

CAPTAIN'S



Chartered 1770

QUARTERLY NEWSLETTERS - Prepared for the interest of all members (Regular, Honorary and Associate) of the Marine Society of the City of New York in the State of New York, Suite 714, 17 Battery Place, New York, NY 10004. Office 212-425-0448 FAX 212-425-1117 Website: www.marinesocietyny.org

QUARTERS



January 2006

FROM THE BRIDGE

Annual Meeting

The Annual Meeting and Election of Officers will be held at Giovanni's Atrium, 100 Washington Street, NYC, at 1230 hours on January 30, 2006. A slate of candidates will be proposed by the Nominating Committee, chaired by Captain George Previll, P.P.

Don't forget to return your proxy card found with this mailing.

Changes to By-Laws

With the assistance of outside counsel, the Standing Committee continues to review the Society's By-Laws. Some changes have been mandated by our regulators, while others are being considered to enable the Society to conduct its affairs more efficiently. Although we had hoped to complete this task earlier, there will be a special mailing to the membership for its approval - after the Standing Committee has approved the final draft of proposed changes. Thanks for your patience.

Preservation of the Society's Historical Documents

The Society's two most precious documents - the Charter, which was signed by George III in 1770 and the original By-Laws - have been undergoing restoration by professional conservators. Captain Bob Fay, S.C., has been looking after this matter on our behalf. The Society is currently seeking a suitable location where these

priceless documents may be safely stored and placed on occasional display for special events. In the meantime, the documents remain in the safe custody of the conservators. We will keep you advised of developments in that regard.

Save the Date

The 236th Annual Dinner will be held at the Marriott World Financial Center on Monday, April 24, 2006.

Final Report

As I will not be running for reelection as President, this will be my last report.

The last three years have been both challenging and rewarding. The Society's investment portfolio continues to grow and we have made substantial progress in modernizing the Society's accounting procedures so that financial reporting is more comprehensive and transparent. As reported earlier, progress in updating the By-Laws continues and we continue to recruit new members. In addition, the monetary support of worthy organizations for the enhancement of maritime education and charitable endeavors has been substantially expanded so that our mission is sustained more strongly than ever.

The Annual Dinner, which has been so ably chaired by Captain Tim Ferrie, S.C., continues to be a major maritime event in New York and has drawn support from a broad spectrum of the maritime industry.

We are particularly proud that the Scholarship Fund continues to benefit exclusively from the proceeds of the Dinner so that we may expand the support of worthy maritime cadets and others wishing to enter the seafaring profession.

As the editor of *Captain's Quarters*, Jack Strangfeld deserves much credit for its revitalization.

Our Administrative Assistant, Ms. Karen Laino, has brought much enthusiasm and efficiency to our office operations. She deserves the thanks of the entire membership for her diligent attention to our affairs.

Finally, thank you all for your support over the past three years and I wish you the best for 2006 and for the future.

Do what you can, when you can!

Captain Thomas F. Fox,
President December 30, 2005

NOMINATING COMMITTEE REPORT FOR OFFICERS

The Committee has reached agreement and they submit the following slate for the election of officers at the Annual Meeting on 30 January 2006.

President.....Capt. Timothy J. Ferrie
First Vice President.....CDR Robert H. Pouch
Second Vice President.....Capt. James J. McNamara
Treasurer.....Capt. Harold A. Parnham
Secretary.....Capt. Cynthia L. Robson

Capt. George C. Previll, Committee Chairman

**MARINE SOCIETY
OF THE
CITY OF NEW YORK**

Officers

Captain Thomas F. Fox.....President
 Captain James McNamara...1st Vice President
 Captain Victor Goldberg....2nd Vice President
 Captain Harold Parnham.....Treasurer
 Captain Cynthia Smith.....Secretary
 Captain James T. Shirley, Esq.....Attorney

Standing Committee

Captain Robert Fay
 Captain Timothy Ferrie
 Captain Herman Fritzke
 Captain Harry Marshall
 Commander Robert Pouch
 Captain George Previll PP
 Captain Frank Shellenbarger PP
 Captain Hugh Stevens
 Captain Frank Zabrocky

Captain's Quarters

Mr. John R. Strangfeld, Editor

The Marine Society of the City of New York is a charitable and educational organization, the regular membership being comprised entirely of seafarers, all of whom must have been Captains or Officers of merchant vessels under the United States of America flag or of U.S. Naval/U.S. Coast Guard Officers of the rank of Commander or above. It was formed in Colonial days, formerly chartered in 1770 by King George III to "improve maritime knowledge and relieve indigent and distressed shipmasters, their widows and orphans." Among early members of the society was President George Washington.

By and large, the Marine Society of New York has performed its charitable service quietly through the years without fanfare, as becomes an organization of seafarers. It stands today as the watchdog of their interests and interests of American shipping as a whole.

Be sure and request your next of kin or a friend to notify the Society in case of illness or incapacity.

It is also important for regular members to let your next of kin know that they have the right of relief in case of future need.

The clergyman explained his part-time work for the parish as a karate instructor: "That's when I teach you what to do after you've turned both cheeks."

—Robert Brooks,
American Legion Magazine

Taking On Crime Aboard Cruise Ships



Kevin Wolf/Associated Press

Jennifer Hagel Smith, right, whose husband vanished on a honeymoon cruise in the Mediterranean, at a Congressional hearing yesterday.

By JOHN FILES

WASHINGTON, Dec. 13 — Five months after a Connecticut man disappeared from a cruise ship while on his honeymoon, a congressman implored federal law enforcement and Coast Guard officials to determine whether the cruise industry has been lax in reporting and investigating crime at sea.

The congressman, Christopher Shays, Republican of Connecticut, said on Tuesday that he thought that the government was not getting an accurate picture from the industry about the number of crimes and potential criminal activity aboard cruise ships.

"Cruise passengers can be blinded to the very real perils of the sea by ship operators unwilling to interrupt the party for security warnings," Mr. Shays said at a joint hearing of the House Subcommittee on National Security, Emerging Threats and International Relations and a House panel that oversees criminal justice and drug policy. "And after an incident occurs, a thorough investigation can be profoundly difficult when the crime scene literally floats away, on schedule, to its next port of call."

He said that "jurisdictional and bureaucratic tangles" can also impede the investigation of crimes at sea.

The family of George Allen Smith IV, 26, of Greenwich, who disappeared from a Royal Caribbean ship in the Mediterranean in July, attended the hearing, and lawmakers repeatedly referred to the case.

