jebel Ali in good order. A security team was not carried.

After cargo operations the ship shifted to a lay berth and preparations commenced for re-flag. The owner re-flag team arrived early in the morning of the first day, followed by USCG and class society officials and then the crew and security team. By the end of the day the U.S. crew had assumed port watch routine and the ship was entered into U.S. flag registry. The next day was spent training crew in SOLAS and fire fighting evolutions which the crew demonstrated the third day to the satisfaction of the USCG. At the end of the third day, with a temporary Certificate of Inspection and class certificates in hand, the ship shifted to the container berth to commence cargo operations. We sailed the next day for Pakistan.

My biggest problem during the re-flag was establishing the ship's office and preparing all the necessary paperwork to engage the crew. Part of the re-flag program included replacing the ship's PCs and network. With the new PCs came new operating software and it was a struggle finding my way around the new system. In addition to the crew paperwork, I also had to prepare port clearance documents and engage in communications with our next port, as well as prepare the necessary port entry



paperwork, Port Qasim, (near Karachi) Pakistan, a port only two days away. And there were the navigation details necessary. The voyage plan, pilot plan, charts and ECDIS had to be prepared by the second officer who had never worked the route or in international waters before.

The ship sailed at the completion of cargo, later than scheduled, the delay due to cargo operations. The following morning a rendezvous was accomplished to embark ship self-defense weapons and arrival at the first port of call, Port Qasim, Pakistan, followed late that evening. Surprisingly all things went fairly smoothly, the only remarkable turn of events being the difficulty our maintenance vendor experienced disposing two dozen old stateroom mattresses. When the vendor tried to exit the port with the mattresses, port security demanded import permits, despite the clearly worn and soiled appearance of the mattresses. For the next two days I received emails from the vendor requesting assistance which created much animosity and consternation with my agent. Things were only resolved after I took full responsibility for the problem. (I am the master after all.)

Ports of call at India and Oman proceeded satisfactory despite the complications that accompany a newly registered ship and the schedule kept slipping, primarily due to the draft restrictions. Otherwise, getting the port entry paperwork squared away was my only serious difficulty as I had to accomplish in hours what I normally had weeks to do. The unfamiliar operating system (Windows 7) didn't help matters.

With each day of operation more and more main engine issues became apparent. There were nearly constant alarms (the engine room was operated continuously in manned status.) Exhaust gas temperatures and cylinder liner temperatures were high indicating worn liners and broken rings. Behind schedule, regional operations attempted to make good the scheduled Suez canal transit but due to the engine problems the ship

was incapable of achieving the required SOA so the transit was slipped to the following day. (By this time the chief had confirmed that all 10 of the engine pistons and cylinder liners would have to be replaced.) Then departing Oman one of two crank angle sensors indicated a fault. Being an electronically operated engine, the crank angle sensor is necessary for main engine operation, it indicates the radial position of the crank shaft, which tells the computer when to operate injectors and valves. The sensor required attention but the ship was now in pirate waters, so as the engine was still operating, and there were two crank angle sensors, I elected to keep going with the intention of making repairs at the Port Suez, Egypt prior to the Canal transit.

Arriving Port Suez, a day late turned out to be fortuitous. While maneuvering to the anchorage, and following a successful astern test the crank angle sensors failed. When the engine computer sensed the malfunctioning sensors it initiated a main engine start block. The engine refused to operate from bridge, engine control room and engine side control. As there was no way to determine the position of the main engine crank it was impossible to operate the engine. Fortunately we were able to achieve the designated anchorage position with momentum, thruster and anchor alone. It was also fortunate the evolution occurred during daylight hours and with the anchorage relatively empty. Had the anchoring evolution occurred as scheduled, at oh-dark-thirty, with the anchorage pregnant with ships for canal transit, the outcome could have been disastrous.

The ship proceeded to Algeciras, Spain. While in port a piston ring exchange was started. Due to technical problems the work was not accomplished before the completion of cargo. The port ordered the ship off the dock, so we were pulled stern first from the harbor to the anchorage. Work was completed about 10 hours later, compiling more delay. The voyage ended five days late in Newark, New Jersey to no fanfare. This did not last

very long.

On arrival Newark dock, cargo commenced, the ship was cleared and crew payed off while new crew were signed on immediately. Bunkers were commenced and an hour later we had our first oil spill. Fortunately the spill was contained completely on deck so the USCG showed little interest. But until we got the scenario under control cargo operations were suspended until we could determine the cause of the spill. The ships bunker system is extremely simple with only four main fuel tanks and a piping system that rivals the Alaskan pipeline. The spill was attributed to the test of a new fuel pump that had been installed in the fuel system. The pump operated as it was supposed to, but it quickly overwhelmed the system and vented out through a waste oil tank vent. Checking the fuel system the engineers found that check and relief valves had been set low or bypassed by the previous operators, probably to compensate for worn and tired equipment. With the situation in hand cargo and bunkers were resumed. The ship sailed the same day. Ports of call were made at Charleston (where I managed a couple hours ashore), Savannah, Norfolk and Newark. On completion of cargo Newark (second call) the ship shifted to Gravesend anchorage to accomplish a piston exchange which set the ship further behind schedule. At the completion of the work the ship sailed under pilotage and commenced the next voyage.

Service remarks: the pirate threat in the Gulf of Aden and surrounding waters has diminished to a nuisance threat although all preparations and precautions continue to be observed and practiced. The armed security team has become a permanent fixture in operations. India continues to complicate daily operations. Among the endless stream of operational notices it declared all ships calling west coast ports must carry charts issued by the Indian hydrographic office. Of course it also noted that the same office did not have the capability to supply the charts the notice

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PETER cont'd from pg. 25

something, and we sent him ashore to hospital at Aden. The third mate took over his watch, and the bo'sun took the eight-to-twelve.

