

**H.R. 23, THE “BELATED THANK YOU TO THE
MERCHANT MARINERS OF WORLD WAR II
ACT OF 2007”**

HEARING
BEFORE THE
COMMITTEE ON VETERANS’ AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
ONE HUNDRED TENTH CONGRESS

FIRST SESSION

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**H.R. 23, THE “BELATED THANK YOU TO THE
MERCHANT MARINERS OF WORLD WAR II
ACT OF 2007”**

WEDNESDAY, APRIL 18, 2007

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON VETERANS’ AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 10:37 a.m., in Room 334, Cannon House Office Building, Hon. Bob Filner [Chairman of the Committee] presiding.

Present: Representatives Filner, Michaud, Herseth, Sandlin, Mitchell, Hall, Hare, Doyle, Berkley, Salazar, Rodriguez, Donnelly, McNerney, Space, Walz, Buyer, Brown of South Carolina, Miller, Boozman, Brown-Waite, Bilbray, Lamborn, Bilirakis, Buchanan.

Also Present: Representative Shea-Porter.

OPENING STATEMENT OF CHAIRMAN FILNER

The CHAIRMAN. And we now proceed to our full Committee hearing on H.R. 23, the “Belated Thank You to the Merchant Mariners of World War II Act of 2007.”

I ask unanimous consent that our colleague, Ms. Shea-Porter from New Hampshire, be invited to sit at the dais for the full Committee hearing.

(No response.)

The CHAIRMAN. And hearing no objection, she will be allowed to do that.

And I also ask unanimous consent that all members have five legislative days in which to revise and extend their remarks.

(No response.)

The CHAIRMAN. Hearing no objection, so ordered.

We have several people who are—if panel one would come and join us those who are on panel one please join us at the table. Several witnesses could not be here. And I ask unanimous consent that statements submitted by Mr. Norman Mineta, former Secretary of Transportation and former Congressman, Mr. Dean Beaumont, Mr. Joseph Chomsky, Mr. Daniel Horodysky, Mr. Warren Leback, and the National Association for Uniformed Services, be made a part of the hearing record.

(No response.)

The CHAIRMAN. Hearing no objection, so ordered.

[The statements appear in the Submissions for the Record.]

The CHAIRMAN. I am sorry. Senator Nelson, who has put forth a similar bill in the Senate, was going to be panel one. He is unable to join us this morning. So we will go to panel two.

Let me say to my colleagues, I thank you for allowing us to hear this bill this morning. We have been focused on all the headlines and all the stories of Walter Reed and others about the need to deal with our returning veterans from Iraq and Afghanistan in a much more thorough, comprehensive, empathetic way. And this Committee is committed to do that.

Yet we have other veterans going back to World War II, Vietnam, Korea, who also have needs and need our support. And we will do that also.

I think many of you know that the Merchant Mariners were a vital part of our efforts during World War II. Anybody who talks of the greatest generation has to talk about Merchant Mariners.

They made sure that all the equipment, all the food, all the supplies, all the ammunition was delivered to our fighting forces at the fronts. They suffered casualties higher than any other service in the war. And you will hear stories about what they were able to accomplish and why they deserve our term of heroes. And yet, as one of them said to me, they were so busy getting the troops back after the war, that they didn't pay attention to what was going on in Washington. And the very important GI Bill in 1944 was passed without them included. A GI Bill, which we know, that made the middle class in America.

And I think all of us—I could testify of my own family. My father came back from World War II, was able to get an education. But we were able to buy a house for very little money, which gave us a chance to pursue the American dream.

The Merchant Mariners were not given that chance. They were denied all benefits and only in 1988, as a result of a court action, and the plaintiff in that hearing is with us today, were they considered veterans. But it was too late for them to take advantage of the GI Bill.

We are talking now about 61 years later. Most of them are not even with us today. The ones that are remaining are in their eighties, some 90.

I introduced what I called the “Belated Thank You to the Merchant Mariners of World War II Act of 2007,” which gives them a token compensation basically for all the years that we were not able to help. And I would ask that we listen to the testimony carefully, that we understand their heroism, and that we try to provide for that belated thank you.

Mr. Buyer, if you have an opening statement, I would be glad to hear it.

[The statement of Chairman Filner appears on page 46.]

OPENING STATEMENT OF HON. STEVE BUYER

Mr. BUYER. Thank you, Mr. Chairman. Good morning, and I want to thank the witnesses for coming here and your testimony. And I also thank you for your service to our country.

We are here today to discuss the question of equity. Whether it is equitable to pay Merchant Mariners, veterans of World War II, a thank you payment for their service during the war.

Anyone with even a passing acquaintance of the contributions of these Mariners to the war effort cannot doubt their bravery. During the early war years, during 1942, more allied merchant ships were sunk than built. Yet they sailed on. Their cargo helped keep our allies fighting while America prepared its full force.

The law recognized two groups of Merchant Mariners, those who served before the Japanese surrender in August 1945 and those who joined after that date.

On January 17th, 1988, Merchant Mariners, who served between the start of the war on December 7th, 1941, and the surrender of Japan on August 15th, 1945, received full veterans' benefits and status. Granting of veterans' status was made possible by the GI Bill Improvement Act 1977, Public Law 95-202.

The law also created the administrative process by which civilian or contract employees could apply to the Secretary of Defense for veterans' status to obtain VA benefits. The Secretary in turn designated the Secretary of the Air Force to be DoD's executive agent to administer this process.

The first group of Merchant Mariners to have access to VA healthcare, they also have access to disability compensation, pension, loan guarantee, education, insurance, and burial and death benefits.

On October 10th, 1998, the House passed H.R. 4110, the "Veterans' Programs Enhancement Acts of 1998," which was signed into law on November 11th, 1998. This bill gave limited benefits to the post-surrender group of Merchant Mariners who served between August 16th, 1945, and December 31, 1946. The bill also provided eligibility for burial benefits and internment in a national cemetery.

What is before us today is the discussion of H.R. 23, which is entitled, the "Belated Thank You to the Merchant Mariners of World War II Act of 2007." This bill would give \$1,000 per month payment, tax free to Merchant Mariners and their surviving spouses.

Mr. Chairman, this equates to giving these veterans a non-service pension income, which is something we would not do for any other veterans except one group and that would be the recipients of the Medal of Honor.

I must point out that H.R. 23 has no provision to pay for the benefits offered under this bill. That means this bill cannot pass unless this Committee finds the offsets or Chairman Spratt of the Budget Committee provides new funding.

Yesterday, CBO estimated the bill to cost \$40 million for the first years and \$2.9 billion over ten. In short, thank you funds for Merchant Mariners do not exist.

If equity is truly your objective, I am curious why we are not also following your line of reasoning, discussing similar payments to 32 other World War II civilian groups that receive veterans' status under Public Law 95-202. Consider the Women's Air Force Service Pilots, the Women's Army Auxiliary Corps, the famed Flying Tigers, and all other groups, which gained their status decades after their service. They served loyally, selflessly, and courageously. Their service contributed directly to the victory in World War II. Yet this bill does nothing for them.

The 2006 edition of Federal Benefits for Veterans and Dependents, contains a complete list of these groups beginning on page 64.

Mr. Chairman, you have also promised to pay certain Filipino veterans of World War II hundreds of millions of dollars from the 2008 budget reserve.

In fact, there is no money. Yet these honorable, aging veterans of World War II in the Pacific, as well as their wives, believe in good faith, somehow, that money is coming their way, which in reality, is not.

The difficult reality is that under the PAYGO, money must be found. It has not been found for the Filipino veterans. And apparently this bill for Merchant Mariners faces the very same problem. Set aside the question of just how the figure of \$1,000 was arrived at—it is still rather curious to me.

My understanding is, as of right now, that in order to receive the \$1,000 payment, Merchant Mariners must, according to the bill, certify to the Secretary of Transportation that they served during World War II.

My understanding is that all records for Merchant Mariners' service during World War II are kept by the United States Coast Guard, which has been under the jurisdiction of the Department of Homeland Security since 2003. However, the bill requires the Merchant Mariners to apply for benefits to the Secretary of Transportation.

So my question is who will certify a Merchant Mariner's record? Will it be the Secretary of Transportation, or do we need to amend this bill for it to be the Secretary of Homeland Security?

At this point I will pause. And I look forward to the testimony of the witnesses. I yield back.

Thank you, Mr. Chairman.

[The statement of Congressman Buyer appears on page 53.]

The CHAIRMAN. Thank you, Mr. Buyer. And, again, you raise some very good questions. And I hope the panelists might address some of them as we go along.

On panel two we have the co-chair of the Just Compensation Committee. A U.S. Merchant Marine combat veteran, Ian Allison, who has worked—there is no word I can say how hard you have worked to get to this point. So thank you Mr. Allison. You have 5 minutes.

STATEMENTS OF IAN T. ALLISON, CO-CHAIRMAN, JUST COMPENSATION COMMITTEE, SANTA ROSA, CA (U.S. MERCHANT MARINE COMBAT VETERAN); JAMES BURTON "BURT" YOUNG, REGIONAL VICE PRESIDENT, CENTRAL REGION, AMERICAN MERCHANT MARINE VETERANS, INC., LINCOLN, NE (U.S. MERCHANT MARINE COMBAT VETERAN); WILLIAM JACKSON, OAKLAND, CA, CHIEF ENGINEER, SS RED OAK VICTORY SHIP (U.S. MERCHANT MARINE COMBAT VETERAN); GLORIA FLORA NICOLICH, PUBLIC RELATIONS DIRECTOR AND REGIONAL VICE PRESIDENT, NORTHEAST REGION, AMERICAN MERCHANT MARINE VETERANS, INC., BROOKLYN, NY; FRANCIS J. DOOLEY, ESQ., NATIONAL PRESIDENT, AMERICAN MERCHANT MARINE VETERANS, INC., WEST ORANGE, NJ (U.S. MERCHANT MARINE COMBAT VETERAN); GERALD H. STARNES, ST. AUGUSTINE, FL (U.S. MERCHANT MARINE COMBAT VETERAN); AND STANLEY WILLNER, NEW YORK, NY (U.S. MERCHANT MARINE COMBAT VETERAN AND FORMER POW)

STATEMENT OF IAN T. ALLISON

Mr. ALLISON. Ladies and gentlemen, thank you, Mr. Chairman, and members of the—

The CHAIRMAN. Can you make sure his microphone is on?

Mr. ALLISON. Thank you, Mr. Chairman, and members of the Veterans' Affairs Committee. My name is Ian Allison. I am Co-Chairman of the Just Compensation Committee, a non-profit, unincorporated association of Merchant Marine Veterans of World War II, registered with Internal Revenue Service.

Our 10,800 members have joined together seeking equal treatment for all veterans of World War II who shared the loss of 20 million people on this earth who participated voluntarily or otherwise in this great war.

I would like to submit as evidence in this Veterans' Affairs Committee hearing on H.R. 23, a famous book entitled, "A Careless Word, A Needless Sinking," by Captain Arthur R. Moore. I recognize that at 704 pages, it is too great to become part of this electronic record and acceptance for printing. But submit it as an exhibit material maintained in the Committee files for review and use by the Committee.

The book accounts for 820 American ships, freighters, tankers, passenger and troop ships lost at sea in World War II. Over 9,000 Merchant seamen were killed or lost in action, 12,000 wounded or maimed, and 786 prisoners of war taken by the enemy. The majority of these lost souls lay in Davy Jones' locker at the bottom of the sea without markers or tombstones to show their grave sites.

What depraved men brand these gallant Mariners we lost at sea as draft dodgers? I want to repeat that. What depraved men branded these gallant Mariners we lost at sea as draft dodgers?

As an engineer working in the bowels of a gasoline tanker plying the waters of the Atlantic and Pacific and facing the German and Japanese submarines, I never met a fellow soldier, sailor, or marine, or airmen who would trade places with me in a gasoline tanker.

I would like to tell you the story of the one lost ship that I picked at random. The same story could be told of 819 other ships with death and destruction, the penalties of war. The SS Jacksonville, a T2 tanker, built at the Swan Island Ship Yards by Henry Kaiser in Portland, Oregon, in 1944.

On August 30th, 1944, a torpedo hit the ship just after the mid-ship house. A fire broke out and the 80-octane gas covered the ship stem to stern, in flames. A second explosion broke the ship in two. With both parts still burning, the ship sank quickly, the stern section sinking the next day. There were no lifeboats or raft launch. There wasn't time. Out of the 78 men on board, the only two survivors jumped overboard into the flaming water and swam away from the ship. They were picked up by a U.S. destroyer and escort and taken to Ireland.