Mr. Smith was reported missing after the ship he and his wife had been aboard arrived in Turkey from Greece. While the cruise line initially released a statement saying that one of its passengers appeared to have fallen overboard, a lawyer for the family said here on Tuesday, "We believe a murder was committed."

Mr. Smith's wife, Jennifer Hagel Smith, submitted a statement before

the hearing, but did not testify. She said she had been mistreated by officials from the cruise company and by the Turkish police after her husband disappeared. She also said that she was mocked and taunted at a Turkish police station, taken to a hospital where a man lifted her shirt and looked down her pants.

When that when she returned to the port, she said in her statement, she found that her belongings and those of her husband had been removed from the ship and left on the dock.

**'The crime scene
literally floats away,
on schedule.'**

"The ship sailed without me that evening," she wrote.

"I was left with no money, no plane ticket, no food, nothing. The cruise line did not offer to help with a flight, hotel arrangements or anything. I could not speak the native language and I felt abandoned."

Mr. Shays, who read portions of Ms. Hagel Smith's statement during the proceedings, said: "That just sends a shiver down my back. I'm wrestling with how we can trust any statistic from any cruise line who can do what they did to a young bride."

Gregory M. Purdy, Royal Caribbean's director of safety, security and environment for Royal Caribbean, apologized to the Smith family at the hearing but contended that the company had handled the incident "correctly and responsibly."

"The Smith family has suffered a tragic loss," he said. "We extend our deepest sympathies to the family."

A Rare Chance: Ports for Sale

Takeover Fight Brews Between Singapore, Dubai for U.K. Firm

Valued Assets

Whoever wins control of P&O's 29 ports will be buying some of the most crucial assets in global trade. Top global operators in 2004 by throughput of containers, measured in twenty-foot-equivalent units:

OPERATOR/HEADQUARTERS	MILLIONS OF TEUS	MARKET SHARE
Hutchison Port Holdings/Hong Kong ¹	47.3	13.3%
PSA/Singapore ²	33.1	9.2
APM Terminals/Copenhagen ³	31.9	8.9
P&O Ports/London	21.9	6.1
China Ocean Shipping/Beijing	13.3	3.7
Eurogate/Bremen, Germany	11.5	3.2
Dubai Ports Intl./Dubai ⁴	11.4	3.2

¹ A unit of Hong Kong-based Hutchison Whampoa ² A unit of Singapore-based Temasek ³ A unit of AP Moller-Maersk

⁴ Includes CSX World Terminals, which was acquired in 2005. A unit of DP World

Sources: Drewry Shipping Consultants; WSJ research

By JASON SINGER

London

THE GOVERNMENTS OF two former pieces of the British Empire—Dubai and Singapore—are tussling over the fate of one of the United Kingdom's last trappings of empire, international ports.

Peninsular & Oriental Steam Navigation Co., operator of some of the world's premier container terminals and one of the oldest companies in England, agreed to sell itself to state-owned **Dubai Ports World** earlier this month for £3.3 billion (\$5.8 billion). A combined company would rank third in terms of global port capacity.

A few days later, the Singapore government's investment company, **Temasek Holdings Pte.**, which controls the world's second-largest port operator, waded into London's stock market and bought P&O shares, much of them at a price higher than Dubai's bid. Temasek, which now holds more than 4%, has remained mum about its reasons for doing so, though it could eventually launch a rival bid.

What is at stake is much bigger than a \$5.8 billion company. Port holdings have become crucial assets in global trade.

As the manufacturing of low-cost goods in Asia has boomed and China has emerged as an economic power, the race is on to control the ports that launch the goods made in Asia, and receive them in the U.S., Western Europe and elsewhere. As global industrialization continues, container shipping of nearly every variety of manufactured good is expected to expand strongly.

P&O's 29 ports around the world are among the last available for sale. The rest are state-owned or in the hands of big port operators with no interest in selling. Because there is so much infrastructure involved in container ports, not many new ones are built. And when they are, it takes many years.

"In big-picture terms, P&O ports would be very attractive to add in its entirety," says Neil Davidson, head of the ports practice at Drewry Shipping Consultants in London. He added that P&O's operations in Asia and North America and a new U.K. port are key assets.

"You buy P&O and you get a big chunk of the Indian port market," he said, adding

that a buyer also would get the "potential to build in the U.K., which is a pretty rare thing to have."

Dubai Ports ranks seventh in terms of the combined capacity of its ports. It operates container terminals in the Middle East, Africa, India and Eastern Europe.

Singapore's **PSA International**, which is owned by Temasek, ranks second, behind **Hutchison Whampoa Ltd.** of Hong Kong, with 18 ports in 11 countries across Asia and Europe. PSA operates the world's largest terminal hub in Singapore, where it processes a truck full of goods every 25 seconds.

Both Dubai Ports and PSA lack container-port interests in North America, where P&O has a 50% stake in Port Newark Container Terminal in New Jersey, among other holdings. P&O has a 6.1% share of the global market, as measured by twenty-foot-equivalent container units, a common measure of capacity in the container-shipping business known as a TEU, according to Drewry Shipping Consultants Ltd.

Investors are confident that both governments view P&O as too valuable to lose, and they have bid up the company's shares to more than 5% above Dubai's offer. The shares have recently traded 10% higher. As with many other bid battles these days, hedge funds have been piling in and ultimately might have a big say in whoever is the winner.

A spokeswoman from Temasek declined to comment. A spokesman from Dubai Ports couldn't be reached.

Dubai Ports began trying to buy some P&O stock after the acquisition was announced to help ensure its deal is completed, but Dubai Ports couldn't scoop up much stock before Temasek's buying pushed the price higher than the bid price. According to U.K. takeover rules, Dubai can't buy any stock at a price higher than its bid. If it does, it must raise its bid to the highest price it paid for even a single share.

In an unusual move, Temasek's brokerage firm said it was buying on behalf of Temasek. But the shares quickly surged past Temasek's self-imposed 460-pence threshold, 3.8% higher than Dubai's 443-pence bid.

Adding to the intrigue is P&O's unusual status. Dating back to 1840, P&O is one of the last businesses left that operates under a charter from the British royal family, rather than normal corporate law. That means some of the rules that affect other U.K. mergers and acquisitions don't apply.

The original charter is an antique scroll that hangs on the wall in P&O's corporate office in London. In response to a deluge of hedge funds requesting permission to come to P&O's office to read the charter—looking for loopholes—the company last week posted a copy on its Web site.