Since U-boats were apparently not operating in the Red Sea, the ship ran with running lights in that area. For the first time in three years, I had a relaxing night's sleep at sea. It was such a relief; I could feel my whole body unwind.

We transited the Suez Canal and tied up to buoys at Alexandria to await orders.

We got word that the second mate had not survived an air crash at Khartoum, so we were without him for the voyage home. Having already upgraded the third mate to second, we went ahead and officially upgraded the bo'sun to third mate.

On a rather stormy night in the Mediterranean Sea, a freak wave hit us broadside and splashed down the engine room ventilators on the top bridge. I

could hear the engineer below hollering about the "clumsy deck apes" when we took another sea. He told me later that as soon as he said it he realized that the water was not turned on on deck, that the water had come down the ventilator above him as he stood by the log desk, and he had just backed away when the second shower came down.

We joined a convoy at Gibraltar and arrived in New York in time for me to celebrate with Kay our second wedding anniversary.

When we arrived at New York, we docked at a pier in Staten Island near a Maritime Training School. At coffee time, I went ashore with my deck gang to get a fresh cup of coffee and some shore-side baked goods after the four months of ship's cooking. I hadn't thought much about it, but while walking back to the ship, a group in Maritime School uniforms who had apparently just passed through a Saturday morning inspection came marching by. One of them pointed

to me and said, "Look, he's a full commander."

It didn't dawn on me what he was so particularly impressed with until I got back aboard and took off my uniform jacket and hat. The cap had a big splotch of red lead on it and the jacket was splattered with spots of gray paint and one button was missing. I guess the four months' trip around the world "schooner rigged" had taken its toll. I got a new cap cover and replaced the missing button on the jacket before I went ashore again. I contacted Rev. McDonald from the Seamen's Church Institute and had him come out to Kay's aunt's home on Long Island to officiate at baby Peter Steven's baptism during our short stay in New York.

Captain Johnson got off to return to Seattle for another ship. I decided to stay aboard for another trip rather than head across country to San Francisco. ☆

VOYAGE cont'd from pg. 27

required. The Indian ports continue to be a customs and immigration headache. Gratuities of American cigarettes (export) have become institutionalized among those representatives of the Indian government. As an experiment I attempted to substitute EU sourced cigarettes but these were rejected because of the graphic health warnings emblazoned on the packaging. And finally the port of Mumbai continues to maintain my rating as the most dangerous port in the world. What other port in the world (at security status MARSEC 2 no less) is the pilot embarked only when the ship is in the harbor roads?

Enroute to Algeciras the ship experienced a second oil spill. Again the cause was determined to be unconventional modifications to the fuel oil system by the previous operators. (This was my second oil spill experience in 35 years!) The ship arrived Algeciras in good order but still behind schedule, unable to make up time during the trans-Atlantic passage due to the on going deficiencies

of the main engine. While in port a piston pull was accomplished and the oil spill cleaned up by a contractor. While enroute to Egypt for Canal passage, the political situation there necessitated a short waylay at an outport to collect our security team. Arrival and transit of the canal was accomplished without incident. As always this evolution turns into a long 24 hours for the master. He has to be on the bridge for the arrival and anchor evolution at Port Said. A few hours later the ship is underway for the canal transit. The transit itself, with a stop at the Lake, comes to 15 hours. With completion of the transit and departure the Port of Suez, the total transit amounts to approximately 26 hours, all of which requires the (prudent) master to be on the bridge.

Arriving Jebel Ali marked completion of the first round trip voyage. The ship commenced its second voyage, making the same ports of call, arriving Newark in mid-August where my relief joined. I rode to Savannah as Master where my relief, now acquainted with the ship,

dispatched me home. I would return 8 weeks later after a quick summer vacation and a tour of duty at a session of a sub-committee of the International Maritime Organization. The following trip, commencing in October, featured further engineering and operational problems, the daily record keeping and work to maintain the ILO Maritime Labor Convention, and an external audit of our safety management system. The personnel problem mentioned at the opening of this report occurred just five days prior to arrival back at Newark. In summary, while there are extensive engineering issues to overcome the ship is well founded and should, along with its sisters, serve the owners well (although the cost to resolve those engineering issues must be breathtaking!) From a deck officers point of view the ship is well founded, much better so than the previous class of ship we operated. Do note however, I will be taking a trip off! ☆

Courage and Fortitude

submitted by
Captain
Donald P. Garrido
#3318-R

Coast Guard—are generally recognized and honored, as they should be, for their service to our country. Little is usually said, however, about the other veterans groups that have also contributed significantly to America's victories. In 1987, the U.S. Congress passed Public Law 95-202, recognizing and honoring 28 groups who provided active military-related services to the United States in times of war and granted them Veteran Status. Because of personal knowledge of one of the 28, the American Merchant Marine, I wish to detail a few of the accomplishments of the members of that group and so remind our nation of their courage and fortitude in World War II.

The United States was a member of a fighting team of United Nations that won the greatest war in history. There were three major players who represented the United States on that team: our fighting forces overseas, the production army here at home, and the link between them—the United States Merchant Marine. Each of the three was dependent upon the other, a winning combination that smashed the Axis powers beyond all recovery. Never before has the maritime power of the United States been so effectively utilized. Its naval and merchant fleets became the difference between

The U.S. Merchant Marine in World War II

On November 11th, we celebrate Veteran's Day. All the armed forces — Navy, Army, Air force, Marines, and

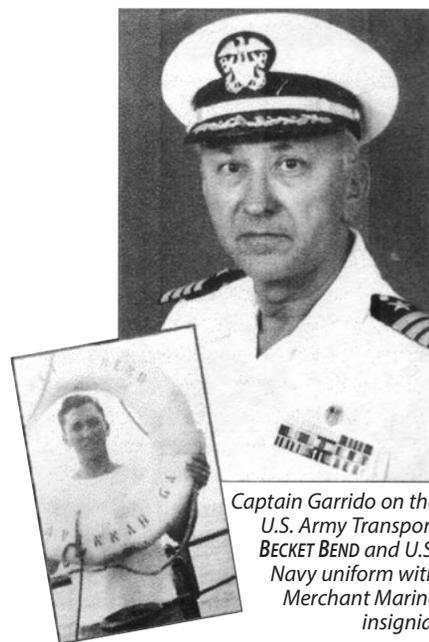
victory and defeat.