By the grace of God there go I. It could have been my ship. I sailed 3 years during the war in the engine room on a gasoline tanker built in Portland, Oregon—pardon me—by Henry J. Kaiser. I came out unscathed. But 9,000 of my comrades did not.

Why, why were these gallant members of the Merchant Marines who suffered the highest casualty rate of the war, with one out of twenty-six dying, left out of the 1944 GI Bill of Rights? Some warped minds were at work to have engineered this travesty. I'm going to repeat that. Some warped minds were at work to have engineered this travesty. I can only speculate after 60 years of thought and observation. I have come to the conclusion in general these three things stirred up jealousy and animosity about the Merchant Mariners.

We had no discrimination in our ranks. Whereby, we accepted blacks, Hispanics, and aliens into our ranks. Some of them became ship's officers and up to four stripe ranks of captain and chief engineers. None of the other services were as non-discriminatory as the Merchant Marine. Discrimination was still rampant in America during the war and seems to be today with our Imus situation.

Merchant Mariners didn't wait to be drafted. We were all volunteers. Both Japanese and German Navies took their toll on our men both before and after World War II.

Our all-volunteer crews on the U.S. Merchant ships during World War II were union members of one of many union organizations representing unlicensed personnel and officers alike. None of the other services in the U.S. forces had legally incorporated organizations to represent their interests as to pay, transportation, living conditions, and more.

These were all pre-war organizations, which were a great boon and offered efficiency to the war effort. There was 50 or more shipping companies and ship owners and ten or more unions that were the embryo of the World War II Merchant Marine. And it was fortunate President Roosevelt recognized that and started the Merchant Mariners Organization of World War II.

I am sure the members of the Committee, after intelligent review of the history and facts about World War II, will be convinced of the necessity of passing our bill, H.R. 23.

Thank you for your time in listening to my testimony given this 18th day of April 2007. I will be glad to answer questions at the appropriate time. Thank you.

The CHAIRMAN. Thank you, Mr. Allison. And thank you for all your leadership on this.

[The statement of Mr. Allison appears on page 56 and the referenced book is being retained in the Committee files.]

The CHAIRMAN. Mr. Burt Young who is the Central Regional Vice President of the American Merchant Marine Veterans and also a combat veteran. Thank you for your service, Mr. Young.

STATEMENT OF JAMES BURTON "BURT" YOUNG

Mr. YOUNG. Okay. Members of the Veterans' Affairs Committee, it is indeed an honor to be able to express our views on H.R. 23, the "Belated Thank You to the Merchant Marines of World War II."

We are here because we were not treated the same as the other services at the end of World War II. We have found we had the highest death rate of any of the services. Our death rate was one in twenty-six, Marines one in thirty-three, Army one in forty-eight, Navy one in hundred and fourteen, Coast Guard one in four hundred and eight. Does that sound like we were civilians? Apparently the enemy didn't think so.

As my friend, Captain Matt Drag, stated, "At no time during the war was I called a civilian, only afterward." My friend, Matt Drag, also wrote on Pearl Harbor Day, "I was Third Officer aboard an American Merchant vessel. At this time, I held a commission as Ensign in the United States Navy Reserve. At the first port of call, I reported to Naval headquarters for duty. I was told, 'Stay where you are. That is where we need you.' So for following orders, I was cheated out of my veteran recognition and benefits. Not only this but for my service to my country, I am insulted by being termed a civilian."

At a Missouri Valley Merchant Marine meeting in Des Moines, we were told there were about 36 in line to be sworn into the Navy. An officer came by and said, "We need three of you to step out of line and join the Merchant Marine." Look how unfair they have been treated since the end of World War II compared to those that stayed in the Navy.

At the time of attack, the Merchant Marine had to supply one or two men to assist the Navy Armed Guard. When the war ended, the Navy Armed Guard walked down the gangway veterans. The Merchant seamen on the same ship were not considered veterans.

If Congress would have followed the law at the end of World War II, I don't think we would have to be here today. I am referring to the Merchant Marine Act of 1936. It states, "The United States shall have a Merchant Marine serve as a naval or military auxiliary in time of war or national emergency."

We did our part. Did the government honor their part? No, they did not. I ask you, with the history you know, did we serve as a military or Navy auxiliary in World War II? President Roosevelt thought that we did and asked Congress to do likewise for the men in the Merchant Marine when the GI Bill was passed. Our military leaders felt the same way. I will quote our military leaders of World War II. General of the Army, Dwight D. Eisenhower, "When final victory is ours, there is no organization that will share its credit more deservedly than the Merchant Mariners." Fleet Admiral Chester W. Nimitz, "The Merchant Mariners has repeatedly

proved its right to be considered an integral part of our fighting team." General A.A. Vandergrift, "The men and ships of the Merchant Marine have participated in every landing operation by the United States Marine Corps from Guadalcanal to Iwo Jima. And we know they will be on hand with supplies and equipment when American amphibious forces hit the beaches of Japan itself. We of the Marine Corps salute the men of the Merchant fleet." Field Marshall Sir Bernard Montgomery, "Their contribution was just as important as that of the troops." Fleet Admiral Ernest J. King, Commander in Chief of the Fleet and Chief of Naval Operations, "Because the Navy shares life and death, attack and victory, with the men of the United States Merchant Marine, we are fully aware of their contribution to the victory which must come." General of the Army Douglas MacArthur, "I wish to commend to you the valor of the Merchant seamen participating with us in the liberation of the Philippines. With us, they have shared the heaviest enemy fire. On these islands, I have ordered them off their ships and into foxholes when their ships became untenable targets of attack. At our side, they have suffered in bloodshed and in death. They have contributed tremendously to our success. I hold no branch in higher esteem than the Merchant Mariners Service." The head of the draft, General Hershey said, "Service in the Merchant Mariners was tantamount to the other services."

I am one of those that started sailing after August 15, 1945. And there are those among you who seem to feel that I don't deserve full veterans' status. I say nonsense.

I do not know any of this group that enlisted after August 15, 1945. We all enlisted during a hot shooting war with no knowledge of an atomic bomb that might bring an early end to the war.

When I enlisted, July 13, 1945, at age 17, I was given a service number and issued a dog tag. Who has the power to issue service numbers besides the United States Government during wartime? I think you will agree nobody.

I think you will also agree that if you were issued a service number and a dog tag, you would consider yourself as part of the Armed Forces and expect to be treated and honored as a veteran when the war ended. So why aren't our service numbers honored under training time counted? More shameful treatment.

From the above, you can see that President Roosevelt and all of our military leaders thought we should be included in sharing the victory which we helped win. While the other services were receiving benefits, we have gone over 42 and 52 years receiving nothing.

Passage of this bill would help let people know that our service was appreciated. And was something we earned during World War II. Thank you.

The CHAIRMAN. Thank you, Mr. Young.

[The statement of Mr. Young appears on page 57.]

The CHAIRMAN. Mr. William Jackson was the Chief Engineer of the Red Oak Victory Ship, a combat veteran of the Merchant Marines. Thank you, sir.

STATEMENT OF WILLIAM JACKSON

Mr. JACKSON. Yes. My name is William A. Jackson. I am 88 years old and have been working in the Merchant Mariners since

1935. I still volunteer as Chief Engineer of the Red Oak Victory, a 1944 Victory ship to restore it where it was built.

I am here to ask you to pass this bill, H.R. 23, the "Belated Thank You to the Merchant Marine and World War II Veterans Act of 2007."

I shipped out at the early age of 16 as a busboy on a merchant ship, passenger ships and freighters. During the summer of 1937, I received the Coast Guard, which had just taken over the Merchant Marine, identification card Z-28-28-5. I started out shipping through the Union Hall in New York as a messman. Although I was—my home was on the West Coast, I shipped out of New York, because the National Maritime Union had integrated their shipping hall. None of the West Coast unions had and wouldn't have until the Fair Practice Employment Act of 1960.

Before the United States entered the war, World War II, on December the 7th, I volunteered yeah. I volunteered to sail ships loaded with ammunition, tanks, and cargo headed for the Red Sea. This was before we entered the war. And took it to the canal zone for the British forces. We were—we witnessed two air raids where the enemy was trying to hit a cruiser in dry dock next to where we were loading ammunition. Before the official beginning of war, two Merchant ships were sunk and damaged.

On December the 7th, I was at home in San Francisco when Pearl Harbor was bombed. At first I decided I would contact my classmates at the Oakland High School. We had had a ROTC unit there. And I was the only African-American in that unit. Together we went down to the Army recruiting station. And there was a mixture of all races there, from Mexico, China, Philippines, and Japan.

I noticed that they called all the other guys and assigned them and sent them home. I asked, "Why? What about me?" And this lady said, "I'm sorry. But we don't have a place for African-American soldiers." I felt my heart had stopped to think that our teachers had taught us in school that we had the right to vote. We were loyal. And we were to defend our country in a time of war.

I became very angry and told them, "Don't ever try to draft me." I had just returned from the war zone already in the Merchant Marine. I am going back to get a ship. I was never called by the draft board. But I had seen more action in the North Atlantic and in the Pacific than many of the men in the Army and Navy did.

On December the 9th, I was assigned to the SS Panama and continued to sail. On August 1942, I was—a ship I was on was sunk in the enemy action. I was hospitalized in Trinidad for 4-and-a-half months without pay, because when a Merchant ship went down, your pay stopped. Everybody else was paid. I think people don't realize that.

During the—when I returned in February 1943, I refused to sign on in the steward department. And I had been granted a "wiper's" endorsement for entry rating into the engine room by the U.S. Coast Guard. The National Maritime Union supported my cause. And I was assigned to a position as a wiper on the Exceller, the SS Exceller. I was refused a berth twice by the first engineer. But was finally accepted at the insistence of the U.S. Coast Guard and the N.M.U. Later in June, after 4-and-a-half months of abuse by

this first engineer, I earned the time to sit for my next rating of fireman/watertender. I did and passed and continued sailing during the whole war and earning ratings of oiler, junior engineer, third engineer, and second engineer.

In November 1963, I was assigned to the hospital ship Hope as a second engineer. This ship would go to eight different countries and stay 10 to 11 months in each country. I served as a—it served as a hospital ship with 125 beds, teaching local medical personnel modern medical practice. The staff on the ship was 350 and would rotate—and 50 doctors rotated every 2 months. The ship's total crew was 76 and 26 in my engine room. Our mission was to keep the ship powered and operating as a—as they had three operating rooms, an ICU, two pediatric wards, two men's, two women's wards, and a clinic.

During this time, I earned the promotion to first engineer and then chief engineer. The hardest job I ever loved. Officially I retired in 1985. But returned to serve in Desert Storm for two 7-month tours.

The U.S. Merchant Marine was formed by the War Shipping Administration supplying manpower for the vast number of merchant ships that will be—from all over the world—brought supplies all over the world to our allied forces.

To do this, it took as many as 230,000 seamen to man 5,000 ships that were built. Ships sailed at all ratings for seamen, deck, engine and steward department.

The Merchant Marine was the first to integrate. It may not—it may have taken the union and the Coast Guard to make the companies give me the right to sail in the engine room. But did—but it did integrate the ships in the Merchant Marine. And the Merchant Marine schools integrated in 1942 and 1943. The Merchant Marine was the first to integrate and my dream came true from a messboy to chief engineer.

Today, April 18th, 19—I mean, 2007, I appear before you for this passage of this bill. Thank you.

The CHAIRMAN. Thank you, Mr. Jackson. Thank you for bringing alive the history of the time. I was—how old were you when you served in Desert Storm?

Mr. JACKSON. Pardon me?

The CHAIRMAN. How old were you when you served in Desert Storm?

Mr. JACKSON. Seventy-two.

The CHAIRMAN. Wow.

Mr. JACKSON. I came out of retirement. I was living in Costa Rica.

The CHAIRMAN. Thank you.

[The statement of Mr. Jackson appears on page 58.]

The CHAIRMAN. Ms. Gloria Flora Nicolich who is an author and a widow of a Merchant Mariner of World War II. Thank you for being here.

STATEMENT OF GLORIA FLORA NICOLICH

Ms. NICOLICH. Honorable Members of Congress—

The CHAIRMAN. Could you turn her microphone on?

Ms. NICOLICH. Honorable Members of Congress, thank you for allowing me to address you.