The most important rule that doesn't apply is the so-called squeeze out, which says that a buyer who accumulates more

than 90% of a company's shares can force the remainder to sell, too. Because of its royal status, nobody can be squeezed out as a P&O shareholder.

To get around that, Dubai's agreed bid to take over P&O is being done through the courts, in what is known as a "scheme of arrangement." If 75% of shareholders approve the deal, a court will order that all shares can be bought for Dubai Ports's cash bid, giving the buyer the ability to complete the deal.

Temasek ultimately might not bid, people close to the matter say. Instead, it might try to amass enough shares to persuade Dubai Ports to sell it some strategic P&O ports in India and China.

—Rod Stone contributed to this article.

THE NEW YORK TIMES · FRIDAY, DECEMBER 16, 2005

Report Says More Money Is Needed to Maintain the Country's Aging Heavy Icebreakers

By ANDREW C. REVKIN

The nation's two heavy-duty icebreakers are nearing the end of their useful lives, and there is neither enough money to maintain them nor a plan to replace them, according to a report from a panel of the National Academies, the country's pre-eminent scientific body.

In a preliminary report requested by Congress and released Wednesday, the panel said a lack of both money and a new generation of vessels could undermine the United States's ability to conduct defense, research and rescue operations in the Arctic and to open ice-clogged routes to supply American research stations in Antarctica.

The report noted that commercial activity was increasing in the Arctic as summer sea ice melted.

"This increase in human activity in more northerly latitudes will most likely increase the demand on the U.S. Coast Guard to have a greater presence in and around the ice margin to perform its many safety, security and law-enforcement missions," the report said.

In February, the United States had to charter a Russian icebreaker to help resupply the McMurdo Sound and South Pole research stations in Antarctica, but the rising commercial activity in the Arctic is likely to reduce the availability of the Russian ships, the report said.

The United States has three large icebreakers. The most powerful, the *Polar Sea* and the *Polar Star*, both built in the 1970's, can smash through floes more than six feet thick, but they were designed to last 30 years and need increasing amounts of maintenance. The third, the *Healy*, was built in the 1990's and is de-

signed for ice about four and a half feet thick.

James Swift, an author of the report and an oceanographer at the Scripps Institution of Oceanography in San Diego, said of the *Polar Sea* and the *Polar Star*, "You're either going to have to invest a massive amount of money to basically rebuild the vessels or replace them if the U.S. is to stay in this game."

The *Polar Star*, under extensive repairs in Seattle, is out of service until at least next fall.

The panel also described problems that cropped up after the Bush administration, in the 2006 budget, shifted management of the icebreakers to the National Science Foundation from the Coast Guard.

The money that was provided, about \$48 million, was about \$20 million less than what the Coast Guard and the science agency said would be needed to maintain the ships, the report said.

A lack of funding caused maintenance to fall behind schedule. Richard Walker, a spokesman for the budget office, said yesterday.

The panel's final report is expected next fall.

Icebreaker Commander Is Removed

GRAND HAVEN, Mich., Dec. 15 (AP) — The captain of the Coast Guard icebreaker *Mackinaw* was temporarily relieved of command after an accident on Lake Michigan that dented the ship's bow.

The vessel, which is much smaller than the heavy polar-class icebreakers, rammed a wall on Monday in a channel. An investigation is under way, but the captain, Donald Triner, said a junior crew member had made a steering mistake, the Coast Guard said.

"Carnival/Katrina" from p. 8

Timothy Boulay, a spokesman for the Navy's Military Sealift Command, which negotiated the contract, declined to comment on the letter. But officials there have previously defended the deal, noting that the price per passenger—including meals—compares favorably to local hotel rates in the area affected by Katrina.

Ferry Dispute Tests Ireland's Tolerance for Globalization

By BRIAN LAVERY
International Herald Tribune

DUBLIN, Dec. 26 — When nearly 100,000 people took to the streets of Ireland earlier this month to protest the hiring of cheap East European labor for Irish Ferries, they gave voice to old familiar fears about job security that many thought had been forgotten.

The last time similar crowds demonstrated here over industrial issues was in 1979, when young people were leaving the country in droves to find work and Ireland's unemployment rate was hovering around 20 percent.

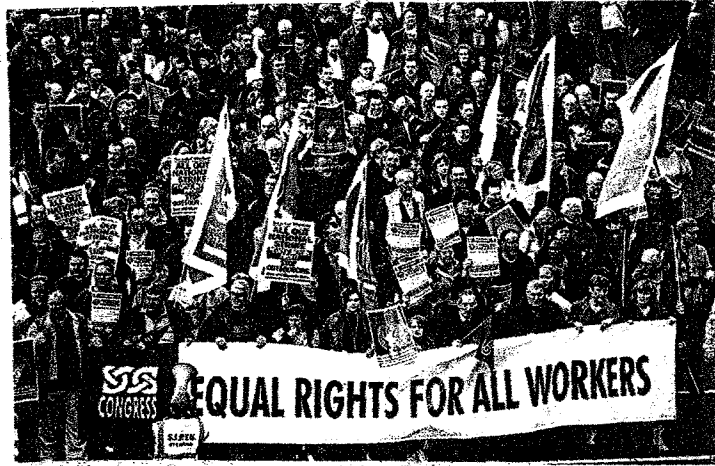
These days, the Irish economy is no longer expanding at the double-digit rates of the 1990's, when it was called the Celtic Tiger, but it is still the fastest-growing in Western Europe. The country enjoys nearly full employment.

But the outpouring of support for more than 500 unionized workers of Irish Ferries, who will be replaced by new workers, mainly from Latvia, who will work for less than half Ireland's minimum wage, is raising questions about whether the tolerance for globalization that helped bolster the Irish economy is waning.

"We have been a major beneficiary of outsourcing for the last couple of decades," said Jim Power, chief economist at Friends First, an Irish subsidiary of the Dutch financial services firm Eureko, "and now people are starting to see that it's a double-edged sword."

Sean Barrett, a professor of economics at Trinity College, Dublin, said, "The Latvian sailor will become like the Polish plumber in Paris." He was referring to the bogeyman invoked by French politicians trying to close the labor market to foreign workers.