Just as our Merchant Marine linked American overseas forces with American production, so did it aid in cementing our nation into one fighting unit by meeting its two assignments: First: to join together the ocean-separated United Nations into a single wartime organization and second, to place our armies and their equipment on hostile territory and maintain them there.

In carrying out the latter assignment, we can say that our fighting forces were never knocked off an important beachhead, nor, thanks to the merchant fleet, did we in any instance fail to develop our landings with a steadily increased flow of supplies that enabled our armies to meet their objectives.

For the United States, action in World War II began on September 3, 1939, in the waters of the North Atlantic, 200 miles southwest of Scotland. On that date, the westbound British passenger vessel *ATHENIA* with 1,400 passengers, of which 128 were U.S. citizens and many of them women and children, was torpedoed by the German Submarine U-30. On receiving the distress call of the sinking *ATHENIA*, the American vessel *CITY OF FLINT* altered course to the disaster scene and arrived in 12 hours. All total, 1,059 oil-soaked, shocked victims survived the sinking. From the survivors, the Americans learned more details about the sinking of vessels by enemy submarines. Ironically, on January 25, 1943, the *CITY OF FLINT* was itself torpedoed and sunk with the loss of 17 passengers and crew.

Our American Merchant Marine



Captain Garrido on the U.S. Army Transport *BECKET BEND* and U.S. Navy uniform with Merchant Marine insignia.

first felt the direct impact of the war with the loss of the United States Line's 9,000 ton motorship *CITY OF RAYVILLE* on November 8, 1940, that either struck a mine or was torpedoed off the Australian coast with the loss of one life. In May 1941, we lost a second unarmed cargo vessel when a German U-boat torpedoed the *ROBIN MOOR* off the west coast of Africa.

On December 7, 1941, the day that Pearl Harbor was deliberately attacked by the Naval and Air Forces of the Empire of Japan, over 300 defenseless American merchant vessels with full crews were at sea when they picked up the shocking news of Pearl Harbor. On December 11, Germany declared war against the United States of America,

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COURAGE cont'd from pg. 29

and on that same date, the United States declared war on Germany, Italy, and Japan.

In the early months of the war and as the German Armies made their advance in Russia, it became obvious and necessary that supplies and equipment, under the lend-lease program, be shipped to Murmansk and Archangel, two ports on the northern coast of Russia. The Murmansk run would long remain a nightmare to those lucky enough to survive it, for during the last half of 1942, this cargo haul became a life-and-death struggle against the most relentless onslaughts ever devised by man. To the combined fury of air, sea, and submarine attack was added a weather condition more severe than in any other theater of war.

Russian lend-lease shipments began moving from Philadelphia, New York, and Boston in specially protected convoys that crept up to the Canadian ports of Halifax and Sydney. The skippers of merchant ships stepped ashore at Halifax to attend confusing conferences. These masters, many of them from the days of sail, were an independent lot who were used to absolute command; they did not take kindly to naval regulations, constant signaling, and endless paperwork. Convoys going into Murmansk were designated PQ and were numbered; homeward bound they became QP. The average number of ships that traveled across the Atlantic together was 33, and close to 48,000 of them were moved in 1,134 convoys.

A typical convoy was PQ-17, which consisted of 36 merchant vessels. After leaving Halifax, the convoy was held in Reykjavick, Iceland, waiting for weather forecasts that would often promise snow or fog along the route to Murmansk. Finally, orders to depart were given, and after passing through the minefields north of Iceland into the Arctic Ocean, above the Shetland Islands, past the North Cape of Norway, and into the Barents Sea, the convoy was attacked night and day by German U-boats, by

surface ships including pocket battleships, and no less than 108 successive waves of Norway-based German bombers. Out of the 36 merchant ships in PQ-17, only 13 made it in to Murmansk. The 23 that went to the bottom carried with them 125,000 tons of cargo, not counting scores of lives.

The problems for the merchant mariners did not stop with the sinking of their vessels. There were many stories during the war of lifeboat survivors being machine-gunned. During the years of the war, over 16½ million tons of cargo were delivered by American merchant ships to Murmansk and Archangel, enabling the Russians to stop Hitler's invasion and finally defeating the German Army.

America's first major step to head off the complete destruction of the ships and merchant seamen was taken in February of 1942 with the creation of the War Shipping Administration (WSA) which was in the Executive Office of the President. Through the establishment of this extraordinary power, the United States Merchant Marine immediately ceased to function as a commercial industry. The WSA took control of the Maritime Commission and was given command of all seaborne transportation, an authority unmatched in government.

Rear Admiral Emory Scott Land was the naval officer selected to head this organization. Six months after the end of hostilities, Admiral Land made his final report to the President. Under the date January 15, 1946, his concluding remarks were: "I feel that the officers and men of the Merchant Marine, the operators serving as agents for our Government, and the men and women of the WSA—all these citizens have served their country well. Any industry that can accomplish what this one has done in wartime can justify its great promise in peace."

On November 2, 1945, Fleet Admiral Ernest J. King,

Commander in Chief of the United States Navy and Chief of the Naval Operations, wrote the following to Admiral Land: "During the past three and a half years, the Navy has been dependent upon the Merchant Marine to supply our far-flung fleet and bases. Without this support, the Navy could not have accomplished its mission. Consequently, it is fitting that the Merchant Marine share in our success as it shared in our trials."

