

7-10-45
WAR SHIPPING ADMINISTRATION
WASHINGTON
25, D.C.

ADMINISTRATOR

April 10, 1945

The Honorable
George B. Schwabe
House of Representatives
Washington, D. C.

Dear Congressman Schwabe:

This will acknowledge receipt of your letter of March 30, 1945, concerning the status of merchant seamen.

Enclosed is a booklet entitled "How to Get Your Bearings" which contains information relative to some of the items concerning which you have made inquiry. You will note that on page 10 of the booklet information concerning the wage scale of merchant seamen is set forth. On page 12 of the booklet is a description of the war risk bonus payments. On page 20 information concerning medical attention provided for merchant seamen is given.

At the present time merchant seamen are not covered by the provisions of any workmen's compensation law. Under the General Maritime Law, however, a seaman who incurs illness or injury in the service of his vessel not occasioned by his willful misconduct is entitled to wages until he is well enough to be gainfully employed or until the termination of the voyage of his vessel, whichever first occurs. He is also entitled to maintenance after hospitalization as long as he is disabled and requires medical attention. In the event that the illness or injury can be shown to have been caused by negligence on the part of the vessel operator, or on the part of another crew member, the seaman may be able to recover damages under the Jones Act (46 U.S.C. 688). In the event that a seaman is injured or killed as a result of a risk insured against in the Second Seamen's War Risk Policy, insurance protection is provided as described on page 13 of the enclosed booklet.

Since benefits are provided by way of war risk life and injury insurance, no other provisions have been made for merchant seamen or their dependents, except as stated above. However, because of the tasks merchant seamen have performed in the war and in view of the inadequacy of their existing rights, legislation has been recommended by this Administration which, if enacted into law, will give these men and their dependents benefits appropriate to their calling. There are several bills, including HR-2346, now pending in Congress which would

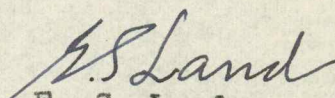
The Honorable George B. Schwabe - 2

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Technically merchant seamen are not members of the armed forces and have not been accorded the privileges of free postage, furlough rates, etc. which have been provided for Military and Naval personnel.

I trust that the above will suffice to enable you to answer inquiries as to the status of merchant seamen. If there is any further information which you desire, please do not hesitate to call upon me.

Sincerely yours,


E. S. Land
Administrator

Enclosures

WAR SHIPPING ADMINISTRATION

WASHINGTON, D. C.

Administrator

August 23, 1944

Honorable S. O. Bland
Chairman, Committee on Merchant
Marine and Fisheries
House of Representatives
Washington, D. C.

Dear Judge Bland:

This refers to your letter of April 17, 1944, and supplements our reply of May 1, 1944. The War Shipping Administration herewith submits general recommendations for the grant of recognition to merchant seamen for war service.

The program here outlined is considered as a minimum. It is designed primarily to protect the health, to aid in the employment, to provide educational and minimum business opportunities, and to alleviate insofar as possible the contingencies of death and disability resulting from the war service of members of the merchant marine.

Eligibility for these benefits is suggested only upon the basis of the task merchant seamen have performed in the war, and in terms of the inadequacy of their existing rights, and those of their dependents, to meet the misfortunes of the war.

Approximately 160,000 men now man the merchant fleet. Upon our entrance into the war there were approximately 55,000 officers and seamen in the offshore maritime industry. Since then, over 100,000 men have been trained or recruited, the majority of them between the ages of 16 and 26.

In the face of trials that have not been fully told, this small force of men has supplied and maintained the vital link between the millions engaged in production and the millions fighting all over the world. For present considerations, however, no useful purpose is served by attempting to compare them with those serving in the armed forces or with those employed in shoreside war industries. Merchant seamen occupy a position of their own as members of a great team. They are few in number. They are volunteers. Although they are free to quit when a voyage ends, they sign ships' articles which obligate them to serve for 12 months if the voyage, as many do, should need to be that long. They are civilians and they are paid wages as such. But they serve side by side with the military; and, as part of task forces, they carry troops, ammunition and supplies to such theaters of war as the Pacific islands and the Anzio and Normandy beachheads.