That prospect is starting to worry immigrant support groups, who say the ferry dispute comes at a critical time for newly arrived foreigners in Ireland. Bobby Gilmore, chairman of the Migrant Rights Center, a non-profit group based in Dublin, said the dispute threatened to damage com-



About 100,000 people marched in Dublin this month to protest the hiring of Latvian workers at Irish Ferries.

munities of newcomers trying to settle into a life in Ireland.

"They're beginning to see and understand that they're as vital to the Irish economy as anyone else," he said.

When the European Union expanded last year to include 10 new countries, mostly from the former Soviet bloc, Ireland, along with Britain, proudly kept its doors open to immigrants, while other countries, like France, sought to stem an influx of competitive labor. Of the 96,000 people who entered the Irish work force last year, 40,000 were migrants, mostly from Eastern Europe, according to the government statistics office. Young East Europeans, most of whom are well educated, work at building sites, wait on tables and work cash registers across the country.

Up to now, that influx has not caused any local resentment, because the newcomers have not taken Irish jobs. But the tens of thousands of people who marched to the gates of the Irish Parliament were demonstrating because of the perception that that era may be coming to a close.

Plans by Irish Ferries, a shipping

and passenger ferry company, to register its ships in Cyprus so it can replace its staff with Latvians who will work for 3.60 euros an hour (\$4.28), set off a nasty dispute three months ago. Passengers have been repeatedly stranded at sea as sympathetic dockworkers in Ireland and Wales refused to handle Irish Ferries' ships. In a gesture of protest, four crewmen locked themselves inside one ship's cabin three weeks ago, and have been there since. The company sent undercover security officers on board posing as passengers but denied reports it had considered using tear gas against employees who refused to leave the boats.

The movement was reminiscent of a labor dispute in France in October that raised protests among unionized ferry workers and garnered the support of the French public, already concerned about high unemployment and outsourcing. The government's effort to privatize SNCM Ferries, which would have resulted in laying off about a fourth of its 2,400 employees, ended with a compromise that left the French state with a 25 percent stake in the company.

As the ferry dispute unfolded in Ireland, it began to generate wide-

spread public sympathy for Irish workers. Thousands of people lined the protest route earlier this month to applaud the demonstrators — a show of support that union activists said they had never seen before. Prime Minister Bertie Ahern, who is known as a skilled negotiator in labor disputes, condemned Irish Ferries' decision as "deplorable."

But unions are concerned that public support may be for the wrong reasons. "The sad thing is that some of it may be racist," said Paul Smyth, the docks and marine branch secretary for the largest Irish union, Siptu, which is in negotiations with Irish Ferries. "That's a huge issue of concern."

Mr. Gilmore said he feared that migrants in other industries, and in Ireland's growing black-market economy, would suffer worsening conditions if Irish Ferries successfully employed cheap labor from Latvia, and if other employers were tempted to follow its lead.

Mr. Barrett, the economics professor, said: "We've let the racist genie out of the bottle. It can create a lot of trouble, and we haven't seen it before."

The dispute may also have implications for Ireland's 20-year-old "social partnership" model of industrial relations, which uses broad pacts among unions, employers' groups and the government to guarantee modest annual wage increases in return for promises to refrain from the strikes that often cripple other European countries. The pact expires next year, but Siptu said it would not negotiate a new deal if the Irish Ferries situation was not resolved.

"Social partnership seems to have come up short," Mr. Power, of Friends First, said. "This dispute does not send out very positive signals about the industrial relations climate in this country."

THE NEW YORK TIMES

TUESDAY, DECEMBER 27, 2005

THE NEW YORK TIMES WEDNESDAY, DECEMBER 7, 2005

A New Find Sheds Some Light On the Titanic's Final Moments

FALMOUTH, Mass., Dec. 6 (AP) — For the hundreds of passengers remaining on the crippled luxury liner Titanic, the ship's terrifying plunge to the ocean floor may have been over quickly.

Researchers said Monday that the discovery of two large pieces of the hull indicated that the ship sank faster than previously believed.

"It turns out the Titanic was more merciful," said David Brown, a Titanic historian.

The hull pieces were a crucial part of the ship's structure and made up a bottom section of the vessel that was missing when the wreck was first located in 1985, the researchers said.

After the bottom section broke free, the bow and stern split, said Roger Long, a naval architect who analyzed the find. The stern, still buoyant and filled with survivors, probably plunged toward the ocean floor about five minutes later.

"It would have been immediate,

terrifying," Mr. Long said.

Previous researchers believed the ship broke in two major pieces, the bow and stern. Mr. Brown said before the latest find that the stern took 20 minutes to slide into the water.

"What we assumed was it broke up because it sank," he said. "Now we know it sank because it broke up."

The newly found hull sections, located a third of a mile from the stern of the wreck, were examined during an expedition in August sponsored by The History Channel. On Monday, Titanic experts met at Woods Hole Oceanographic Institution near here to discuss their analysis for a docu-

mentary to be broadcast on the cable channel on Feb. 26.

The sections, both about 40 feet by 90 feet, were once a single section and were found in good condition. The ocean liner struck an iceberg on its maiden voyage and sank about two and a half hours later, on April 15, 1912. About 1,500 people died.

Robert Ballard, an explorer, found the bulk of the wreck in 1985. He was not impressed with the recent discovery, saying: "They found a fragment, big deal. Am I surprised? No. When you go down there, there's stuff all over the place. It hit an iceberg and it sank. Get over it."

Ships must carry an immersion suit for every crewmember as of July 2006

Starting July 1, 2006, all cargo and bulk carriers over 500 gross tons will be required to provide immersion suits for every person onboard.

Currently, under International Maritime Organization rules, at least three immersion suits must be provided for each lifeboat on a cargo ship.

The importance of carrying enough survival suits for every member of the crew has long been recognized by some ship operators. Steve Carmel, vice president of Maersk Line Ltd., said, "It is our longstanding policy to have a survival suit for everyone allowed by the certificate to be onboard. We also carry any additional suits as needed to ensure a safe working environment."

Last year's grounding of *Selendang Ayu* in Alaska highlighted the need for every crewmember to have an immersion suit available. Six of the 26 crewmembers aboard the bulk carrier died when a U.S. Coast Guard helicopter evacuating them crashed into the sea. The men who died were wearing only life jackets and street clothes. The members of the helicopter crew were wearing immersion suits, and all three were rescued safely.

Like any other piece of survival equipment, knowing how to use it is critical. Thomas Grace, an instructor for Northeast Maritime Institute in Fairhaven, Mass., teaches survival skills as part of the institute's training for mariners fulfilling the requirements of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers. "The requirements say that a crewman must be able to put on the suit in less than two minutes, but I try to get them to do it in less than a minute," Grace said. Familiarity with the suit is also important because most suits are clumsy to walk in and take some getting used to.