Field commanders knew the value of the Merchant Marine lifeline to their operations. General Dwight D. Eisenhower said: "Every man in this allied command is quick to express his admiration for the loyalty, courage, and fortitude of the officers and men of the Merchant Marine. We count upon their efficiency and their utter devotion to duty as we do our own; they have never failed us yet and in all the struggles yet to come we know that they will never be deterred by any danger, hardship, or privation. When final victory is ours there is no organization that will share its credit more deservedly than the Merchant Marine."

The War losses of the American Merchant Marine between September

Photo # 80-G-116885 Fleet Adm. Ernest J. King, circa 1945



PHOTO: NATIONAL ARCHIVES

Fleet Admiral Ernest J. King, Commander in Chief of the U.S. Navy and Chief of Naval Operations.



3, 1939, and August 15, 1945, were 733 American merchant vessels of over 1000 gross tons sunk during the war, victims of torpedoes, bombs, mines, and marine disasters largely caused by war conditions. Seven of these vessels were sunk before Pearl Harbor. The total was more than half the tonnage of our prewar Merchant Marine.

A total of 6,638 merchant seamen and officers are dead and missing; 581 were made prisoners, of war. Through the first part of 1943, casualties among the seagoing force were greater proportionately than in all the Armed Services combined. During the entire war the Merchant Seamen had a death rate of 2.8% which was second only to the U.S. Marine Corps death rate of 2.9%.

Almost 200,000 men came ashore from wartime merchant ship to find that they were very much on their own. There was no G.I. Bill of Rights to provide loans, no free education such as

was given to 7,800,000 veterans. However, the heroism of the merchant seamen did not go unrewarded. The U.S. Congress enacted legislation authorizing award medals for outstanding conduct and service insignias for public identification of the contribution made to victory by these men.

The Distinguished Service Medal (right) is the highest award in the men of the Merchant Marine. A total of 141 have been awarded. Next is the Meritorious Service Medal. A total of 362 have been awarded. The Merchant Marine Unit Award, also known as the "Gallant Ship Citation" was awarded to only two merchant ships throughout the war.

Similar to the



Distinguished Service Medal

1935, Congress established National Maritime Day. This special day was to honor merchant shipping and seamen because on that date in 1819, the S.S. SAVANNAH sailed from that Georgia seaport on the first successful transatlantic voyage under steam propulsion.

It was not until 1987 with Public Law 202, that members of the Merchant Marine during WWII were granted Veterans Status and became eligible for care at VA hospitals and burials in a national cemetery.

Less than 40 percent of

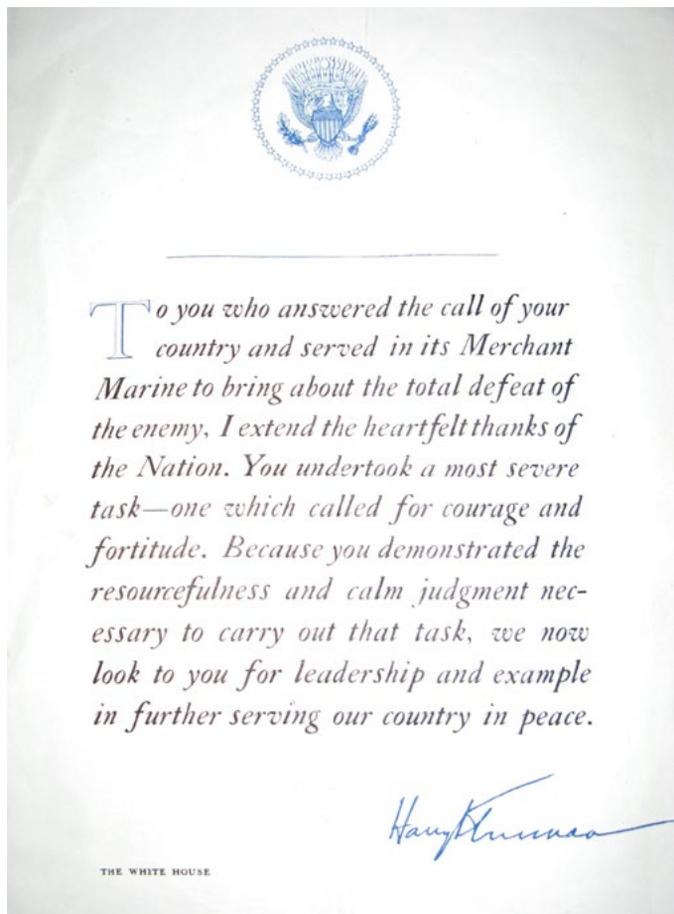
the men who sailed the merchant fleet during these four years of World War II were alive to take advantage of these benefits.

It is important to remember the many contributions made by the Merchant Marine sailors. They delivered the goods and made final victory possible. ☆

Captain Donald P. Garrido started his seagoing career as a messman aboard the SS POTOMAC in June 1943, sailed as Master of the USNS DUTTON and USNS COMET, and retired as Chief Pilot of the Panama Canal Commission in June 1994. He is a Merchant Marine Veteran of World War II. He received his ensign Commission in the U.S. Naval Reserve March 1950 and retired as Captain, USNR, in October 1987. Garrido is a 33rd Degree Master Mason, Grand Cross, Scottish Rite and York Rite.

This article, originally printed in the Scottish Rite Journal, May 2003, is adapted from a presentation by the Illustrious Captain Donald P. Garrido, Grand Cross, to the monthly meeting of Fort Sam Houston Chapter No. 17, National Sojourners, Inc., at the Fort Sam Houston Officers' Club, San Antonio, Texas, on September 13, 2002.