I have been the Public Relations Director of the American Merchant Marine Veterans, Incorporated since 1993. I joined to honor my husband's memory and have dedicated my efforts to gaining recognition, respect, and remembrance for those American Mariners who served from 1941 to 1946.

In 1939—excuse me. In 1939, at age 17, my husband dropped out of high school and joined the Merchant Marine as a messman. In 1939, our Merchant ships were already being torpedoed and seamen were necessary. In 1941, he tried to enlist in the Navy but was rejected because of a rheumatic heart. He was told to attend Pensacola Naval Academy Upgrade School and return to the Merchant Marine.

Upon graduation as first officer, he was immediately transferred to the Army Transportation Corps, where he served on LTs, ocean-going tugs, until war's end in December 1946.

By 1946, his heart condition had worsened. His education at Upgrade School was not recognized. His disability made a difference—made it difficult for him to find employment. Doubly so, because he was not considered a veteran.

By 1941, many Merchant seamen had already adopted the sea as their life's work. Many were too old for the draft. Other young men, like my husband, were ashamed of their disability, ashamed to be called 4F. So when given the opportunity to actively serve their country, they chose the dangers of the Merchant Marine rather than the safety of a defense plant.

By the way, as these gentlemen have already said, the Maritime service did not discriminate as to race, religion, nationality, age or health. Those who chose to remain as seamen, knew that they faced almost certain death.

By war's end, the Maritime service had lost more men percentagewise than any branch of the Service. My colleagues here today, have already discussed, and will discuss further, the sacrifices, privations, and indignities suffered by our Mariners during World War II. And the reasons why they deserve to receive a financial consideration.

My very special concern, however, is that you may consider eliminating widows, particularly those whose husbands died before the passage of this bill. This would be an insult to the memory of the unsung hero and a heinous injustice to the woman who suffered privation along with him. Believe me, not many of us are left.

First, let me say that many of our ancient Mariners either never married, or divorced, or are themselves widowed. It is also safe to say that 99 percent of veterans' wives who became widows during or immediately after the war, either remarried or have died.

The remaining war widows are well over 80, in poor health, and facing a very uncertain future. I know very well, because I am 84.

Those of us who married American seamen after the war, married men with physical disabilities and/or other related injuries. Some married seemingly healthy men who later developed illnesses due to wartime exposure, for example asbestosis.

Case in point, though we knew each other before, I married John Anthony after the war. His heart condition had worsened during

his time in service. Once discharged, his Academy training was not recognized. And he was unable to find a job commensurate with his intellectual abilities. After 14 years of marriage, his physical condition forced him to go on permanent disability. Over a period of 8 years, he suffered two heart attacks, had two open-heart operations, was on dialysis, on special medication, required constant medical care and died in 1978.

Of necessity, I had always worked two jobs. Neither before nor after his death did I receive financial assistance from any source. I buried him privately, took out a loan on our house, paid all the doctor's bills, and supported his aged mother until she died 2 years later.

John died in 1978. I received his Honorable Discharge posthumously in 1994 from the United States Army. By then, any benefits to which he may have become entitled were for me too little too late.

In 2006, we would have been married over 50 years.

For the most part, we Maritime widows are children of the depression. As single women we struggled. As wives, we did not have the advantage of a husband's education, or a new home in the suburbs, or medical benefits of any kind. We worked to supplement our husband's income and to give our children better opportunities.

All of us cared for our husbands in sickness and in health. When they died, we received no help of any kind, because we were not recognized as the widow of a veteran. Our husbands were the forgotten heroes of the greatest generation. We have been their forgotten widows.

Honorable members of Congress, please do not perpetuate this travesty. Please do not count us out. Thank you for your kind consideration. God bless you, and God bless America.

The CHAIRMAN. Thank you so much.

[The statement of Ms. Nicolich appears on page 59.]

The CHAIRMAN. Frank Dooley is the President of the American Merchant Marine Veterans and also a combat veteran of World War II.

Thank you, sir.

STATEMENT OF FRANCIS J. DOOLEY

Mr. DOOLEY. Thank you Members of this Committee for inviting us today to testify on H.R. 23.

By way of background, I served during—in the Merchant Marine during World War II as a member of the crew, joining in 1943. And by 1945, I was in officer's school. And became a Marine engineering officer. By 1946, I was promoted to second assistant engineer.

And then I wanted to go to college. And I didn't even have to go into the Merchant Marine or anything else as far as service goes, because my father died as a result of being gassed in World War I. And I was considered the sole-surviving son of a veteran who had died for this country.

But I chose the Merchant Marine, because it is a family tradition on my mother's side. And I would have been in whether the war occurred or not.

And let me just pause for a moment and address the issue that was—that Congressman Buyer raised before about other groups

being entitled to this money or lining up to get at it. The other groups, none of them, are in the World War II Memorial. Not a one of them. And none of those groups had to litigate to get the right to be a citizen—to be a veteran. We did.

We were turned down by the Department of Defense. With all the statistics we had and the services that we performed in World War II, we were turned down and litigated the matter before Judge Oberdorfer in the Federal district court here in Washington, who signed a show cause order directed to the Department of Defense as to why we were not declared veterans. So we became veterans by fighting for it.

The others got it, strangely enough, by not having to fight for it. None of them had to go to court. And none of them had the record we had. Not one of them. The Merchant Mariners was good to me, because I was able to become a—I went to college by working on the docks. But then went back to sea again. And ultimately wound up as chief engineer.

Went to law school, Fordham Law School in New York, became an attorney to the admiral. But I wanted to now address in terms of this background, the status of Merchant Seamen in World War II.

Before World War II, Merchant Seaman had inherent rights, both common law and legislative, to compensation if they were injured in the course of the service of the vessel. They were entitled to maintenance and cure, which means free medical attention and a stipend being paid by the day. And they were entitled to bring a civil action against the owner of the vessel under the Jones Act and the Warranty of Seaworthiness.

If they were killed, the survivor had a claim of action, the widows and orphans had a cause of action under the Death on the High Seas Act. That was before World War II.

When World War II broke out, the U.S. Government became the owner of every ship, either directly or through “bareboat charter.” And the “bareboat charter” meant they simply went to the companies who owned the ships and took them from them. And said we are going to use those for the rest of the war.

Those companies became agents for the U.S. Government. But more importantly, every seaman after that, became an employee of the United States Government. And the agency that handled this for the U.S. Government was the United States Maritime Commission through the War Shipping Administration. And the War Shipping Administration controlled every bit of shipping during World War II. And it also controlled, through the Maritime Commission, the establishment of the training programs of Sheepshead Bay, and Kings Point, and the different programs that were created.

And there was a bit of a con job involved in all of this, because the kids that were joining were being told and the people that were joining were being told that they were enlisting. Now who do you know in a civilian capacity enlists in anything? And I have photographs that I could submit to this Committee now showing in New York City, with uniformed people in it, from the Maritime service saying, “If you want action in the North Atlantic, enlist in the United States Maritime service.”

It got so bad that by 1944, they were enlisting 16-year-old kids. Getting them to drop out of high school. And enlisting them in the Maritime service. And shipping them out as wipers, ordinary seamen, galley boys. Whatever.

I can submit to this Committee, the names of over 20 of these kids, 16 and 17 year olds, who were killed during the war. I am not talking about falling down someplace. I am talking about killed by enemy action. And they were conned into this by the enlistment. Drop out of high school—by the Maritime Commission.

But it gets worse than that, because if you employ a minor, you have to—the minor has to be subject to a guardian making the decisions regarding that minor. These kids were being signed on board ships under the contract of employment that exists on every ship or before a voyage begins without the consent of a guardian.

And on top of it, the terms of this contract were never really explained to these kids. And I will get to the contract aspect of it now.

When the War Shipping Administration took over these ships, what they created in relationship to the seamen, and the ship, and the training programs, were independent contractors. Every time you did something with the United States Government and whatever division of the U.S. Government you did it, you became an independent contractor as a seamen.

When you signed into Sheepshead Bay or the Academy, you signed in. And when you graduated, you were discharged by the Maritime Commission. In other words, a pink slip was given to you. And then you went to a ship where you signed articles. And that was a new contract.

For those of you who don't know—and Shep' Articles are a contract. And it goes back historically in merchant shipping, in which the captain representing the owner, signs a contract with the crew for the voyage. And at the end of the voyage, the crew gets a contract. Gets a discharge of contract. And it is—in the United States, that program is governed completely by the United States Government.

In those days, it was an official called the Shipping Commissioner. And I believed he was part of either the Immigration Service or the Coast Guard. But he came down for the official signing of the articles. And at the time of the payoff of the termination of the voyage, he was there again. So this was all done, even in peacetime, under the auspices of the U.S. Government.

In wartime, it became a little heinous because of these 16-year-old kids being put aboard the ship and not having their daddy standing behind them. I wonder how many daddies would have let those kids know—go there if they knew they were contract workers instead of being enlisted into the Maritime Service.

And so it went. And on top of it, the United States passed a—this Congress passed a statute in 1943 saying that the rights that seamen had are now being obviated against the United States of America, because you are temporary employees. Temporary being the different phases of the employment that I illustrated to you.

And so because of that, you would not be entitled to the Federal Employee's Compensation Act. That effectively cut off seamen from any benefits at all. And what was substituted in its place was what

I call the \$5,000 solution. The Maritime Administration, the War Shipping Administration, entered into an insurance agreement, if you will, for \$5,000 to Merchant seamen during the war.

They covered everything from personal injury to death. And if you were injured in enemy action, the top amount that you could collect at any time of compensation was \$5,000.

If you were killed, your widow and orphans got \$5,000 and that was that. That was the finish. Remember, I spoke earlier about the right to sue for the widows and orphans in peacetime under the Worthiness of Seaworthiness in the Jones Act. Well, that was taken away. And along with that being taken away, FECA was taken away. So they were hung out there to dry. And they were given a \$5,000 solution.

And we have people in our organization who had to ship out, because their fathers were killed. And they had to quit school to support their parents.

Now, I mentioned before that my father had died in World War I, as a result of wounds in World War I. I received a pension until I was 18 years old. My mother was able to put me through a Jesuit prep school with that money. And my sister went to college.

Now, if my father had been unlucky enough to be in the Merchant Mariners in World War I, we would have gotten nothing. And that is exactly what the widows and orphans from World War II of the Merchant Mariners received.

And so what I am saying to you today, if we talk about just compensation, is that there was no compensation in those days. There was nothing. The \$5,000 was the end of the line. In fact, even by 1946, the government terminated the \$5,000 solution and simply stopped the payments on it.

Incidentally, that program was handled for the Maritime Administration by Chubb and Co. A seaman who was injured, would go to Chubb and Co. office at 99 John Street in New York City. And I have correspondence to show this. And be explained by a claim's examiner for Chubb and Co. on his war wounds and determine whether he was able to go back to work or not. And if he was not able to go back, he would get the \$5,000. And the end of everything. There was no medical treatment for—no medical follow-up treatment, because to continue with the Merchant Mariner medical program at that time, which ended in the eighties, public health service was available to seamen.

The CHAIRMAN. Mr. Dooley?

Mr. DOOLEY. But not for those types of injuries.

The CHAIRMAN. I hate to cut you off, but could you wrap up?

Mr. DOOLEY. I am blowing off here. And I could go on for a long time. And I didn't intend to. But I am saying now that just compensation is overdue. Thank you.

The CHAIRMAN. Thank you, sir.

[The statement of Mr. Dooley appears on page 60.]

The CHAIRMAN. Mr. Gerald Starnes?

STATEMENT OF H. GERALD STARNES

Mr. STARNES. Mr. Chairman and members of the Committee, My name is H. Gerald Starnes. And I am here today to urge passage

of H.R. 23, the “Belated Thank You to the Merchant Mariners of World War II Act of 2007.”

I am speaking for about 3,000 still living Veteran graduates of the United States Merchant Marine Academy at Kings Point, NY, who have joined Mr. Allison and the Just Compensation Committee here in this endeavor to at last gain Congressional recognition for our services in helping win that forgotten great war 1941 and 1945.

The U.S. Merchant Marine Academy is the only one of the five Federal academies, service academies, that send their cadets into wartime combat zones. The memorial monument on the campus bears the names of 141 young men who lost their lives in combat.

Now, all of us are very grateful for the superb education we received. And are proud to be graduates of that institution of military discipline and valuable learning. There was a war on. And the largest ship building program in the world that had ever been seen. We—they needed every engineering and deck officer, young officers they could train.