In addition to the conventional neoprene suits, a new generation of suits is now available. The new suits are based on the so-called "dry suits" used in the commercial diving industry and afford much greater flexibility for the wearer. Whites Manufacturing, Saanichton, British Columbia, makes a Survival Dry immersion suit that is 100 percent dry, according to the company president, Frank White. The suit can be donned in less than two minutes and has stretch panels and molded boots

for greater security on deck.

Because the suit is trimmer and flexible "you can actually work in it," White said.

White is currently working on a new suit patented by Bob Duncan of Sequim, Wash. Duncan's Breathe4Life suit takes the dry suit concept one step further by using the wearer's own breath to warm the suit. In recent in-water tests, Duncan's suit maintained a person's normal core temperature for more than 24 hours.

The IMO and manufacturers stress the importance of maintaining the suits in proper condition. The IMO requires monthly onboard checks of immersion suits — visual inspections of the suit to check for tears, bad seams and improperly operating zippers. Inflatable head supports and/or buoyancy rings also need to be checked for proper operation. Whistles, strobes, buddy lines and other devices attached to the suit, including the storage bag, would also be subject to periodic checks.

Although the IMO has not suggested any retirement criteria for immersion suits, they do require an inspection

by the manufacturer or their designated service provider every three years. Kari Guddal of Imperial International in Seattle recommends that the customers service the suits two years after manufacture, followed by four years, and yearly after that. If properly cared for, she said, some suits will stay in service for as long as 12 years.

With the compliance date just a year away, manufacturers are gearing up to satisfy the demand for suits, but there are some concerns that a shortage of materials needed to make the suits may develop. Guddal is concerned about supplies of neoprene, and especially zippers. She said that there are only a few manufacturers in the world that produce the specialized type of zipper used on these suits.

Her company makes suits that are built to satisfy a number of national standards, including those of the United States, Russia, Canada and the European Union.

For information on immersion suit vendors, go to www.professionalmariner.com.

John Snyder

Professional Mariner/August/September 2005

THE NEW YORK TIMES,
FRIDAY, DECEMBER 30, 2005

Lighter Terms Recommended For 2 Figures In Ferry Crash

By WILLIAM K. RASHBAUM

A high-ranking federal probation official has recommended sharply reduced prison terms for two men who pleaded guilty in the Staten Island ferry crash in October 2003 — three months for the assistant captain, Richard J. Smith, and six months for his supervisor, Patrick Ryan — according to papers released yesterday.

The official, Chief Probation Officer Tony Garoppolo, found the "lion's share" of blame in the crash, which left 11 people dead and injured dozens more, rests with the senior management at the city's Department of Transportation, not with Mr. Smith, who passed out at the helm, or Mr. Ryan, the director of ferry operations.

The recommendation for Mr. Smith is far below the sentencing guidelines, which the probation official initially said was 21 to 27 months, although he later decreased it because he viewed Mr. Smith's conduct as negligent rather than reckless.

The sentencing guidelines in Mr. Ryan's case are 10 to 16 months, significantly higher than the six-month sentence being recommended.

Mr. Garoppolo was asked to review the case by Chief Judge Edward R. Korman of United States District Court in Brooklyn, who is set to sentence the men on Jan. 9.

Mr. Garoppolo's recommendation is not binding, but he is viewed as an expert on federal sentencing and the judge has consulted him.

The release of the analysis and recommendations was highly unusual. Judges do not commonly seek them, and in cases

A rebuke of city transportation's senior management team.

where they do, they are rarely made public.

Mr. Garoppolo's analysis amounts to a stinging rebuke of the city's transportation commissioner, Iris Weinshall, and one of her deputies, Joseph Albano.

It was made public yesterday in two documents, one of which recommended the shorter sentences. One of the documents also raised questions about papers filed by prosecutors in the case. Those papers had seemed to shift blame away from Mr. Albano, and defended the decision not to charge him. Yet the analysis found Mr. Albano unqualified.

"The D.O.T. Commissioner and her deputies exercised inadequate oversight of the ferry service management, and the management plan for the ferry service that the D.O.T. put in place was severely flawed," the analysis said.

Mr. Garoppolo noted that he had "been immersed in transcripts and other documents" in the case "for a long time."

The analysis and its biting focus on the transportation agency's mismanagement underscored the city's enormous legal woes. More than 190 civil lawsuits have been filed in the crash on Oct. 15, 2003, seeking roughly \$3.3 billion.

The city fought hard to limit its liability in the case, citing 19th-century maritime law under which it would be capped at the value of the vessel — \$14.4 million in the case of this boat, the Andrew J. Barberi. But such a limitation would hinge on how much the city knew about the cause of the crash or contributed to it.

Officials at the Department of Transportation declined to comment. But the city's Law Department said in a statement that it "strongly disagrees with the conclusory and many unsupported 'findings' in the report, which it said 'were clearly based on incomplete and one-sided information.'"

Only one person, Mr. Smith, was at the controls when the vessel, at high speed, slammed into a maintenance pier near the St. George Terminal. Mr. Smith had lost consciousness moments before.

A central issue in the civil lawsuits and the criminal cases — a total of five people were charged in the case, and four have pleaded guilty — has been the city's failure to enforce the two-pilot rule, which required that two captains be in the wheelhouse when the vessel docked.

On the day of the crash, Mr. Smith, who had been taking painkillers, arrived at work fatigued. After the crash, he fled to his home on Staten Island and attempted suicide.

Vincente Ferrante Sr., whose son, Vincent Jr., 26, was killed in the crash, was troubled by the sentences and the city's efforts to skirt liability. "From Day 1, we've gotten slapped in the face by the city," he said yesterday. "We just can't get any kind of justice. This does go all the way to the top, to Iris Weinshall."

Anthony Bisignano III, the lead lawyer for the injured survivors of the crash and families of the dead who are trying to prevent the city from limiting its liability, criticized the light recommended sentences. But he said that Mr. Garoppolo's conclusions supported their arguments.