On May 22,



New Year: issues that affect masters on board the ship



by
Captain John Dickie
Secretary-General

I thought that to start the year we would look at certain issues that really affect the master on board the ship. The master can-

not operate the ship by themselves: they need a crew that has the professional competence to operate the ship at the highest level of efficiency and effectiveness. It would appear at times there is a chasm between the papers the crew hold and the reality of operating the ship. Of course the master, as always, is ultimately held responsible for the ship, the cargo and the crew. The question is how much one person can actually achieve, if the crew supplied do not meet the expectations. This is not to say that companies and manning agencies do not do a good job. The ones who do are not spoken of as they get on with the work, but what about when ships are detained by port state control, or tankers fail SIRE (Ship Inspection Report) inspections?

It would appear that no matter what is said at IMO and other bodies the final decisions and changes to shipping will take place on board the ship. The final analysis is about those on board and how they cope with the workload. We may have hours of work and rest regulations from the STCW and MLC, but are they being rigidly enforced on board?

Seafarers are very resourceful people and have a work ethic of getting the job

done. Give them a problem and they will fix it, not with one eye on the clock regarding hours of work and rest as they are very much aware the shipowner needs the ship to operate on a 24/7/365 basis and are conscious that having the ship off-hire because the crew have to rest will seem somewhat difficult to reconcile.

But there needs to be a solution found somewhere and perhaps as the figures become available there can be a focus on the repetition of deficiencies in respect of this topic.

One very important aspect is in respect of how we operate ships and the

The master cannot operate the ship by themselves: they need a crew that has the professional competence to operate the ship at the highest level...

length of contracts for those on board. In the 21st century should we be expecting crew members to sign contracts that can take them away from home for half a year or more? As a young man I saw crews joining a ship for an eighteen-month contract. How do you motivate someone who will be on board that length of time? It is a marathon of survival and of ticking of each day in a countdown to going home. Worse still was watching the officers' work a contract, going home on leave, and then returning to the ship for a new contract. Motivation is difficult to achieve under such circumstances.

Apart from the duration of contracts, there must be a questioning of the train-

ing and certification of everyone on board. The 95 STCW Code and the 2010 Manila Amendments were supposed to achieve a level playing field so that everyone was trained to the same high standard and that training has reverted back to competence-based achievement. The next few years will show whether this has been achieved or not. If it does not work and becomes another paper exercise then there will be major problems for everyone.

At this time, I am not invoking the blame game, it is a statement of fact and it is time to look at what is taking place and how changes can be achieved to raise expectations. Project Horizon was a major breakthrough and this is now moving to the next phase by the implementation of the MARTHA project (see <http://www.safety4sea.com/martha-fatigue-at-sea-17228>) taking things forward. IFSMA is a stakeholder in this project and has been giving a lot of support to this work.

But individual research will not achieve the desired result. Tackling fatigue is a major factor in reducing accidents and incidents, but there needs to be a more holistic approach to the whole spectrum of crews and their needs in the 21st century.

This brings us back to what is needed from the IMO. Secretary General Koji Sekimizu and his vision are to be applauded. The support for this vision and the work it entails should be central to the direction in which the IMO is taking. One of the core issues here is that

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Goal-Based Standards (GBS) verification process is underway



IMO Press Briefing
2 January 3, 2014

IMO audit teams will shortly be established to verify construction rules for bulk carriers and oil tankers of classification societies which act as recognized organizations (ROs), following the receipt of requests for verification by the 31 December 2013 deadline.

A new SOLAS regulation II-1/3-10 on Goal-based ship construction

standards (GBS) for bulk carriers and oil tankers was adopted by IMO's Maritime Safety Committee (MSC), at its eighty-seventh session in May 2010, by resolution MSC.290(87). This regulation, which entered into force on 1 January 2012, requires that all oil tankers and bulk carriers of 150 m in length and above, for which the building contract is placed on or after 1 July 2016, satisfy applicable structural requirements conforming to the functional requirements of the International Goal-based Ship Construction Standards for Bulk Carriers and Oil Tankers (GBS Standards) (resolution MSC.287(87)).

Under the GBS Standards, construction rules for bulk carriers and oil tankers of classification societies which act as recognized organizations (ROs) or national Administrations

will be verified, based on the Guidelines for verification of conformity with goal-based ship construction standards for bulk carriers and oil tankers (resolution MSC.296(87)) (GBS Guidelines). According to the timetable approved by MSC 87, the deadline for the receipt by IMO of initial verification requests from classification societies was 31 December 2013.

In support of the Committee's request that the verification process should be conducted as efficiently as possible, the International Association of Classification Societies (IACS) has delivered its Common Package 1 comprising various IACS requirements to support the requests from its member societies.

Based on the requests for verification audits, the IMO Secretariat will establish GBS Audit Teams as soon as possible, to conduct audits for verification of the subject construction rules. The outcome of the audits will be submitted to the MSC in May 2016 at the latest and, if approved by the MSC, those construction rules will be applied to bulk carriers and oil tankers to be built on or after 1 July 2016.

On 20 December 2013, IMO Secretary-General Koji Sekimizu met with the Chairman of IACS, Mr. Roberto Cazzulo, Chairman of RINA Services, who confirmed that the IACS Council had adopted new harmonised Common

Structural Rules (CSR) for oil tankers and bulk carriers, which will be presented to IMO for GBS verification as its Common Package 2, by the end of June 2014.

Commenting on the above developments, Mr. Sekimizu expressed his satisfaction with the timely and efficient manner in which the GBS verification process was being progressed, as instructed by the Maritime Safety Committee. 🌐

IFSM cont'd from pg. 32

the IMO and its perception by the crews on board ships vary greatly. This needs to be addressed and the profile of how the IMO is viewed by seafarers needs to be improved. This has been identified and work is in progress. One issue on this topic is that no matter what the best of intentions are, it is difficult to visualize the reality of working on board ships and the demands placed on those on board and especially those who achieve command.