Appointments were relatively easy to obtain for 17 and 18-year old males, no police record, have a high school diploma, in perfect health. And we had to get recommendations from neighbors who had known us all our lives and our high school principal. And you could then get the—go to the academy. We were sworn in as Cadet/Midshipman with the rank of Midshipman in the U.S. Naval Reserve. And when we graduated, we received commissions in the Naval Reserve. Naval Science was one of our major courses and included gunnery. If there was a call on the ship to General Quarters, we had assigned battle stations to serve with the vessel’s Navy Gun.

Unlike all of our armed forces, many of whom have never left a desk stateside, and received the GI Bill for 4 years of college, and all the veteran members of the classes 1939 through 1947, we did not receive a degree at graduation, because the wartime curriculum did not meet the requirements for college accreditation.

After graduation, we Kings Pointers and all the other Merchant Mariners of World War II were denied veterans’ status by every Congress for over four decades and received not a single benefit of any sort.

Until 1977, Merchant seamen were not allowed to apply for veterans’ recognition. Following a Federal court ruling in 1986 to recognize Merchant seamen as veterans, like the others, in 1988, we received a U.S. Coast Guard discharge and notification of eligibility for limited medical attention if you were homeless or on Medicaid.

To me and my fellow veteran alumni, these documents were deemed worthless. I had retired from General Electric and had a U.S. Coast Guard—held a U.S. Coast Guard chief engineer’s license since 1952.

I wanted nothing to do with a VA hospital. My dad spent several months during and after the war, World War I, at Walter Reed hospital. And he would only go to our local VA institution on a Sunday afternoon to watch a baseball game.

As an engineer on watch in the engine room of a ship makes decisions on what is wrong or right with the plant’s operation, based on the numbers that his instruments are reading out, his sense of how the equipment should sound, and what his crew is telling him

about their observations. However, enemy submarine torpedoes and aircraft attacks were always aimed at the engine room to kill the ship. This added thought when you are down there on duty below the waterline. And it doesn't make any difference how much coffee you drink, it is always on your mind when you are on watch down there.

After the war ended in 1945, President Truman urged us Merchant Mariners to stay on the ships. More casualties occurred as 54 vessels struck mines. I personally recall running down the Malacca Straits at full speed through a night of thunder and lightning on a tanker with 135,000 barrels of fuel oil for the reoccupied British Naval base in Singapore.

During the Japanese occupation, they had destroyed all the navigational aids, the lighthouses and buoys. And they had mined the strait.

An aged Kings Pointer called me to thank me for my efforts informing the veterans on H.R. 23. I had his name listed as graduating in a later class than his age would indicate. He probably couldn't remember what he had for breakfast, but he could remember well that he was sunk three times in the Mediterranean and could not get back to go to finish his classes there at the Academy and graduate with his own class. For over sixty years, the Congresses of the United States have denied this recognition and benefit as war veterans. We are aware that the outcry in both legislative bodies will be, "There is no money," as we heard here today. "It has all been allocated to another veterans' organization or government agency." The first year benefits of H.R. 23, in our opinion, at the very most would be about \$120 million, and it would decrease every year to zero in a few years as we die off.

With all respect to the problems of the 109th Congress, we do not understand why H.R. 23 and S. 1272 could not have come to the floor of the lower and upper houses for a vote when 9,963 special interest earmarks totaling \$29 billion were passed in 2006 according to the Wall Street Journal. At our advanced ages, this is our last chance. We believe that the 110th Congress can and will pass our benefit bill this year. They call me "The Kid," and I'm eighty. Thank you very much for your attention.

[The statement of Mr. Starnes appears on page 64.]

The CHAIRMAN. Thank you, "Kid." We have, and we will try to do this on the phone, one of the named plaintiffs in the court decision, 1987-1988, that gave status, was a former POW and combat veteran, Mr. Stanley Willner. Stanley, can you hear us?

Mr. WILLNER. I can hear you.

The CHAIRMAN. We can hear you, too. Go ahead, you have 5 minutes.

STATEMENT OF STANLEY WILLNER

Mr. WILLNER. My name is Stanley Willner. I am the first official Merchant Marine Veteran of World War II. I was captured by the German Navy and turned over to the Imperial Japanese Army occupation forces in Singapore. I remained a prisoner for more than 3 years and 3 months.

After graduating from high school in 1938, I received an appointment to the U.S. Maritime Service from the late Senator Harry F.

Byrd of Virginia. I spent 3 years as a Merchant Marine cadet. On August 23, 1941, I graduated to Deck Officer and Third Mate with a commission of Ensign in the U.S. Naval Reserve. I immediately went to the Naval Board in New York City to enlist, was rejected, and sent to serve on the MS Sawokla, an Army transport loaded and ready to sail. On November 29, 1942, the Sawokla, steaming south of Madagascar, was stalked, fired upon, torpedoed, and sunk by the German raider, Michel.

The Michel was deceptively disguised as a merchant vessel, but equipped with a lethal arsenal. Michel's log showed that the Sawokla sunk immediately. I woke up in the water badly wounded and clinging to a piece of wreckage. About 3 hours later, the Michel picked me up. I remained in the sick bay for about 3 months. I was given excellent medical treatment. The next day, the Michel sent out its scout plane and torpedo boat to pick up the wreckage so there would be no trace of the Sawokla. That action resulted in a letter from the Navy Department declaring me deceased. Thirty seamen and nine members of the Naval Armed Guard survived the attack. We were now captives of the Third Reich.

The Michel docked in Singapore and turned over its passengers to the Japanese. For the remainder of my captivity, over 3 years, I did not brush my teeth, cut my hair, shave, or receive any medicine or enough food to remain healthy and fit. If it could get worse, it did. The Japanese sent us upcountry into Burma and Siam, which is Thailand, to build the Burma-Siam Railroad, known as Death's Railway, or the bridge over the River Kwai.

On arrival we were marched twenty miles a day for six straight days to get to the location of the railroad. The railroad was completed in about 2 years. Those who survived were sent back to Singapore. I was sick with beri-beri, dysentery, malaria, pellagra, scurvy, ringworm. All kinds of sores entered my body. Of the original 525-plus men who went upcountry with me, only 116 returned.

When we were liberated, all Americans in the Far East and Murmansk were flown from Singapore to the 142nd Army Hospital in Karachi, India, which is now Pakistan. I was 25 years old, weighed only seventy-four pounds, and was infected with every disease imaginable. The doctor told me that I would be the luckiest man alive if I lived to be 50 years old. The doctors and nurses in the 142nd cried when they saw us. They had never seen human beings in as bad shape.

The plane landed in the military airport outside of Washington, D.C. The military men were met with honor guards. The Mariners were left on their own. I was lucky; my wife came to take me home. I was unable to adjust. The government gave me 1 month's pay of \$250. I was admitted to the Marine Hospital for 2 weeks, was told I was fit for duty, and discharged. This was the very last government benefit I received until 1988, four decades later.

As a result of being hit with rifle butts in the back several times I eventually had to have back surgery. For nearly a year I suffered with malaria. Walking around, I would just pass out. I suffered continuous nightmares. I was lucky to have my family take care of me. I had to use civilian doctors and dentists, which my family paid for. It was well over a year and a half before I could return to work.

I tried working for the Maritime Commission pricing war surplus ships for sale to foreign countries. The work required travel, and I was unable to travel.

The importance of the Merchant Marine effort in the successful outcome of World War II cannot be overstated. Without the Merchant Marine, the logistical arm of the war effort would have collapsed. The steady flow of supplies at perilous and great risk by Merchant seamen deserves recognition by the same government that depended so heavily upon them.

Quotes General Douglas MacArthur, "They shared the heaviest fire—they have suffered in bloodshed and death—they have contributed tremendously to our success. I hold no branch in higher esteem than the Merchant Marine Services." President Harry Truman, "To you who answered the call of your country and served in the Merchant Marine to bring about the total defeat of the enemy, I extend the heartfelt thanks of the Nation."

During and after World War II, members of the U.S. Merchant Marine were denied well deserved benefits. In 1944, President Roosevelt signed the GI Bill. He said, "I trust Congress will soon provide similar opportunities to members of the Merchant Marine who risked their lives time and again during the War for the welfare of their country." The U.S. Merchant Marine and the U.S. Maritime Service are agencies of the United States Government.

The Air Force was sued on behalf of the Merchant Marine survivors by Joan McAvoy. The case is known as plaintiffs Schumacher, Willner, and Reid vs. Aldridge. Aldridge was the Secretary of the Air Force at that time. Federal Judge Louis Oberdorfer conferred veterans status in his summary judgment in 1987, 42 years after the end of World War II, an adult lifetime. By this time both Schumacher and Reid were deceased. I was the first Merchant Mariner to be called a World War II veteran.

It is my long desire to see those who willingly risked life and limb patriotically in support of the war effort, in the midst of combat, to receive not only the monetary recognition but the recognition of a country they made strong and whole all these years. Remember that when a merchant ship was sunk, the Mariner's pay was stopped. This token of thanks will help bring the recognition so well deserved. The British, Dutch, and German Merchant Mariners were always considered veterans by their countries. Surviving crew members of the Michel were even surprised to learn years later that their American captives were not considered veterans for service given.

Thank you for this opportunity to testify, and God bless America.

Just one thing, I have PTSD, which is Post Traumatic Stress Disorder, very bad and I can't help sometimes I choke up when certain things are recalled. Thank you very much.

[The statement of Mr. Willner appears on page 66.]

The CHAIRMAN. Thank you, Mr. Willner. And thank all of you for bringing to life the history and confirming to us the heroism of the greatest generation. Mr. Mitchell, do you have any questions or comments? Mr. Hare? Okay, I am sorry.

Mr. MITCHELL. Yes, I do. Thank you, Mr. Chairman. After what I have learned about the sacrifices of the brave men of the Merchant Marine, I want to congratulate you on your persistence in

bringing about some measure of recognition and compensation for those overlooked patriots. I hope that this Congress can finally close the chapter of our history and rewrite this injustice. To the Merchant Marines in the audience, I say thank you for your service, your heroism, and your patience. You have served your country well, and you deserve our gratitude.

The CHAIRMAN. Thank you, Mr. Mitchell. Mr. Buyer, any questions?

Mr. BUYER. Thank you. It seems as throughout our history, every time America goes to war we go to war not just with our armed military service. We also go to war with civilian groups that assist thereof, much of which goes to logistics. So you can go all the way back to the Revolution, or in particular go to the Civil War; wagon masters, forage masters were civilians, that is who were operating the wagons and the logistics, and operating the wagons of ammo for the artillery. You can use for example the Union Army Balloon Corps—it was an organized civilian operation. You've got the Telegraph Service, it was a civilian bureau attached to the Quartermaster Department. That is just the Civil War. You can go to World War I. Civilians go to war when the Armed Forces go to war. The same occurred in World War II. The same occurred in Eisenhower's support of the French in Vietnam, with a civilian air transport. It occurred also for us, we had CIA operations. You have got—

Mr. BILBRAY. Flying Tigers?

Mr. BUYER. Well, I am going to get to a whole laundry list here in a second. You have not only the gulf war, in which I participated, you could not even fire a patriot missile without civilian contractors right there assisting. My gosh, you have Blackwater and KBR right now in the Gulf and in Afghanistan. When America goes to war, we have many different civilian groups that also participate.

The challenge has always been, all right, we respect their service, we respect their contributions also to the war effort. We, this Committee, better be very careful here about awarding a pension. That is what this is, this is about awarding pensions. So we have many groups, just from World War II itself. So you have American, or Women's Air Force Service Pilots, Women's Auxiliary Air Corps, and Civilian Employees Pacific Naval Airbase, who actively participated in the defense of the Wake Islands. You have Quartermaster Corps Female Clerical Employees. You have Male Civilian Ferry Pilots Wake Island Defenders of Guam.

All of these have been recognized as veterans, but none of them will receive any type of pension benefit. You have civilian personnel assigned to the secret intelligence elements of the OSS, you have the Guam Combat Control Quartermaster Crew on Corregidor, U.S. civilian volunteers who actively participated in defense of Bataan. You have civilian U.S. Navy IFF technicians. You have United States civilians of the American Field Service who served overseas under the U.S. Armies and the Army Groups in World War II. You have U.S. Civilian Flight Crew Aviation Group Support Employees of American Airlines between 1941 and 1945, Civilian Crewmen of the United States Coast Guard operating between 1941 and 1945. You have honorably discharged members of the

American Volunteer Group, who are known as the Flying Tigers, who served during December 7, 1941, to July 18, 1942, and U.S. Civilian Flight Crew Aviation Ground Support Employees of United Airlines. You have U.S. Civilian Flight Crew Aviation Ground Support Employees of Transcontinental and Western Airlines, American Field Service.