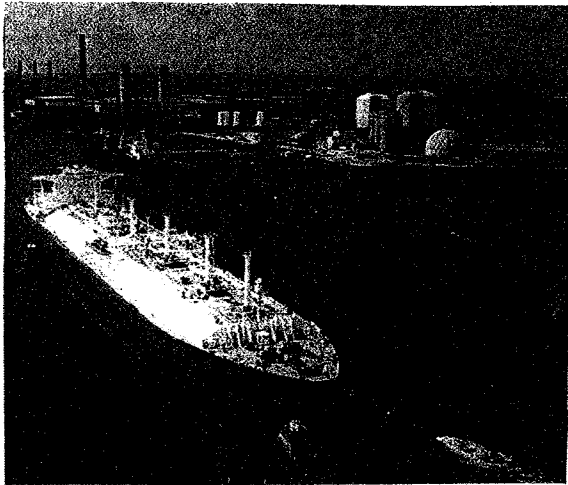
"The report found that upper-level management was more to blame than lower-level crew members," he said. "This helps our argument that the upper echelons within the Department of Transportation are ultimately responsible for this tragedy."

Mr. Garoppolo said of the department, "The more I saw, the more I strongly conclude that managerial and personnel deficiencies at the D.O.T. led to mediocre supervision of its ferry service, and compromised safety."

He said that while Mr. Albano, the assistant commissioner in charge of ferry service, was responsible for overseeing safety policies, he knew "almost nothing" about maritime operations and management.

C'd on p. 7

Rhode Island legislation would require a U.S. master mariner on LNG tankers



Matthew docks at the Tractebel LNG North American terminal near Boston. Tractebel requires the presence of a U.S. mariner on the LNG tankers calling at its terminal. Rhode Island is considering imposing a similar requirement on LNG tankers plying Narragansett Bay.

In response to concerns about safety and terrorism, both houses of the Rhode Island General Assembly have passed bills requiring an American master mariner onboard all LNG vessels that transit Rhode Island waters.

The mariner, certified as a tankerman person in charge for liquefied gas cargoes, would remain on the LNG vessel for the entire time the vessel unloads its cargo. The mariner would have the right to advise a vessel to leave Rhode Island waters if it were determined that it posed a risk to the state's residents or environment.

The mariner's role would be to provide advice on the safety and security of the cargo to protect public health, but not to take control of the ship, according to State Sen. Leonidas P. Raptakis, who filed the Senate bill. "We're having the individual act as a liaison officer," he said. "My main concern is that everyone on these ships are foreign crews and foreign officers."

Some of those crews, he said, might come from countries where there is sympathy for terrorists. In addition, mechanical problems or human error could occur. With a dangerous cargo such as LNG, "I feel that Rhode Island should have extra protection," he said.

Raptakis said he got the idea for his bill after reading an article in *Professional Mariner* on jobs for American mariners in the LNG industry (PM 185 *U.S. Mariners hoping to benefit from the rapid growth in demand for LNG*).

There is one company operating an LNG facility that already does what the Rhode Island bills would require. Tractebel LNG North America decid-

ed in 2000 to require that an American master mariner be onboard each of its four vessels calling on its facility in the Boston area, to make sure the vessels meet all operational and regulatory requirements.

The House and Senate bills are identical and each was passed by unanimous votes in April and May. Rhode Island legislators are concerned about an LNG terminal proposed for Providence. In addition, vessels would have to travel through Rhode Island waters to reach a proposed LNG facility in Fall River, Mass.

As of mid-June the bills had not reached the desk of Gov. Donald L. Carcieri.

While this law would benefit American mariners, experts said the Rhode Island law faces numerous challenges.

The first issue is whether the state of Rhode Island has the power to take this action. Dennis L. Bryant, an expert in maritime law with the law firm of Holland & Knight, said Rhode Island is treading in federal waters. "Washington state tried to impose unique requirements on tankers passing through state waters, and the U.S. Supreme Court said, 'No, that's a federal activity, and the Coast Guard is in charge,'" he said.

In fact, the commander of the Coast Guard's First District sent a letter in May to members of the Rhode Island General Assembly citing the Washington case, which was decided by the Supreme Court in March 2000. Rear Adm. David P. Pekoske wrote to "express the Coast Guard's concern with state regulation of matters reserved exclusively to the Federal Gov-

ernment." The letter also pointed out that previous Supreme Court cases state that the regulation of design, construction, alteration, repair, maintenance, operation, equipping, personnel qualification and manning tank vessels "are within the sole purview of the Coast Guard."

Pekoske wrote that the Coast Guard and the Rhode Island legislature should work together on a federal solution to the issue of LNG tanker safety in the state, although he did not offer specifics.

Raptakis said the bill requires the company operating the LNG facility to hire the mariner and that Rhode Island has authority over siting issues regarding the facility. "We're not telling the shipping company that they have to have this person onboard. The cost is incurred by the LNG facility. That's where we get away from the issue regarding the Coast Guard," he said.

Aside from jurisdictional issues, there are worries that creation of this job could create confusion on the bridge for the master and the pilot. "I don't see what that third person is going to do; he doesn't have any jurisdiction over the ship," said Capt. Warren G. Leback, president of First American Bulk Carrier. Leback was vice president and director of operations of El Paso LNG and was head of the Maritime Administration under President George H.W. Bush.

But Howard McVay, president of the Northeast Marine Pilots Association of Newport, R.I., does not object to the bill. "He has nothing to do with navigation," he said of the proposed American mariner. "He is only there as a state representative to see that the vessel is permitted to conduct safe vessel operations in state waters."

Leback said it would be preferable for the federal government to require that the officers on LNG vessels calling on all U.S. ports be American. "Since we're buying it, and we're importing it, and we have a problem with our own interest of security, then we should require it," Leback said.

U.S. Rep. Jim Oberstar (D-Minn.) has taken this idea one step further. He submitted an amendment to H.R. 889 in April that would give top priority to processing LNG terminal licenses under the Deepwater Port Act of 1974 to facilities supplied with LNG carried by U.S.-flagged vessels.

David Tyler

International Herald Tribune
Monday, November 7, 2005

Protection from pirates sought after liner attack

The Associated Press

LONDON: A British maritime union called Sunday for extra protection for ships traveling off the coast of Somalia after an attack on a luxury cruise liner.

Two boatloads of heavily armed pirates attacked the cruise ship about 160 kilometers, or 100 miles, off the Somali coast Saturday and tried to get aboard.

The cruise ship, the Seabourn Spirit, escaped by increasing speed and changing course.

Its passengers, mostly Americans with some Australians and Europeans, gathered in a lounge for safety, and nobody was wounded, said Bruce Good, a spokesman for the Miami-based Seabourn Cruise Line, a subsidiary of Carnival Cruise Lines.