If there is no change in how the criminality of the seafarer is progressing and the exposure that those who seek senior ranks on board place themselves, we might see that there will be a difficulty

in finding people who want to assume senior rank and the personal dangers under international and national law. This could be a precursor to the automated or remotely operated ship.

An interesting article appeared in *Lloyds List* on the 13 January 2014, "Jones Act may hold the key to OSG renaissance." It is an interesting read in the fact that the company may be saved, in some form, due to it having ships operating under Jones Act requirements. Perhaps other countries should be looking at this and taking note as one of the central parts of this act is having the crews operating the ships being nationals of the country or permanent residents of the country. 🌐



IMO WORLD MARITIME DAY 2014
CONVENTIONS
EFFECTIVE IMPLEMENTATION

Off Hire: Three Important Cases In 2013, Of Interest To Sailing Masters



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

Law pertaining to a master's duty to abide by charterers' instructions as regards employment of

his vessel is being spelt out here below in seafaring language without any legal jargon, so seafarers, and especially sailing ship masters, can understand legal issues involved.

Minerva Navigation v Oceana Shipping - The ATHENA *English High Court [2012] EWHC 3608 (Comm); 13 December 2012*

The M.V ATHENA was chartered by Minerva Navigation to Oceana Shipping, who subchartered her to Transatlantica Commodities. Both charter parties were on amended NYPE (New York Produce Exchange) forms. The off-hire clause in each was modified version of clause 15 of NYPE 1946 and provided:

"... in the event of loss of time from ... default of master ... or by any other cause preventing the full working of the vessel, the payment of hire shall cease for the time thereby lost ... and all extra expenses directly incurred including bunkers consumed during period of suspended hire shall be for Owners' account ..."

ATHENA loaded wheat at Novorossisk for carriage to Syria. Bills of lading showed discharge ports as Lattakia or Tartous, both in Syria. Her cargo was rejected on arrival at Tartous on the ground that it was contaminated. Since Syrian law prohibited re-export of the

cargo other than to its country of origin, she sailed from Tartous on January 16, 2010, nominally for Novorossisk. Once out of Syrian waters, owners instructed the master to proceed to international waters just outside Libya and wait for further instructions.

Charterers then instructed ATHENA to anchor at Benghazi roads to await further instructions. Instead, the master stopped his ship in international waters outside Libya under the owners' instructions. The charterers sent a message to the master the next day, saying the vessel was not complying with their instructions to proceed to Benghazi Roads and they would treat the vessel as off-hire until she departed from the drifting position to proceed to Benghazi. ATHENA continued to drift in international waters for nearly 11 days after which she resumed her voyage to Benghazi where she discharged her cargo. Charterers instituted arbitration proceedings claiming hire paid during the drifting period on three grounds:

- 1) Hire was not due while the vessel was not at charterers' disposal during drifting period;
- 2) the ship was off-hire during that period; and
- 3) damages were recoverable for breach of Clause 8 of the charter on the basis that the master failed to prosecute the ordered voyage with the utmost dispatch.

Arbitrators were divided as to validity of orders of charterers. The majority decided that charterers' orders were valid and should have been complied

with. They unanimously noted that had the vessel proceeded directly to Benghazi she would have berthed no earlier than in fact she did, and that therefore breaches of contract by owners caused no loss to charterers. Arbitrators were unanimous in their conclusion in the context of claim for damages and awarded that on the footing the charterers' voyage orders were lawful, and the vessel was off-hire during the period of drifting.

Arbitrators awarded off hire as she did not perform the service immediately required of her and said, "Whether same time would have been lost, had she proceeded to Benghazi is irrelevant to claim under off hire clause".

A legal question arose whether it was loss of time in performance of service required when the ship was not working fully. Or does the charterer have to show that whole voyage has been prolonged? Is it "Loss of Time" OR "Time Thereby Lost"? Another view is that because the ship did not make for Benghazi, she fully withheld her services to go to her ordered destination. Therefore there was full loss of service for 11 days. Converse reasoning is that there was no "time thereby lost".

Arbitrators held that it was loss of time to charterers. Owners challenged it as the ship did not berth at Benghazi later than she would have done without drifting.

Justice Walker allowed owners appeal—(2012) 863 LMLN 2. He held that it was not sufficient for charterers to show lack of performing the services immediately



required of the vessel. Charterers were only permitted to deduct hire to the extent that they could show that there was a “net loss of time to the chartered service.” On arbitrators’ findings that there was no net loss of time in that sense, the vessel was not off-hire during the period when the master refused to comply with charterers’ instructions.

Court of Appeals held that off-hire clause was triggered by a cause preventing full working of the vessel which referred to her ability to do that which she was immediately required to do. The clause was concerned with service immediately required of the vessel, and not with “chartered service” as a whole or the entire maritime adventure or adventures which might be undertaken in the course of the chartered service.

The clause concentrated on the period during which full working of the vessel was prevented. Question was, what time had been lost during that period? Arbitrators had rightly focused on the service immediately required of the vessel whilst she was drifting in international waters. Whether the same amount of time would have been lost for other reasons at another stage in the chartered service was not a relevant consideration.

The clause was concerned to identify an actual period of real time during which time was being lost, not an identifiable length of time by which “the chartered service” could be said to have been delayed. Quite apart from that being the natural construction of the language of the clause, there were sound practical reasons for that approach. It avoided intricate calculations, enabling parties to know where they stood without having to wait for subsequent events to period of inefficiency, a consideration of prime importance bearing in mind remedies available to owners if hire was not paid punctually.

The service immediately required of *ATHENA* whilst drifting in international waters was to proceed to the roads at Benghazi. It was nothing to the point in computing the time lost by reason of the master’s default that a similar length of

time, although not obviously the same precise period of time, since the vessel had first to proceed to the roads, might have been lost had there been brought forward the moment at which the service immediately required of the vessel became not the sea passage but rather berthing and discharge.