This list goes on and on and on of individuals who have been recognized as having veteran status. I do not even want to take up any more time. This list is so extensive. Yet what we are about to do, if Congress were actually to pass this and give a pension, we are discriminating against many of these other civilian groups. So who is to say, I mean, if you want to get into this business of pitting one's valor against another's valor, good luck. I do not want to get into that, what we call the veterans "oneupsman" game. I do not participate. I think it is disgraceful. I do not like it. Because I respect the service of everyone.

So whether it is those who are the civilians, or the actual armed services themselves, I want the gentlemen and ma'am to know, I am very uneasy. You are asking us to discriminate. That you should be granted a greater status over and above Flying Tigers, or go down this entire list. So I just want you to know, I am very uneasy about the request, which you are making to the Committee. And I yield back.

The CHAIRMAN. Is there any comment?

Mr. YOUNG. I have written a book that should pretty well answer his question. Should veterans status be determined by a kangaroo court? Which is what we faced with the Secretary of the Air Force. I would be glad to send you a copy.

Ms. NICOLICH. I would like to add something, if I may. The American Merchant Marine was in existence in the time of George Washington. Yes, you can truthfully say that they were volunteers, they were privateers. They were merchant ships going in to fight the British. If it had not been for the privateers, the merchant ships, during 1775, George Washington would not have won the Revolution. That is why our motto is, "In war and peace since 1775."

Now to respond to the rest of these people that you are talking about, yes, the ladies went up in the airplane and that was great. I wanted to do that myself. My mother would not let me. But they did not put themselves in harm's way. The American Mariner knew from the beginning that if he remained in the Merchant Marine he was in harm's way because our ships were being torpedoed and men were being killed before the War was declared in 1941. Of course, this may be something that can be argued. But I believe that it should be taken into consideration. Thank you.

The CHAIRMAN. Thank you. Mr. Jackson?

Mr. JACKSON. I believe that the Merchant Marine should be recognized. Because we sailed with Navy personnel on our ships. We knew we were going to be attacked and sunk. We had been, our Merchant Marine has been, the base of our Navy came from the Merchant Marine. And beside, we did not get paid and we were under military justice, under military orders. We could not go ashore unless the Navy said, or the Army said, we could go ashore. I do not understand how they could separate, compare the Mer-

chant Marine with the 230,000 men we had and with the greatest losses that we had, that we should not be entitled to this benefit, and that we are not veterans.

The CHAIRMAN. Thank you. Mr. Hare?

Mr. HARE. Thank you, Mr. Chairman. I hope you will allow me to express a little anger here. This is, you know, we had a hearing here for the Filipino veterans. And the questions were asked about can we afford it. And I said during that hearing, that is not the question. The question is, how can we afford not to do this? And with all due respect to the gentleman from Indiana, this is not a question about valor versus valor. This is a question about what is right and what is wrong.

I cannot help it. I am new here, and you will have to pardon me for some simple math. But every time I hear this question about where are we going to get the money and how are we going to afford this and what are we going to do, I again go back to maybe a couple of different things here. And you will have to pardon my commonsense approach to this. Perhaps there is somebody that knows better than I do.

If my math is correct, we are spending \$11 million an hour on a current war, which comes to \$264 million a day. And to pay for this bill to honor the Merchant Marines would cost us 11 days. To spend what we would spend to honor the service of our Filipino veterans would cost 5 days. If my math is correct, that is a total of 16 days. I think it is outrageous that we even have to have this. Listening to what you said, and I would love to see the picture of your husband again if you would not mind, that is not to me, this is a question of what is right for him and for you and for all the widows and for all the service that all of you and all the people that you represent put in. I did not get elected to sit and ask questions about the affordability. It seems to me that I was elected to represent and to do the best I can to help right wrongs. This is a wrong.

I cannot believe for the life of me that we have to wait 60 years, and then reading a list of litany of groups, from my perspective they all ought to be compensated. It is not a question of one versus the other. It is a question of the service they had to this Nation and to this country.

For everything that you have done, let me just tell you that as one Member of this Committee, I thoroughly support this bill. And I do not know where the thousand dollars came, but to me given everything that you have done, that strikes me as being less, but at least it is something. Five hundred dollars for Filipino veterans, I mean I do not know where we come up with these numbers. But I cannot sit on this Committee, Mr. Chairman, and remain silent when group after group comes here after being ignored for year after year after year, only asking for what this Nation owes them. And to be quite candid, as the gentleman said, he is considered young being eighty years old.

But if nothing else, if we did not listen to the phone call carefully for the gentleman that talked about it, and to see he got \$250. Two hundred fifty dollars, Mr. Chairman, for everything he was put through. And as he said, 525 people, and 116 returned. You know, I am beside myself with this. And let me just say to you, perhaps

we should ask this Administration to consider their compassion for Paris Hilton and her tax breaks and give it to our Merchant Marines. And to that list of groups of people.

I believe, candidly, that these hearings are important and I cannot thank you enough for coming. I apologize, and I mean this, I apologize for this government's sitting on its hands for this many years. And I will tell you, I will support this bill and work very, very hard. Because I cannot in good conscience, and will not as a Member of this Committee, question somebody's comparison. I do not consider the Flying Tigers one bit less important to this Nation. I hope we can compensate for the loss and for their heroism. So to all of you, I just want you to know, from one freshman on this Committee that I will continue to work on this bill and I will tell it to the widows. They have a right and we have a moral obligation in this Congress and in this Nation to stand up for the people who have stood up for us. And I am not going to put up with this, "Where are we going to come up with the money?"

Let me tell you, we will find it, one way or another. We just have to have the courage to find it. And we will do that. And with that I yield back.

The CHAIRMAN. Thank you, Mr. Hare. I appreciate that. Mr. Bilbray?

Mr. BILBRAY. Yes, Mr. Chairman. And Mr. Chairman, first of all I guess I've got to sort of thank the panel as being symbolic of all the Merchant Marine Services who served during World War II. You may not know it, but I am sitting in Congress today because Merchant Mariners were able to take my mother in 1944 and get her through Japanese infested waters with the submarines everywhere, and zigzagged all the way to South America, and snuck up the coast to deliver the Australian war brides in 1944 into San Francisco. And in fact next week, Mr. Chairman, the Australian Embassy is going to honor the Australian war brides who came here. So I guess I'm here because people who did what you do delivered Mom safe and sound onto U.S. soil.

I think that in all fairness this is an issue that a lot of us have talked about for a long time. My godfather was actually Admiral Joe Rizza who was the Dean of the Merchant Marine Academy and a resident in San Diego. And these stories of heroic activity by Merchant Marines are well known across the country.

I think that in all fairness I hope all of you understand that there is a legitimate issue here about those of us in politics being able to promise anything and not having to pay the bills. And I think the Ranking Member has a legitimate issue of at least saying, while you are here, to your face, we still have to pay what we promise. And yes, finding out where the funds are going to come from is not only a right, it is a responsibility of members of Congress before they make the promises, not after. And I think that this is a challenge we have. And if we want the right to give you a promise that we are going to give you benefits then we darn well have that right to find the money. That is why the new majority here in this Congress has initiated a mandate of pay as you go, and basically saying pay to play. And that is where all of us that are sitting here looking at this type of proposal have the responsibility of saying not only where does the money come from for the Mer-

chant Mariners, the Filipinos, the Flying Tigers. That responsibility bears with us. And we do have a responsibility under our constitutional obligation that we all raised our hands on to not only fulfill what is right and just but to be able to pay for it, too. And I am sure all of you would say that is a responsibility you expect us to fulfill, that we do not pass a debt onto your grandchildren. You did not fight the forces of darkness to pass an overwhelming burden onto your grandchildren and your great-grandchildren. And I will just say for one, I think all of us will work together to try to fulfill what is right and that includes being able to pay for the benefits that we are promising.

Thank you very much, and I yield back, Mr. Chairman.

The CHAIRMAN. Thank you, Mr. Bilbray. Mr. Walz?

Mr. WALZ. Thank you, Mr. Chairman, and thank you to our witnesses for coming here today. I feel very honored to have the opportunity to hear your stories. They are moving. They are part of our history that we are most proud of and it is a pleasure for me to sit here and be able to hear that. And am I right? That this is the first opportunity you have had to speak about these in front of Congress? Has there been a panel held before to allow you to speak on these issues? Okay. Well, then I feel doubly blessed to be here on this day. And I hear an argument that is being made here. I am not quite sure if the argument is if all of those groups we are hearing listed are unworthy or if all of them are worthy.

I think Mr. Bilbray brought up a good point about paying, and that is an important part of our responsibility. I do find it a little curious, though, this coming after a time when this Congress has spent our way into a \$9 trillion debt, and \$400 billion in deficit spending. And has borrowed more money from foreign governments in the last 5 years than we have in the 231 years combined of this Nation. So when I hear this issue about pay, I agree that that is an important issue. And that is why I voted wholeheartedly for PAYGO requirements.

I also believe that when we put a budget document together, a budget document is far more than just money, economics, and balancing a balance sheet. It is a moral document of the reflection of our Nation's values. And we have had many hearings in this Congress, and I would echo what Mr. Hare said on this. We have had many people have the opportunity to testify and not a day goes by in this Congress that I do not hear someone talk about the absolute injustices of the estate tax that falls so heavily on 1.6 percent of the population. And the outrageousness of asking them to pay taxes where thirty-one families stand to benefit by \$28 billion. So I have a hard time. While I agree we have to make the balance sheet budget, or that budget balance out on that sheet, I also think that there is an absolute necessity for us to decide what we are trying to prioritize. And this Congress has given a lot of access to families that have the ability to spend nearly half a billion dollars lobbying us for taking away an estate tax. And this group who served, and Mr. Willner who served and was a POW, has never had the opportunity to address in a formal setting his elected officials. I agree with Mr. Hare on that. That is an absolute outrage.

I think that maybe some good points were brought up here. One thing I do take a bit of exception to. I will never classify and see

the analogy between our World War II Merchant Mariners and Halliburton, Blackwater, Triple Kennedy, and KBR. I do not see that analogy. This is an entirely different situation, and the names of those other groups that were brought up have an equal, I believe, opportunity and should be given that to testify in front of us, too. This Nation has an obligation to fulfill its promises, to fulfill its moral obligations. And I am deeply concerned that the newest generation of soldiers, sailors, Merchant Marines, when we need them, will see how you have been treated in the past and will think twice about service to this Nation. I think we need to fulfill those things to make sure that happens.

So I want to let you know I am supportive of what you are doing. I am appreciative of your service that you did. I am committed that the argument that, well, you know, we are not helping others so we will throw everything out is not a good analogy and it is not a logical argument. That we need to fix where we can fix things. We need to start addressing these issues. And we need to have an open, honest debate in this country where we are going to spend the scarce resources of this Nation and how we are going to budget those, one for national security, but also for the moral obligation.

So with that I will yield back my time, but I want to thank each and every one of you for giving me the opportunity to hear you today.

The CHAIRMAN. Thank you, Mr. Walz. Ms. Schakowsky is in the audience. You were going to be on our next panel, but if you would like to, I know you have to leave. If you would like to just come up to one of the microphones and give us your testimony. That is fine, please.

**STATEMENT OF BRUCE FELKNOR, EVANSTON, IL, AUTHOR,
“U.S. MERCHANT MARINE AT WAR, 1775–1945,” AS PRE-
SENTED BY HON. JANICE D. SCHAKOWSKY, A REPRESENTA-
TIVE IN CONGRESS FROM THE STATE OF ILLINOIS**

Ms. SCHAKOWSKY. Thank you, Mr. Chairman. I am giving testimony on behalf of a constituent of mine, Mr. Bruce Felknor, who was a radioman in the Merchant Marine during World War II. He is an author, editorial consultant, lecturer, and a historian of the U.S. Merchant Marines. And he wrote a book about it, “The U.S. Merchant Marine at War 1775–1945.” He is the history editor of the Merchant Marine website, usmm.org. And I learned a lot from him, including the fact that the Merchant Marine suffered the highest casualty rate, more than any other branch of the U.S. Government, of the armed forces.