Andrew Linington of the National Union of Marine Aviation and Shipping Transport, which represents merchant navy officers, said the union was holding urgent talks with ship owners this week on the problem of piracy off Somalia's coast, a situation that he said was nearly out of control.

"We believe there should be a naval task force, particularly off Somalia, to try and stop the attacks. In the last 10 years hundreds of seamen have been killed and thousands injured in pirate attacks across the world," Linington said. "It's got to the stage where it's anarchy on the sea waves, and this latest incident shows it's time governments got their acts together."

The location of the attack indicated the pirates were likely to have been from a group that hijacked a UN-chartered vessel in June and held its crew and food aid hostage for 100 days, said Andrew Mwangura, head of the Kenyan chapter of the Seafarers Assistance Program.

There has been a sharp increase in piracy this year along Somalia's coastline, with 25 attacks reported since March 15, according to the International Maritime Bureau, a division of the International Chamber of Commerce that tracks piracy. In 2004, the organization reported just two attacks off the Horn of Africa.

U.S. and NATO warships patrol the region to protect vessels in waters farther out, but they are not permitted in Somalia's territorial waters.

The Spirit was bound for Mombasa, Kenya, from Alexandria, Egypt. It was expected to reach the Seychelles on Monday and then to continue on its previous schedule to Singapore, company officials said.

THE NEW YORK TIMES, DECEMBER 27, 2005

In Estonia, Former Soviet-Era Port Seeks More Bustle

By DAN BILEFSKY
International Herald Tribune

SILLAMAE, Estonia — In the early 1960's, the Kremlin ordered the Soviet military to blow up the port of Sillamae to prevent enemy ships from infiltrating this sleepy industrial town of 18,500, where uranium was enriched to build nuclear bombs during the Cold War.

Now, Tiit Vahi, a former Estonian prime minister and a leader of the country's revolution against Soviet rule, wants to lure the ships back. His aim is no less than transforming a place once nicknamed Uranium Lake into a bustling commercial port that will allow Estonia to serve as a bridge between East and West and shake up European trade.

"Even if we could transport the dust on the containers coming from China, we'd be happy, since the Chinese cargo flow is so huge," said Mr. Vahi, who helped lead Estonia's independence movement in 1989 before becoming transport minister and prime minister and then entering the business world.

While European companies are lobbying the European Union to rein in inexpensive Chinese imports — a move that culminated in thousands of containers of Chinese T-shirts and sweatshirts being held up at European ports over the summer — ports like Sillamae are frantically casting around for even a fraction of China's enormous trade. The money at stake is huge. Over the last 25 years, Europe-China trade has increased nearly 30-fold, to 146 billion euros.

Officials reopened the port of Sillamae in October with a reconstructed berth, a railway station and 2.5 kilometers of metal pipes for pumping oil to and from ships. It is now the

European Union's easternmost port — so close to the Russian border that you can see the city of Ivangorod, 16 miles away, sparkling in a haze across the Baltic Sea.

This site is crucial to attracting China, Mr. Vahi said, because it will permit Chinese companies to cut in half the time it takes for their goods to travel to Europe on the Trans-Siberian Railway through Russia.

Most Chinese companies now send their goods on giant container ships to large Western European ports like Rotterdam, where they are unloaded onto smaller ships that fan across the Atlantic. But by sending goods to Sillamae through Russia, Chinese companies could bypass the long passage along the Suez Canal and shrink their travel times to 14 days from 40 days.

The prospect of such time and cost savings prompted President Hu Jintao of China to invite Mr. Vahi to meet him in Beijing this summer to present his plans. A delegation of Chinese companies from Hong Kong, Shanghai and Beijing also visited Sillamae earlier this month.

"We are interested in how we can use Sillamae as a gateway and distribution center," said Liu Mingguo, commercial counselor at the Chinese embassy in Tallinn.

Even if Sillamae succeeds in drawing the Chinese, the port will need to shed a Soviet-era image straight out of a John le Carré novel. For 50 years, Sillamae was one of the most heavily guarded cities in Estonia because of the Kremlin's fears that nuclear secrets would leak out. Locals say that K.G.B. agents surrounded the town's gates and arrested trespassers. Inside the gates, the town was preserved as a model Soviet utopia, adorned by uniform Stalinist ar-

chitecture and palm trees stored in special greenhouses during the winter. Many Estonians recall it as a forbidding place where no one ever smiled.

"I wouldn't want to go there," said Sven Ratassepp, marketing manager of the Port of Tallinn, Sillamae's rival. "Sillamae is an ugly town and it was a closed city for years. Not many people really know what went on there."

Beyond its image problem, transportation executives say that plans to use Russia as a supply route from China to Europe could prove difficult, because parts of the Trans-Siberian Railway are old and outmoded. The Kremlin has been slow to grant foreign companies access to its commercial railways and is sometimes seen as a threat to interfere with their plans.

Meanwhile, Moscow has imposed double tariffs, through the next two

Attracting Chinese business is crucial to a plan for growth.

years, on goods that are shipped to and from Russia using non-Russian ports, making the use of Russia's commercial railways an expensive proposition.

The Russian-Estonian border also is plagued by congestion. A backlog of cargo chokes the Russian side, and Estonia's railway system, like others in the Baltics, is still not fully integrated with Western Europe's — a legacy of Russian occupation, when the czars widened train tracks across the empire to prevent infiltration by enemy trains.

Pavel Telicka, a European Union official coordinating a multibillion-dollar project to upgrade the Baltic railway system, said that Sillamae was another small step in creating a

bridge to the West from the Baltic countries. "The potential for Estonia — and the Baltics — to act as a gateway between East and West is strong, but the transport infrastructure needs to be integrated with the rest of the bloc while Russia has to liberalize its transport markets," he said.

Working in Sillamae's favor is a free-trade zone where companies can store goods ranging from DVD players to oil for three years without paying taxes or customs duties.

Rival ports already are grumbling that the free-trade zone gives Sillamae an unfair advantage. "If the E.U. doesn't shut it down, other ports will make a huge stink," said Minco van Heezen, a spokesman for the Port of Rotterdam.

But Maria Assimakopoulou, European Commission spokeswoman for taxation, said that Sillamae was entitled to have the zone and noted that goods were taxed when they arrived at their final destination.