Although clause 15 of NYPE form was a net loss of time clause, it was concerned only with time lost during the period of inefficiency.

Charterer’s appeal was allowed.

Comment

As may be noted, under time charter, the master is to be under orders of charterers as to employment of the vessel. In this case, charterers ordered the master to go to Benghazi Anchorage. Owners knew the *ATHENA* was not going to berth in Benghazi on arrival and ordered the master to drift outside the territorial waters of that country. The owners may have had good reason to do this. Fact remains that the master did not obey charterer’s orders as to employment of the vessel. Charterers placed him on notice as cited above.

Owners may have had fears about allowing their vessel into territorial waters of Libya and told the master to drift till they knew that berth was ready for her. There were two important legal issues involved:

- 1) Whether the charterers lost any time due to the master’s refusal to go to Benghazi Roads as the vessel would have waited there for the same number of days as she did, while drifting outside, in which case the ship would not be off hire.
- 2) Whether not obeying charterers orders amounted to breach of Charter Party and therefore the ship was off hire during the time the master did not abide by his duty to obey charterer’s orders regarding employment of the vessel.

Arbitrators unanimously awarded that the ship was off hire.

In the court at first instance, Justice Walker took the view that even though there was ‘loss of time’ but there was ‘no time thereby lost’ to charterers as the ship would not have berthed at Benghazi any earlier. Therefore the ship was not off hire.

Court of Appeal reversed this decision on the ground that the master was in breach of Charter Party provision to obey charterer’s orders as to employment of the vessel, regardless of whether the vessel could not have berthed any earlier.

Precedence

There was another case decided by House of Lords in the U.K. on the matter of a master not abiding by charterer’s orders as to employment of the vessel. In 1994, the master of *HILL HARMONY*, under time charter, sailed on rhumb line courses between Vancouver and Japan despite charterers orders to sail the Great Circle track, recommended by professional weather routing experts on both sides of the Pacific Ocean. During the same period between March 1 and May 31, 1994, 360 ships safely sailed the Great Circle track through the North Pacific under similar weather conditions and the same routing advices by professionals on both sides of the Pacific.

Charterers deducted over seven days hire due plus cost of extra fuel consumed. Owners claimed in arbitration and courts the choice of route from ports A to B was Master’s prerogative, as has always been the case in maritime history. Charterers counter-argued since ‘time is money’ in time charters they were entitled to order the master to sail the Great Circle route and THAT order was ORDER as to employment of the vessel, designed to achieve utmost dispatch.

The important issue was where to draw the line between sailing instructions by charterers and Master’s prerogative to choose his own courses to navigate his ship from Vancouver to Japan.

Arbitrators held charterers are entitled to order the vessel to sail on the Great Circle track and should be compensated
cont’d on next page

OFF HIRE cont'd from pg. 35

for time lost due to the master's decision to sail the rhumb line track.

Justice Clarke in Commercial Court held that a master's decision relating to navigation of the ship took precedence, as has always been the case in maritime history. U.K. Court of Appeals agreed with Justice Clarke and said the charterer's order to sail a definite route disrupts Master's prerogative to choose his own courses. House of Lords distinguished Master's obligation to charterers and his responsibility to safety of his ship, crew and cargo, and unanimously reinstated Arbitrators award. They agreed that time is money in time charters and added that when "Master is to be under charterer's orders 'as regards employment,' unless there is a real threat to safety of the ship and life on board, choice of route concerns 'employment' not 'navigation' and obliges Master not simply to proceed but to proceed with the 'utmost dispatch' to achieve maximum earning by the vessel subject to safety considerations."

They added to operate as per charterer's orders does not displace a master's duty to use his judgment and experience to navigate the ship safely. Decisions to avoid forecast bad weather is a navigation matter based on safety factors. In extreme cases Master is under an obligation NOT to obey such an order. However, in this case, the master gave no safety reasons for not obeying charterer's orders.

It is now established Law that if a master has sufficient grounds through experience and available information (including weather forecasts and time of the year) to believe that it is unsafe for his ship to navigate a particular route, he can refuse the order. If he feels forced to accept the order, he should lodge strong protests with charterers, owners and P & I club on grounds of safety of life and give reasons why he finds the track unsafe. Chances are that if his reservations are warranted, owners and charterers would not ignore his protest. No commercial interests would risk to send a ship across the ocean when the

master has already expressed reasonable safety concerns and reservations.

Gard Marine v. China National Chartering [2013] EWHC 2199

The capesize bulk carrier *OCEAN VICTORY* was ordered on a time charter trip from Saldahna Bay to Kashima. Cargo operations were stopped at Kashima by heavy rain, gales, storm surge and waves of long amplitude, causing danger to the ship. Additional mooring lines were ordered for the ship. Since another capesize bulk carrier was berthed at the same quay it was considered for both ships to leave their berths for open sea. But this entailed sailing along two intersecting fairways and passing in close proximity to a breakwater with danger of the ship being swept to it by prevailing head wind. The master preferred to remain in port. Two mooring lines broke. The master had them reset and ordered two tugs to hold the ship against the berth as against negotiating the dangerous passage out to sea. Pilotage was optional but Port Authorities mistakenly thought the master had requested for a pilot to navigate his ship out to sea.

When the pilot boarded, the master mistakenly thought the port had ordered him to leave. The ship unberthed, attended by four tugs which were released at various stages along the two fairways. The pilot disembarked on the last remaining tug at the south end of the breakwater. The master was sailing his ship along the two-mile breakwater to open sea, when she lost steerage and grounded against the breakwater. The crew were airlifted to safety. Hence this action against trip time charterers.