So this is his testimony, and I am grateful to you for allowing me to give it. He is physically unable to come:

“I thank Chairman Filner and this Committee for the opportunity to speak for the surviving remnant of Merchant Mariners of World War II, and I am profoundly grateful to my representative, Jan Schakowsky, the majority’s Chief Deputy Whip, for consenting to present my testimony. Surgery has left me presently voiceless.

I am proud to be a Merchant Marine veteran of World War II. Perhaps 10,000 of us remain from the quarter million men and boys, then aged sixteen to the eighties and beyond. Roosevelt and Churchill and their generals and admirals knew how vital was our

task, and how gallantly and effectively we served, and how we delivered, and our lives were on the line every time we left port.

So when the War was on with our central help, why were we selected out when Congress created the GI Bill of Rights? The major reason was the myth of Merchant Marine pay based on comparisons that ignored Navy dependent allowances, freedom from income tax, paid vacation, and time between voyages. Second, because we were so few. The GI's had 13 million sets of parents. We had one-quarter of one million. In the folks at home department, read votes, we were outnumbered fifty-two to one.

A third major reason was a lack of public knowledge and awareness of what a Merchant Marine was and what it did. No war correspondents were stationed on freighters or tankers. Outside port cities, the new media were generally oblivious to the merchant shipping that carried every engine of war to the front. Only occasionally did a dramatic story about a freighter or a tanker or a lifeboat trip from a paper in some seaport find its way into the national news wire services. War time motion pictures were a staple of hometown movie theaters, but I know of only one feature film about the Merchant Marines, 1943's *Action in the North Atlantic* with Humphrey Bogart. You cannot count the feature films about the Army, Air Corps, Navy, and Marine Corps in the Second World War, so it is no small wonder that the small company of men who carried the American war machine across the oceans of the world were unknown to the general public.

A typical freighter or tanker crew numbered about forty-three officers and men, plus twenty-two from the Naval Armed Guard who manned the guns, often assisted by the Merchant Marine counterparts whose training included gunnery. Fast friendships developed among these shipmates and at war's end it was a major shock for the Merchant Marine men to discover that they were not even veterans. And that the Seamen's Bill of Rights urged on Congress by Presidents Roosevelt and Truman never got out of the House. I remember the personal bitterness from then that sticks in my craw today, and the mixed emotions that greeted my becoming a veteran in 1989 with none of the life changing perquisites of the GI Bill of Rights.

Two years ago I voiced these emotions in a poem, "The Song of the Merchant Mariner." It concludes: The Army and its Air Force were included, the Navy and the Coast Guard and the Marines. Alone the Merchant Seamen were excluded, the one that fueled and fed their war machines. He offered his life to his country each time that he sailed. To thank him, his country, and the Congress, and government failed."

My heart swells with pride suppressed for sixty years at the response of Chairman Filner and his cosponsors, and all who have brought H.R. 23 to the table. Thank you, and God bless you."

[The statement of Mr. Felknor appears on page 71.]

Ms. SCHAKOWSKY. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Ms. Schakowsky, and thank you for your support of this.

As we have heard, I think we are all honored to hear your stories.

Let me just say something about the cost. As Mr. Buyer points out, under the House rules we will have to have the cost of this included when we take the bill to the floor of the House. The numbers that we referred to earlier in testimony I think are inflated because of bad estimates of numbers. But we are talking in the neighborhood of \$100 million, which unfortunately is going to go down fairly fast to nothing. From a country that has a \$3 trillion, a \$10 trillion debt, we are spending \$1 billion every two and a half days in Iraq, surely we are going to find this money. And I know my colleagues are going to help me with that. But this is not an idle promise. We are going to do this because it is right.

We thank the panel, and we go into the second panel.

Mr. BUYER. May I?

The CHAIRMAN. You have one minute.

Mr. BUYER. Thank you. A couple things for clarification. To my understanding, Mr. Jackson you said Merchant Mariners were subject to UCMJ? It is my understanding that you were not subject to UCMJ. That Merchant Mariners were not subject to the Uniform Code of Military Justice.

Mr. JACKSON. Oh, we were. We were under the Code of Military Justice.

Mr. YOUNG. A lot of court-martials.

Mr. JACKSON. Yeah, we could be court-martialed if you did anything. I was on a ship where one of our guys purposely let the ship smoke just to get back at me, because I was a fireman on the ship and relieving him. And he set it. And that ensign, the Naval officer on the ship, when they found out why he was doing it, they threatened to court martial him and he was a Merchant seaman.

Mr. BUYER. Ms. Nicolich, when you said these other ladies, they were not in harm's way, I want you to know one of the other groups that received recognition were U.S. Civilian Female Employees of the U.S. Army Nurse Corps while serving in the defense of Bataan and Corregidor and they ended up also as prisoners of war. You should also recognize that other women who served in civilian capacities, even as Red Cross, for example, in other capacities, we had four civilian women POWs from Vietnam. So I just want you to know that we have had women and civilians serve in civilian capacities in harm's way who have been recognized in other groups.

The last comment I would make, Mr. Chairman, which would be helpful I think to all the members is that with regard to the testimony that this is the first time the Merchant Mariners have had the opportunity to testify before Congress, I would welcome members to look at the 79th Congress, the Merchant Mariners testified before Congress on all of this issue. And it is rather interesting, because at the time there were so many World War II veterans in Congress. And there is really a very good, it is very good reading, because they get into, actually, the pay differentials, even. So I welcome my colleagues to look at the historical record. It will be very important. I would be more than happy to share it with my colleagues.

The CHAIRMAN. What year was this 79th Congress?

Mr. BUYER. This is October 18 and 19 of 1945.

Ms. NICOLICH. Excuse me?

The CHAIRMAN. Yes, please, you may respond.

Mr. BUYER. It is a very extensive hearing.

Ms. NICOLICH. Since you addressed the question to me, may I ask, yes, I am quite sure the women who served as nurses put themselves in harm's way. And were very fantastic ladies, and God bless them, and I have every respect for them. As a matter of fact I wrote a poem which was published about the women in Vietnam. May I ask, were the nurses not compensated for their service? Were they not considered veterans and compensated for their service?

Mr. BUYER. These nurses received their status December 13, 1993.

Ms. NICOLICH. I am sorry, sir, I did not hear you.

Mr. BUYER. They received their status December 13, 1993.

Ms. NICOLICH. Did they receive compensation for their service? I think—

Mr. BUYER. These groups whom I have identified are similarly situated to you. They are one of the thirty-two groups.

Ms. NICOLICH. I was under the impression, and I may be wrong and I apologize if I am wrong, but I believe that the nurses who served with the Army and the Navy were considered veterans. They had titles such as Major and Lieutenant and so forth, and they received the same pay as servicemen. Am I wrong? If I am wrong I apologize.

Mr. BUYER. Ma'am, we need to get going, but these are U.S. civilian female employees of the U.S. Army Nurse Corps.

Mr. STARNES. I would like to ask the Congressman there from Indiana just one question if I may.

The CHAIRMAN. Go ahead.

Mr. STARNES. Our numbers for casualties are 6,812. Now you recited a whole litany of other people, which you are comparing to the Merchant Marine. Now what were their casualties? Thank you, sir.

Mr. BUYER. Sir, that is where I will not participate in valor versus valor.

Ms. NICOLICH. Because there is no answer to that one.

Mr. DOOLEY. Have we heard—

The CHAIRMAN. You have one minute, Mr. Dooley.

Mr. DOOLEY. The way the Merchant Marine was run during the War, first of all, Merchant Marine is a misnomer because it was strictly a branch of the United States Government. And it operated through civilian agencies, through civilian companies, because war material was loaded on the piers of Manhattan, and Brooklyn, and Jersey City, and Boston, and wherever, except for ammunition where there were special depots for that. And the reason that was done that way was the huge quantity of material that was being shipped could not be handled at military stations. So the U.S. Government contracted with the companies than ran ships before, or were operating agents, to handle this cargo for them. And that was the reason why you had this strong civilian element in there. But they were always agents of the U.S. Government. And they were never acting independently. They were paid agents of the U.S. Government. And then the civilian seamen who were previously employees of these companies became employees of the United States

Government, War Shipping Administration. No one else. Purely the War Shipping Administration and the government acknowledges this.

The biggest problem we had was secrecy, because if you recall any of the slogans from World War II, "A slip of a lip will sink a ship." Somebody talked. At the same time, you had the Marines photographing, flags being raised on Iwo Jima. So there was publicity, and well deserved for the Marine Corps, but no publicity for us. I'll ask a simple statement—

The CHAIRMAN. Thank you, Mr. Dooley. We have to move on, unfortunately. We thank you again. We are honored to hear from you. We have a second panel that if they could take your places, please, thank you very much.

Ms. NICHOLICH. Thank you very much.

Mr. DOOLEY. Thank you.

The CHAIRMAN. We thank Mr. Rosen and Mr. Gleeson for joining us. We will try another telephone testimony also. Mr. Gleeson, you were active in the American Merchant Mariners Veterans Association and a combat veteran. Thank you for your testimony today.

STATEMENTS OF MARK S. GLEESON, OAKMONT, PA (U.S. MERCHANT MARINE COMBAT VETERAN); HERMAN "HANK" ROSEN, CO-CHAIRMAN, JUST COMPENSATION COMMITTEE, SAN DIEGO, CA (U.S. MERCHANT MARINE COMBAT VETERAN); AND BRIAN HERBERT, BAINBRIDGE ISLAND, WA, AUTHOR, "THE FORGOTTEN HEROES: THE HEROIC STORY OF THE UNITED STATES MERCHANT MARINE"

STATEMENT OF MARK S. GLEESON

Mr. GLEESON. The Congressman previously said the mind will absorb only probably what the seat will endure. And I see people leaving and some of the questions that have arisen, I believe everybody has my regular testimony?

The CHAIRMAN. Yes, sir.

Mr. GLEESON. Let me try to answer just a couple things and maybe to put a perspective on this. I am one of the younger people. I will be eighty next month. I joined the Merchant Marine fully expecting to be part of the invasion fleet to Japan in November. Everybody knew that it was coming, and it was going to be another invasion. There were a million casualties expected. We knew we would be part of it. But in all the small towns in Pennsylvania there were people who left and I wanted to go with them. But when I applied for my discharge in 1989 or 1990 I was turned down, and I found out that there was this problem of cut off dates of August 15.

For the next ten years I had a title of Vice Chairman of the Merchant Mariners Fairness Committee. This was the group that worked with Congress trying to work with Mr. Lane Evans and Mr. Jack Fields to pass H.R. 44, and Mr. Chairman you were a sponsor of this when it finally passed.

One of the things we found was we are at a great disadvantage and I think I wanted to maybe answer and help Mr. Buyer and other people understand this. All the other services have fully paid, fully staffed PhD's running all over themselves writing the his-

ories of how they did things going back to the early days of the country. We do not have that. In fact, one of the people that we dealt with in the past was the former Chief Naval Historian, and Dr. Dean Allard. One of the things the Civilian Military Review Board said when they tried to determine whether we would be veterans or not, was whether we had any expectations of being considered a veteran or receiving any benefits. About 1993, I was able to find Dr. Allard, who had retired from the Naval Historical Center. And incidentally, this is a beautifully run place and everybody should visit someday. But all of the services have historical research centers. They are writing history as they saw it, as they participated in it.

I asked Dr. Allard, because he had written a response in 1980 to the Defense Department on the first application sent by the Merchant Mariners to qualify under Senator Goldwater's bill. One of the things he said was that the Merchant Mariners had no expectations of being considered a veteran. And if you look at some of the criteria that came out of the Department of Defense, you have to have an expectation that you are going to do something. We had a very nice conversation on the phone. And I said to Dr. Allard, "Were you ever part of the trial that was starting to proceed?" He said, "No." I said, "Have you ever been deposed?" Because when you are deposed you have to swear to tell the truth. He said, "No." I said, "Well, Dr. Allard, as the Chief Naval Historian, giving your opinion, how did you arrive at the opinion that the Merchant Mariners had no expectations of being considered veterans?" He said, "It was my opinion." But I said, "Dr. Allard, your opinion now is something other than that." I said, "How many people did you ever interview to get that expectation that you had?" He said, "None." I said, "Dr. Allard, was that good research?" Well, our conversation sort of drifted off from that point.

But what happened was, through the years as we got into five sessions of Congress dealing with this information that comes back to you people, there is a system in Congress that is defeating us. And the system is, I write a letter to someone. Perhaps you, Mr. Buyer, or Mr. Filner. Then you take my letter and you give it to some military liaison man who will pick up the letter, then take it back to the Defense Department, give it to the Civilian Military Service Review Board. They will send a nine to fourteen page response back to you, and that reply then comes back to me.