Mr. Vahi is hoping that incentives like this will attract investments to Sillamae and help the town regain some of the cachet it had when the surrounding area was the favored holiday destination of Russian aristocrats in the 19th century. But he acknowledged that Sillamae was still trying to shed its reputation as a Russian enclave. During Soviet times, the Estonian language was not taught at Sillamae's schools, and many Estonians grew up here without speaking their native tongue. When the new Estonian government started to reduce Russian influence in the region in the early 1990's, Sillamae was one of the last cities to give up Soviet rule.

Mr. Vahi says he is confident that the port would prosper as globalization opened the Chinese and Russian markets. And he is undaunted by critics who dismiss Sillamae as just another port in a country of 1.4 million people with 101 ports.

"I am used to seeing potential where other people see nothing," he said.

"Crime/Cruise" from p. 2

We do not know what happened to George Smith — only that he tragically disappeared from the cruise — but we continue to cooperate fully with the F.B.I. in the hope that the agency will be able to provide solid answers and some measure of closure for the Smith family."

Royal Caribbean has said it promptly notified the F.B.I., the American Embassy, the Turkish police, the Greek Coast Guard and the Bahamas Maritime Authority about Mr. Smith's case.

The Smith family has said it plans to file a lawsuit against the cruise line, which is based in Miami and registers its ships in the Bahamas. And Ms. Hagel Smith has announced a \$100,000 reward for information leading to arrests in the case.

Representative Elijah E. Cummings, Democrat of Maryland, called the industry policy of voluntary reporting of crimes "a major problem." He said: "We have to figure out a way. We have to do better."

In sharp exchanges with Chris Swecker, an assistant director of the Criminal Investigative division of the F.B.I. and one of the witnesses, Mr. Shays declared that the crime data provided to federal law enforcement by the industry was "meaningless" because it is incomplete.

Mr. Swecker said that the bureau had investigated about 300 cases of "crime on the open seas" in the last five years, nearly half of them sexual and physical assaults that occurred on cruise ships. He said that each year about 10 million Americans travel abroad on cruise ships.

"We need to find a way to get accurate statistics," he said. But he added, "We can only collect data on what is reported to us, and it's very difficult to quantify what is not reported."

Mr. Shays said that he would conduct further hearings on the safety and security of cruise ships, including an exploration into the risks of piracy in international waters. Officials from the Navy and Coast Guard, as well as Mr. Swecker, said they would try to study the reporting problem further to provide guidance to lawmakers about the need for laws or regulations.

"Ferry/Crash" from p. 5

"This plan was managerially amateurish, and also quite risky for a ferry service that transports 65,000 people daily within a large and very busy harbor," he said.

While Mr. Garopolo found that Mr. Ryan "definitely shares significantly in the culpability for the accident," he noted that most of Mr. Albano's responsibilities had been informally passed on to Mr. Ryan, who, while an experienced mariner, had no experience in management.

Lawyers for Mr. Ryan and Mr. Smith declined to comment on the analysis and recommendations.

Mr. Albano, who retired in August 2004, would only say, "I think my record of service for 35 years in government speaks for itself."

The Secret Camera

Terence S. Kirk. Guilford, CT: The Lyons Press, 2005. 259 pp. Illus. Paperback. \$16.95.

When Pearl Harbor was bombed on 7 December 1941, corporal of the guard Terence Kirk and some 200 other Marines stationed with him in North China, were strong men willing to defend their country. But they were forced to surrender to the Japanese and spend more than three years as prisoners.

From that fateful day until the U.S. bombing of Nagasaki in August 1945, retired Gunnery Sergeant Kirk provides a horrendous view of his struggle for survival. He became a slave laborer for the Japanese war effort, and watched himself and fellow Marines wither from strapping young men to mere skeletons, avaged by starvation, physical abuse, and disease.

With the help of a Japanese interpreter and several brave Marines, Kirk built a pinhole camera from scraps of cardboard and recorded atrocities imposed by his captors. No doubt, discovery of those activities by prison camp officials would have resulted in his summary execution. Nonetheless, he succeeded in taking a handful of photos and hiding them until the end of the war. Like many other such images of malnourished and diseased POWs, his are sad and alarming.

On his way home after repatriation, the author says he and his fellow POWs received a government gag-order" to refrain from relating any stories of incarceration by the Japanese. However wrongheaded that seems now, the

rapid onset of postwar politics in 1945 and General Douglas MacArthur's assumption of supreme command in Japan lends credibility to Kirk's allegation.

Controversy over our dropping two nuclear bombs on Japan will continue ad infinitum. But reminders like this one of the terrible conditions faced by prisoners of the Japanese should help us put those devastating attacks in perspective.

PROCEEDINGS • December 2005

THE WALL STREET JOURNAL
FRIDAY, OCTOBER 21, 2005

Carnival Draws Lawmaker Query Over Katrina Pact

By YUCHI J. DREAZEN

WASHINGTON—A senior House Democrat said documents from Carnival Cruise Lines show the company is making far more money from leasing ships to the federal government for Hurricane Katrina evacuees and relief workers than it would have earned from their normal use.

In a letter to Homeland Security Secretary Michael Chertoff, Rep. Henry Waxman (D., Calif.) said he had uncovered new information that appeared to undercut the Carnival Corp. unit's main defense of its \$236 million contract to pro-

vide the government with emergency housing for 7,100 people aboard three of its cruise ships.

Carnival has consistently said the price of the contract was justified by the company's need to recoup revenue lost when it had to cancel passenger reservations.

But the internal Carnival "financial review" obtained by Mr. Waxman appears to paint a different picture. In the January 2002 document, Carnival pegs its revenue for the three ships now effectively leased by the government at about \$25 million a month. That means Carnival's normal monthly revenue from the three ships would be about \$150 million over the six-month life of its federal contract, far lower than the \$236 million it stands to receive from the government.

The company's potential profit from the deal could be even higher because the documents show that the ships normally carry 800 more employees than are onboard during their use as massive floating hotels, lowering its costs considerably, Mr. Waxman said.

"The net result is a contract that looks lucrative for Carnival but exceptionally expensive for the taxpayer," he wrote.

Carnival spokeswoman Jennifer De La Cruz defended the contract and questioned Mr. Waxman's numbers. She said the revenue figures for three ships were unusually low because they were from the period immediately after the Sept. 11, 2001 terror attacks. Citing expenses like canceling 120,000 passenger reservations and foregoing normal shipboard revenue, she said the deal was "priced to be profit neutral."

Continued on p. 3

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