The main issue was safety of the port as against the vessel's berth. The court concluded the port was unsafe because it had no early warning system in the event of onset of long waves. The court also found the master was negligent in his choice of navigational aids deployed in leaving port; he used GPS instead of the accepted parallel indexing method.

However, this did not lead to situational unawareness and was not causative of the casualty and that ordinary seamanship and navigation could not ensure safe exit from the port in prevailing conditions. Charterers were held liable for breach of safe port warranty.

Kashima is one of the largest ports in Japan, built in 1969. 1254 VLCCs and 5316 capesize vessels have docked in this port until 2006 without any problem. The master left the port when it was dangerous to do so and against his own better judgment, under mistaken belief that the port had ordered him to leave. But the decision to leave was that of the master alone.

Yuzhny Zavoid Metall Profil v. Eems Berheerder "EEM SOLAR" 2013

The suit brings to question whether an owner is liable to Bill of Lading holder for losses due to movement of cargo during the voyage when there is effective transfer of responsibility for stowage under a charter party (C/P) and incorporated in the bill of lading (B/L). The damage was to 411 steel coils loaded in Xingang for Novorossisk aboard the *EEMS SOLAR*. B/L incorporated C/P which provided, "The cargo shall be brought into the holds, loaded, stowed and/or trimmed, tallied, lashed and/or secured by the charterers, free of any risk, liability and expense whatsoever to the owners."

Cargo was stowed by the charterer's stevedores. Some coils were damaged on passage during heavy weather. Russian B/L holders alleged the ship was unseaworthy as she was not equipped with additional lashing material. Following breaking of a strap during adverse weather, her crew failed to rectify basic errors in the stow.

The court found adequate inspections of cargo had taken place. The crew could not be criticized for failing to re-secure the cargo at sea, as each coil weighed four to five tonnes. Primary cause of damage was failure to use locking coils as per ship's Cargo Securing Manual.

Article III Rule 2 of Hague Rules pro-



vides, Subject to provisions of Article 4, carrier shall properly and carefully load, handle, stow, carry, keep, care for, and discharge the goods carried.

Claimant receivers argued that clause 5 attempted to relieve owner of responsibility for carrying the goods under Article III Rule 2 and therefore should be struck down under Article III Rule 8 which provides: "Any clause, covenant or agreement in a contract of carriage relieving the carrier or the ship from liability for loss or damage to, or in connection with goods arising from negligence, fault, or failure in the duties and obligations provided in [Article III] or lessening such liability otherwise than as provided in this convention shall be null and void and of no effect."

Admiralty Court held that Article III Rule 2 does not impose a duty on the owner to undertake all listed acts but to undertake those acts which he has agreed to undertake. Parties must have intended responsibility for stowage to be transferred to shippers/cargo receivers as a natural consequence of the agreement that owners would not be responsible.

Clause 5 was not invalidated by Article III Rule 8 of Hague Visby Rules unless owner or master had significantly intervened in loading of cargo.

As the ship sailed with stow as per stowage plan, the court held it to follow that it must have depicted the stowage plan which was actually provided by the ship to those ashore prior to loading. The court found that lack of locking coils was effective cause of movement and damage to the cargo. There was no evidence that stevedores had paid any attention to stowage plan provided. There was no evidence of significant intervention which would have operated to return responsibility for cargo stowage to owners.

'Where responsibility for stowage is contractually passed from owner to charterer or cargo owner, ship owner will not be liable for damage arising from improper stowage even if it renders the vessel unseaworthy. Unless it is established that bad stowage leading to damage arose from a significant intervention by ship owners or their master.'

This decision breaks new ground by extending the effect of the Jordan II to clauses where shippers and consignees are not specified. It should accordingly be welcomed by owners and their P&I insurers. ☆

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 UK, does not actively practice law.

I AM A SHIP

by A.K. Bansal

I have roamed the oceans with man in my bosom for thousands of years. The mythical Sindbad the Sailor stood on my decks. I helped the Polynesians cross the Pacific Ocean AND Egyptians to cross the Atlantic. Both followed their Sun God to the west without a compass. Indian seafarers sailed me to trade with China since prehistoric times. They also frequently went with me to the Mediterranean from 8th century B.C. I have seen ancient Scandinavians lord over the seas, Greeks make the Mediterranean their playground and Romans carve an Empire riding on my decks. I have made names such as Vasco Da Gama, Magellan, Columbus, Francis Drake and Nelson, immortal in history of mortals.

Power of Nature is limitless. Fury of the oceans can destroy in a moment what takes man years to build. Even so, tiny specs like me have survived on the seven seas since time immemorial, mainly by respecting Laws of nature, wind and waves. Of late I have been carrying, single loads of 565,000 tons from continent to continent. In the year 2006, my count exceeded 92,000. Today, this count is kissing the figure 100,000 !

I am feminine and have rights and liabilities. But I cannot speak, read, write or sign. I function through my Alter Ego who is my

MASTER



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: _____

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Present Occupation:

- At Sea: Position: _____ Vessel: _____ Company: _____
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- Retired: Position: _____ Date: _____ Company: _____
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Present USCG License:

Type:	Limit:	Expiration:
Pilotage Endorsements:	Limits:	

Original USCG License:

Type:	Date Obtained:
Place/Institution obtained:	

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- S - Special:**
- (S) Valid USCG Unlimited Master's license and has not commanded a vessel(s) over 5,000 GRT on voyages.
 - (SP) Second or Third Class Pilot on vessels less than 20,000 GRT.
 - (S16) Valid USCG 1600 ton Master's license and commanded a vessel or vessels on voyages.
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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 N.E. 48th Court, 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: _____

Sponsored/Referred by: _____



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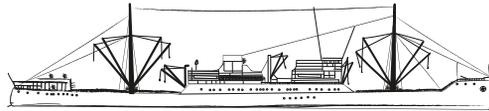
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