More than 5,700 merchant seamen have lost their lives or have been reported missing in action, and over 500 of them are prisoners of war. Additional thousands of them have been injured or disabled as a result of or in the course of war service.

Immemorially merchant seamen have been treated as "wards of the government". This is not always to their liking, nor is it in keeping with their bravery and their independence. It has, to be sure, resulted in their enjoyment of some historical rights, privileges, and benefits not available to other workingmen who can live at home and take their leisure daily at liberty. But it is fair to say, generally, that the industrial status of seamen is not in line with contemporary developments either here or abroad. Despite a hard and uncertain calling, they do not have, for example, the protection of unemployment insurance, workmen's compensation, group life insurance, pensions, or retirement plans.

1. Hospitalization and Medical Care. The Public Health Service had its origin in 1798 in an Act of Congress to provide for the care of merchant seamen. Since then, others than merchant seamen have been granted access to Marine Hospitals until only 35% of the present patients of the Public Health Service are merchant seamen. Dependents of merchant seamen are not now entitled to access to Marine Hospitals. Nor are the present Marine Hospitals equipped to furnish institutional or domiciliary care.

The present regulation of the Public Health Service requiring that a wartime like a peacetime merchant seaman apply for hospitalization and medical care within sixty days of the date of his last service should be eliminated, and the test of eligibility for permanent hospitalization and medical care should be a merchant seaman's war service connected illness or disability, or, if he be dead, dependency. Hospital care should include necessary travel allowances to and from the institution and a minimum allowance for clothing while there. Provision should also be made for institutional care of mental cases and for domiciliary care for disabled and aged merchant seamen.

This program will therefore probably necessitate additional facilities and new appropriations.

2. Education. The merchant marine is, to a large extent, drawing its men from the youth of the country. Life at sea requires strong, young, healthy men. As of July 1, 1944, the Training Organization of the War Shipping Administration had trained 111,589 men for the merchant marine, of whom approximately 64 percent were between the ages of 18 and 26. Since April 1, 1944, almost 15,000 boys between the ages of 16 and 18 have entered the training program. It is expected that many more 16 year old boys will enter the training program before the end of the war. It is thus seen that thousands of young men have interrupted their normal educations to enter the service of their country in the merchant marine. Adequate provision for their education should therefore be made.

3. Employment. Rights have been established, by Public Law 87, 78th Congress, for the restitution of jobs vacated by men to join the merchant marine. The duration of the war, however, and the extensive readjustment of the peace time economy now in prospect, together with the considerable number of men recruited for the merchant marine who have had limited employment experience or none at all in the pre-war economy, make it appear that the transition of merchant seamen to shore employment generally, including retraining for such employment, presents a larger and more pressing need than the limited job restitution now provided. Provision should therefore be made for job counselling, retraining, rehabilitation, and placement (including civil service preference) of merchant seamen who desire shore employment, together with contact facilities throughout the country for the information and guidance of men so interested.

In addition, facilities should be maintained for the continued training of men who desire to continue to go to sea.

4. Readjustment Allowances. No one knows what labor force will be required to operate the post-war merchant fleet. But it seems inevitable that there will be extensive turn-over and resulting unemployment during the period of adjustment to commercial operation.

These men are not eligible for mustering-out pay, nor is it suggested that such pay be extended to them. But if periods of involuntary unemployment occur during the period of readjustment, a system of unemployment benefits, for a limited number of years, should be extended to the merchant marine. These benefits should be adjusted to any state or national unemployment insurance benefits which may hereafter accrue to merchant seamen.