In 1945, we were incensed by this continued repetition that we had strikes. There were no strikes. There were longshoremen strikes in 1946 in New York. No merchant crew ever struck, and Admiral Land said this. So I was able to go back to the Lieutenant Colonel in the Defense Department who had written this letter to a United States Senator from California. I got her on the phone, and I said, "Where did you get this information?" She wanted to know why I wanted to know. And I said, "Well, I do not believe you should keep telling people that Merchant Seamen struck, because there were no ships that struck." She said, "Well, this is what we know to be true."

Two days later I get a call from the Senator's office admonishing me for taking the time to find this person to ask them, "Is this true, what you said?" And they told me that it is not your right

to ask anybody, "Is it right, the information that is coming back to Congress?" And I said, "Well, how do you know that it is true or not?" And she said, "Well, that is not the issue." And we hung up on that.

But what I really wanted to do is suggest to this Committee, is that over in Alexandria in the Judge Advocate General's Office in the Army is a Lieutenant Colonel Brian Brady. In 1995, as part of getting a LLM Degree, he published a paper called "Notice Provisions for United States Citizen Contractor Employees Serving with the Armed Forces of the United States in the Field: Time to Reflect Their Assimilated Status in Government Contracts." Now, in that paper, which runs about ninety pages, and I am sure he would be glad to come and talk to you all because he caught a lot of flak for writing this thing from the military, he references the Schumacher case and the Merchant Marine. He states that under international law, when you serve, international law recognizes the United States citizen contractor employee serving in the Armed Forces of the United States in the field have military service. If we are considered contractors, then we should have that. It also states that the Department of Veterans Affairs grants veterans benefits to groups of government contractor employees whom the DoD Civilian Military Service Review Board has certified as having rendered services equivalent to active service. Both the court and Congress have determined that. So here we are again and again at a disadvantage because there is nobody here from MARAD speaking for us. We have no research center. So unfortunately Congressman, and I apologize to Mr. Buyer because this is not valor against valor. Sometimes it is my interpretation against someone else's interpretation and how they feel.

When you look at casualty rates, that is one, two, three, four. That is objective. But when you say, were we good guys? Or did I expect to be in the invasion fleet, that is my interpretation. So we really have a problem, sir, and we are at a disadvantage. And I sometimes criticize MARAD for not doing something about it because there is nobody talking about this except these older fellows and myself who came here to see you.

So I will pass on my testimony, but I did want to try to help Mr. Buyer. And if you contact Lieutenant Colonel Brian Brady I think he would be of great benefit to this Committee.

[The statement of Mr. Gleeson appears on page 75.]

The CHAIRMAN. Thank you, sir. And your written testimony will be made a part of the record. Mr. Hank Rosen, Co-Chairman of the Just Compensation Committee, Combat Veteran, and a resident of San Diego. Nice to have you here.

STATEMENT OF HERMAN "HANK" ROSEN

Mr. ROSEN. Thank you, Mr. Chairman. My name is Herman Rosen, I am known as Hank. On April 29, 2007, I will be eighty-eight years old. I live in San Diego, and it is almost like home for me because I am in the 50th Congressional District and Brian Bilbray is our Congressman.

I applied to the United States Merchant Marine Academy in March 1942, soon after the Japanese attacked at Pearl Harbor. I was sworn in as Cadet, USMMA, and Midshipman, USNR, and re-

ported to the Academy at Kings Point, New York. After three months of preliminary training I shipped out from Wilmington, North Carolina, on the newly launched SS John Drayton, a Liberty Ship. We sailed to New York and loaded Douglas bombers, Sherman tanks, ammunition, and supplies for Russian troops who were battling the Germans at Stalingrad.

Due to horrendous Merchant Marine losses of ships and men in the North Atlantic, the John Drayton was routed from New York to Cuba, through the Panama Canal to the Pacific Ocean, down the west coast of South America, across the Atlantic to South Africa. In Durban, South Africa, we joined a convoy which traveled through the Indian Ocean to the Arabian Sea, and finally the Persian Gulf and Khorsamshar, Iran, very much in the news now. It was a journey of 17,260 miles from October 1942 to February 1, 1943. Our ship was finally unloaded on April 1, and we were ordered to return to the States.

On a dark night, 21 days later, gale force winds blowing, the SS John Drayton was trapped and torpedoed by two Italian submarines some 300 miles due east of Durban, South Africa. I scrambled to a lifeboat. I injured my leg, and I joined 23 other frightened, injured, oil-covered Merchant seamen and Navy gun crew. As was policy at the time, my pay from the Merchant Marine ceased the moment I jumped into my lifeboat. The Navy gun crew continued on pay. We spent 30 days, I said 30 days, and 30 nights adrift in the Indian Ocean without food, potable water. We drank sea water, salt water, urine, and blood. Nineteen men in that boat died; five survived.

We were finally picked up by a Greek vessel and taken to a military hospital in Durban. I weighed ninety-seven pounds and suffered from exposure, malnutrition, dehydration, septic abrasions of the hands and feet, conjunctivitis of both eyes, shock, and tachycardia. After several months of hospitalization, during which time I was not paid, I returned to the Academy at Kings Point, graduated, and was commissioned as an Ensign, U.S. Naval Reserve, and licensed Third Mate in the Merchant Marine. Incidentally, on graduation from Kings Point today, and at that time too, you had your choice. You could go into the Navy. Today they can go into the Navy, the Marine Corps, the Air Force, the Army, any branch of the service, the education is that great. I chose the Merchant Marine.

I continued sailing throughout the War, as Third Mate, Second Mate, and finally as Acting Chief Officer. And I was discharged from the Merchant Marine at War's end.

It is noteworthy that Merchant Mariners in my lifeboat, in the lifeboat and in the hospital, were not paid, not a dime. The Navy gun crew were paid. Same boat, same guys, same hospital, they were paid, we were not.

In 1944 the GI Bill of Rights was passed, but the Merchant Mariners received no veteran status or benefits. We received no GI Bill, no 52 weeks at \$20 per week. Let me take a moment. Fifty-two weeks at \$20 a week, \$20 a week does not sound like much today. But in those days, we paid rent, my parents did, \$30 a month for an apartment. Bread was ten cents a loaf. Milk was ten cents a quart. So \$20 a week was substantial. We received no 52 weeks at

\$20 a week. No VA loans, no veteran health benefits, no family tax relief, no VA burial, no military transport, no generous life insurance, no mortgage interest deductions, even, and this was insulting, even at times no USO access. Yet we suffered the highest proportion of casualties of any branch of the armed service. More than 9,000 Merchant seamen died and more than 700 American ships were sunk. The Merchant Marine suffered one out of every 26 died.

It has been a long, hard battle for us to get veteran status. I ask you today to rectify that wrong. Please support H.R. 23. And Mr. Buyer, just for a moment, the Merchant Marine did receive veteran status in 1988 after a tough, tough struggle. But the benefits that we got were so limited. We were able to get a flag on burial. Now when I die they will give me a flag. I can be buried in a military cemetery. And a tombstone. I can go to a VA hospital but I have to pay because I am not penurious. And I think that is about it. So when you see veteran status, if you are concerned about that, we are veterans. But we receive no benefits. And I know that many of the guys, and I see them at installation meetings and so forth, are in real need. And these are real heroes.

There is not very much more I have to say. But I think you understand, and we are hoping, we are depending on you to rectify this wrong and pass this bill.

Thank you, Mr. Chairman. Thank you.

[The statement of Mr. Rosen appears on page 76.]

The CHAIRMAN. Thank you, Mr. Rosen. We have a third panelist, Mr. Brian Herbert, an author. Can you hear me, Brian?

Mr. HERBERT. Yes, I can.

The CHAIRMAN. If you can give us 5 minutes that would be great.

STATEMENT OF BRIAN HERBERT

Mr. HERBERT. When I saw the injustices suffered by the Merchant Marine, I wrote a book about the situation that was published 3 years ago, "The Forgotten Heroes."

This Nation owes a debt of honor to the men of the U.S. Merchant Marine who served the Allied cause so valiantly in World War II. As a government and as a people we have let these heroes down by denying military benefits to them. It is a shameful chapter in American history, and a national disgrace.

From 1941 to 1945, the War Shipping Administration sent civilian seamen into war zones, transporting troops, bombs, tanks, planes, aviation fuel, torpedoes, and other dangerous war materiel. The typical Allied soldier in Europe needed seven to eight tons of military supplies a year to sustain his ability to fight, and 80 percent of that was provided by the U.S. Merchant Marine. These brave men became the lifeline of Allied forces overseas. Delivering essential cargoes, the U.S. Merchant Marine suffered more deaths per capita in World War II than any of the American armed forces—a 32 percent higher rate than the highly publicized losses of the U.S. Marine Corps.

Packed with military cargoes, the slow moving ships of the Merchant Marine were easy targets for German and Japanese naval and air forces. Torpedoes fired at merchant ships carrying ammunition or petroleum often caused explosions so immense that no traces of the vessels or their crews were ever found. Merchant ship

duty was so hazardous that some men quit at the first opportunity and joined the armed forces—where it was safer.

Seamen suffered terribly. Medical workers and survivors of the torpedoed oil tanker SS John D. Gill reported that the flesh of burned Merchant Seamen “would come off in your hands.” When the SS Benjamin Brewster was torpedoed, a survivor described the “screams of the dying, some boiled alive, others fried on the steel decks. . . .” One of the engineers was a “charred and misshapen figure” on a stretcher. Among the Merchant Seamen who survived disasters at sea, many suffered amputations or other disfiguring injuries.

At the end of the war, the men and women of the U.S. armed forces were honored with victory parades and the GI Bill, which gave them educational benefits and low-interest loans. But the members of the U.S. Merchant Marine received none of that. Instead they were shunned and ridiculed; they were called draft dodgers, slackers, and bums. Many former seamen became derelicts without homes after the war, left to wander the streets of America like stray, unwanted animals. Some of them committed suicide.

The reasons for this involve politics, and a veil of lies and distortions that was placed over the achievements of these men. It has even been alleged that they were overpaid, perhaps the biggest untruth of all. How could they possibly have been overpaid when they died in huge numbers and when survivors were denied military benefits for their entire lives? As I proved in my book “The Forgotten Heroes,” these men were in fact grossly underpaid. They operated ships with skeleton crews. They performed the work of at least a half a million men, more than twice their actual numbers, and were sent into battle with the equivalent of pea shooters on their decks.

During the war, the Japanese Imperial Navy ordered their commanders to sink enemy ships and cargoes, and to “carry out the complete destruction of the crews” As a result, American merchant seamen were machine-gunned in their lifeboats, tortured by submarine crews, and thrown into shark-infested waters. Some survivors of the merchant ship SS Jean Nicolet—with their hands tied—were left on the deck of a Japanese submarine and drowned when the captain crash-dived the sub.

The men of the U.S. Merchant Marine were independent sorts who often did not dress in uniforms or salute officers—and they have been criticized for this. But there is an old saying: “The uniform does not make the man.” It is essential to keep in mind that this country was served at its time of greatest peril by men who performed their jobs efficiently and completed their military assignments. They were individuals—the very essence of what it means to be an American.

They were also patriots. On June 27, 1942, Convoy PQ-17 sailed from Reykjavik, Iceland with 34 merchant vessels. They were bound for Russia in a rescue mission, transporting food, clothing, and military supplies to the beleaguered Nation, to keep it from falling to enemy forces. On July 3, “Lord Haw Haw” the German version of Tokyo Rose, announced over the radio, “The Americans celebrate the Fourth of July tomorrow, and we shall provide the fireworks.”

The next day the German Navy attacked in force. During the one-sided battle, American merchant ships were in radio contact with one another, and coordinated a remarkable act of bravery and defiance. To commemorate American Independence Day, they simultaneously raised large national flags, and sang "The Battle Hymn of the Republic."

There are countless stories of Merchant Marine heroism and patriotism—too many to tell in the time I have been allotted. Thank you for listening to my plea for justice. These men and their families deserve far more than we have given them. We would not be a free Nation today if the U.S. Merchant Marine had not sacrificed so much on our behalf.

[The statement of Mr. Herbert appears on page 77.]

The CHAIRMAN. Thank you, Mr. Herbert. And we thank the total panel. Mr. Hare, do you have any comments or questions?