The members of the merchant marine will be faced with the same problems of reestablishing or establishing themselves in the peace economy as will members of the armed forces. It is therefore felt that a system of loans for farms, small businesses, homes, etc., should be extended to them.

5. Provision for Dependents of Deceased Seamen. Under the present insurance program provided by the War Shipping Administration, a merchant seaman is covered by \$5,000 life insurance against war risk and certain specified marine risks closely connected with operations of war. Every effort has been made to construe the insuring power as to war risk as broadly as possible in order that all cases may be paid where operations of war have substantially contributed to death.

In addition to the \$5,000 insurance, seamen and their dependents have rights under general maritime law and the Jones Act even when employed on government-owned vessels. These rights, however, depend upon proof of negligence which, in time of war, is too frequently difficult, if not impossible, thus barring any award or recovery.

There are also a number of cases of loss of life where there is no recovery under a broad interpretation of war risk or war-related marine risk, and where there is no right of recovery at law. These involve principally deaths due to natural causes or accident where no negligence is present and where operations of war have not contributed to the cause of death. In these cases dependents are in no way provided for. We believe that the best solution is a system of dependency allowances which will cover all deaths during war service.

Furthermore although the \$5,000 payment has adequately provided for the beneficiaries of this insurance to date, the time is approaching in some cases where the \$5,000 payment will be exhausted; although expended on a reasonable basis. The question of further provision for dependents therefore arises. For instance, if a widow with two minor children expended the \$5,000 at the rate of \$100 a month, the total amount would be exhausted in about four years from the date of the initial payment.

It is therefore recommended that consideration be given to a system of allowances to dependents of seamen who lost their lives during war service, against which should be credited any insurance payments or recoveries at law which the dependents may have received.

6. Disability Payments. The War Shipping Administration provides insurance for merchant seamen against disability and dismemberment resulting from war risk and certain specified marine risks closely connected with operations of war up to \$5,000, and in certain cases an additional \$2,500 is provided. This protection is sufficient where the disability is not permanent. H.R. 4163, passed by the House and now pending in the Senate, will make provision for certain urgent cases of total permanent disability. Consideration should be given to the question of making comprehensive provision for all disability cases.

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Sincerely yours,

(Sgd.) E. S. LAND
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Administrator

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Sincerely yours,

(Sgd.) E. S. LAND
E. S. Land
Administrator

March 30, 1945

Mrs. J. Ward Smith
The Merchant Marine Mothers Club
9 West 9th - Penthouse
Tulsa, Oklahoma

Dear Mrs. Smith:

This will acknowledge receipt of your letter of March 28, relative to the status of the Merchant Marine seamen, which reached the office of Representative George B. Schwabe during his absence from Washington.

The House of Representatives is now in recess during the Easter holidays and Mr. Schwabe has returned to Tulsa.

I shall bring your letter to Mr. Schwabe's attention. In the meantime, please be assured that he has the interests of the Merchant seamen at heart and will do everything within his power to see to it that they receive fair treatment.

Sincerely yours,

(Miss) Camille M. Geneau
Secretary

CMG

Congress of the United States
House of Representatives
Washington, D. C.

March 30, 1945

Vice Admiral Emory S. Land
U. S. Maritime Commission
Department of Commerce Building
14th & "E" Streets, N. W.
Washington 25, D. C.

Dear Admiral Land:

I am receiving a number of letters from parents and wives of Merchant seamen endorsing H. R. 2346, because they feel the Merchantmen are being discriminated against with respect to salary, etc.

I shall appreciate having detailed information from you covering the following items as they relate to the present status of the Merchantmen:

1. Salaries paid Merchantmen - lowest to the highest according to rank
2. Compensation for injuries received
3. Medical attention provided
4. Pensions
5. Special privileges, such as postage, furlough rates, etc.

Please try to get this information to me at the earliest date possible. Also, kindly let me know your views on this legislation.

Yours very truly,

GBS:CMG

George B. Schwabe, M. C.