Mr. HARE. Well I again, Mr. Chairman, just want to commend the Merchant Marine for everything that you did for this Nation. And, you know, I was talking to some of the people from the panel prior out in the hallway, and I said, "Sometimes justice takes a little longer." And it should not. But, you know, I believe this bill has tremendous support. As the Chairman said, I believe we will find the funds if we have the courage to find it, and we will. And I think it is after sixty-plus years it is the very least that this Congress and this country can do. And to all of you, and Mr. Herbert, on your book, I am anxious to take a look at read it. But I just want to thank you very much for everything you did for this Nation. And understand that, you know, sometimes, you know, being the new kid again here I have a tendency to talk maybe too much. But in this instance I do not think I can ever thank you enough for what you have done. And I just really appreciate that. I do not know if you folks had any other comments other than that. But just know that we genuinely care, and we will get this done.

Mr. ROSEN. I simply want to point out—thank you, sir, thank you for your remarks. But I am 88 years old. I am guessing a year or two older than the average of the Merchant Seamen. But you must remember, if you are thinking in terms of dollars and sense, it is going to be diminishing returns in 1 month, 2 months, 3 months. The first month may be, as the Chairman pointed out, \$100 million, the first year. But thereafter, it is going to drop precipitously. And I do not think that the money is going to be an object when you get down to listening to the facts and determining the issue. We certainly hope and expect that you will do the right thing.

Mr. GLEESON. Just two final comments, and I know everybody is getting late here. A lot of people do not know, when we finally got the bill passed in 1998—

Mr. ROSEN. 1988.

Mr. GLEESON. No, 1998, which was the final for the Denied Seaman. There was the Federal court case in 1988, and then there was the legislation finally after ten years. I had to get my honorable discharge. I had to pay \$30 to the Coast Guard. I was eligible for several medals, I had to buy my medals. Nobody else has been subjected to that type of thing. And then the testimony that I did not read the item is on page three. It really has to do with money. And

it said that the Senate and House in 1996 passed Senate Bill 281 by a voice vote, a bill that established the start of the Vietnam conflict as February 28, 1961, not the August 5, 1964, date following the Tonkin Gulf incident. This legislation, which was spearheaded by Senator D'Amato from New York, belatedly, they used the term belatedly, recognized 16,000 servicemen who had been serving in Vietnam during that time period. The Congressional Budget Office stated, as they have to, that this act would have no significant impact on the Veterans Affairs budget. These men richly and deservedly got the belated government recognition and response because many of them had service related disabilities because Agent Orange was starting to show up. And I am glad Senator D'Amato did this.

The only reason I bring this up is not to minimize anything they did. But to say that there were 16,000 people that now had full veterans benefits and there was no budget impact.

Mr. HARE. Well, let me just say one final thing. You are right, Mr. Gleeson and Mr. Rosen, this is not just about the money. Because you are right, you know, the diminishing returns because unfortunately over 60 years. It is really about a statement from this Congress, and from this government, and from the American people, you know, to recognize what you have done. And, you know, and again it has taken an awful long time to do that. So it is really much more than \$1000. You know, because the money is never going to be able to pay back the sacrifices that you and the people who came before you and the people we have lost have made. So, you are right, it is not about the money at all. It is really about doing what is right. And I commend the Chairman for this bill. I think it is a wonderful opportunity to right a wrong and I look forward to supporting it. So thank you very much.

Mr. GLEESON. Congressman, we are not loved by many people.

Mr. HARE. You are by me.

Mr. GLEESON. No, no, this is in the records. And I will finish with one statement. That if anybody wants to read something, they read the court final case, Judge Oberdofrer. Because he mentions that the negative approach to this whole thing was brought forth not only by the Navy but by certain service organizations. And that has been the VFW and the Legion. And the VFW has been against us ever since, because when you started off with so many millions of people after World War II they did not need anybody else coming to you asking for benefits. Now, the VFW still has not accepted us because they say we have to change our Federal charter. The American Legion, now, I have my American Legion card, I am a life Member of the AMVETS out in New Jersey. So what I am saying, if I want a beer, I can get a beer some other place. But people should stop poor mouthing us.

I mean, just ask anybody. And I wrote a letter to the VFW newsletter once when they asked for "how does everybody feel about letting these fellows in?" Two to one, the veterans said, "Let them in." And the VFW then sent another letter out in their newsletter saying, "Well, we are done with that issue we are not going to bring it up again." We do not care whether we get into the VFW. But we know, from people like you talking to us over the years, when someone comes in and asked you to do something, many people

have said, "Now, do not do anything for those guys." I do not think that is right, but everybody lobbies their own way. But, you know, after a long time it sort of wears thin. But you have to read not what we say, but what the Federal court said and the people who were against us. It is right in the writing, Judge Oberdofrer's opinion. The Navy was opposed to this, and since that time the wagons have closed in and we have had trouble ever since. Thank you very much.

The CHAIRMAN. Thank you. Mr. Buyer, any final comments for this panel?

Mr. BUYER. Yes, I just have one comment. I encourage the Sergeant Major to read this hearing in 1945 because I think you are going to find it really fascinating. Because this was a very extensive hearing. And listening to the conversations between the Merchant Mariners as they testified before the Merchant Marine and Fisheries Committee. And you have veterans of World War II who are on the Committee. And it appears in the record that these World War II veterans who are serving in Congress on the Committee with the Merchant Mariners in front of them, got into the whole pay issue. And I am not going to, you are a veteran today. But it is kind of interesting going back into the record. It really bothered, it must have really bothered these Members of Congress who had served in the Army or the Marine Corps in a combat zone and then, I mean, they pulled out the records that show all the different bonuses that you had received. Your voyage bonus, port bonuses, area bonuses, port pack bonuses, and different percentages—

And it appears that these Members of Congress, I am just trying to get into the mind of the decisionmakers.

Mr. GLEESON. Right.

Mr. BUYER. The decisionmakers at the time, who also then served on shore duty, saying, "Well, wait a minute. I did not get a bonus because I got attacked last night." Or, "I did not get a bonus because," I mean, it appears by looking at this record that—so let me ask this question. When you get around some of your comrades, do they still talk like this?

Mr. GLEESON. Service organizations at that time, Congressman, were very powerful. But people also, if they want to read the record, they go back to an exchange of letters and memos, Presidents do not write letters, they send memos, from President Roosevelt to Secretary of War Patterson. You know, "it is my opinion that we should consider these people veterans." Patterson then says, "You mean to say that you said that we should consider," Roosevelt wrote, "Yes." Two years later in these type of hearings, Secretary of War Patterson had a fog. He could not remember Roosevelt ever telling him anything. So what I am saying, this whole issue would pile paper up over all the thing, and it is whether these people felt this, what happened here. The hearings that Jack Fields had, Congressman Fields, who held this, for 6 years he tried to run this in Congress. He almost came to blows outside this meeting room here with a general who could not tell him how the August 15 date came about. And people standing right there will testify. So this whole thing is just fraught with he said, you said, they said, and here we are sixty-two years later, probably doing

this the last time, and we cannot say our information is better than that information.

And that is interesting. There have been a number of hearings, incidentally, Congressman, over the years on this and back in the eighties there were hearings when all these different petitions would come in.

One last thing just to show you how bad it gets and then I am through, please. After Congress in 1998 passed the bill, and Mr. Filner you were on that bill. And after the Secretary of Defense, Cohen, sent a letter to Mr. Stump saying, "We have done this," and Senator Lott said to somebody else, "This is all now cleared," the Civilian Military Service Review Board in view of the fact that the Secretary of Defense says they are veterans, turns down Mr. Burt Young's petition to classify us as veterans.

Mr. BUYER. Today, though, Mr. Gleeson—

Mr. GLEESON. Pardon?

Mr. BUYER. Today, before this Committee, your testimony before this Committee, we recognize your valor, your service, and your veteran status.

Mr. GLEESON. Right.

Mr. BUYER. That is not what the debate is.

Mr. GLEESON. That was not the point. I am just trying to make the point.

Mr. BUYER. I understand.

The CHAIRMAN. No, your time is up. I must say in a lot of the writings that you can read, many of the servicemen at the time, as you pointed out, and the Congresspeople who might have served, had a misunderstanding of the pay structure. They thought there was higher pay. But as was pointed out, between ships, if you were sunk, if you, on short—

Mr. HERBERT. No pay, no pay.

The CHAIRMAN. It adds, it is roughly comparable, probably a little less for the Merchant Marine. Mr. Walz?

Mr. WALZ. Well, first of all I would also again say thank you for coming here. I am glad that this is the second time you have testified. I was not around 62 years ago so I am glad to be here on this one. And I would mention, I will, I appreciate the Ranking Member's pointing out the testimony, and I promise that I will read that and get back.

The comments that the active forces argued against the Merchant Marines being in. I can somewhat identify with you having spent 24 years in the National Guard. I lived through the weekend warrior things and all that, but I think this Nation has realized recently as the National Guard has 50 percent of the troops in Iraq and Afghanistan, it is a pretty important force. And they are now starting to look at changing the GI Bill to a 21st Century GI Bill that reflects the need and the use of that. But I can tell you, and Mr. Buyer, your time in the Reserve, I would be guessing that you maybe have heard some of that too over the time. That just because you were not doing the active service the entire time, that you were somehow of a lesser status. And I have always been one to believe that I make no separations, a veteran is a veteran is a veteran. We have gotten into that slippery slope here in this Congress of deciding that the category eights are not deserving of VA

funding and those types of things. Or we are going to attach a fee, which is all the rage here right now, the combat veteran tax is what we tend to call it here.

Those types of things do not change the fact, and I will read that testimony, but the fact is that service rendered is service rendered to this Nation. And I can assure you that I will do everything possible to make sure we try and correct this.

Mr. GLEESON. Thank you, sir. Thank you very much.

The CHAIRMAN. Thank you. Thank you, colleagues, thank you panel. And we will take all your testimony in concern. We have one more person to hear from.

Mr. GLEESON. Thank you for staying with us.

The CHAIRMAN. Sure.

Mr. ROSEN. Thank you for hearing my testimony.

The CHAIRMAN. If the VA witness would come forward, Bradley Mayes, Director of the Compensation and Pension Service for the Veterans Benefits Administration. Thank you for being here. Mr. Mayes, thank you for coming. You have five minutes.

STATEMENT OF BRADLEY G. MAYES, DIRECTOR, COMPENSATION AND PENSION SERVICE, VETERANS BENEFITS ADMINISTRATION, U.S. DEPARTMENT OF VETERANS AFFAIRS; ACCOMPANIED BY THOMAS PAMPERIN, DEPUTY DIRECTOR, COMPENSATION AND PENSION SERVICE, VETERANS BENEFITS ADMINISTRATION, U.S. DEPARTMENT OF VETERANS AFFAIRS; AND RICHARD HIPOLIT, ASSISTANT GENERAL COUNSEL, U.S. DEPARTMENT OF VETERANS AFFAIRS

Mr. MAYES. Mr. Chairman, members of the Committee, I am pleased to be here today to provide the views of the Department of Veterans Affairs on the Belated Thank You to the Merchant Mariners Act of 2007. I am accompanied today by Mr. Thomas Pamperin, Deputy Director of the Compensation and Pension Service, and Mr. Richard Hipolit, Assistant General Counsel.

Mr. Chairman, let me start out by recognizing the sacrifices made by members of the United States Merchant Marine Service, Merchant Mariners during World War II, and note that we currently treat these individuals as veterans by virtue of their service. And I am proud of that fact.

With regard to H.R. 23, I note that Title 46 of the United States Code provides for the payment of burial benefits and internment in national cemeteries of certain former Merchant Mariners. H.R. 23 would amend Title 46 to require VA to pay certain Merchant Mariners a sum of \$1000 per month. This new benefit would be available to otherwise qualified Merchant Mariners who served between December 7, 1941, and December 31, 1946, and who received honorable service certificates. The surviving spouse of an eligible Merchant Mariner would be eligible to receive the same monthly payment, provided that he or she had been married to the Merchant Mariner for at least 1 year prior to the Merchant Mariner's death.

VA does not support enactment of this bill for several reasons. First, to the extent that H.R. 23 is intended to offer belated compensation to Merchant Mariners for their service during World War II, we note that many Merchant Mariners and their survivors are already eligible for veterans benefits based on that distinguished

service. Pursuant to authority granted by Section 401 of the GI Bill Improvement Act of 1977, the Secretary of Defense in 1988 certified that service in the oceangoing service between December 7, 1941, and August 15, 1945, is active military service for VA benefit purposes. As a result, these Merchant Mariners are eligible for the same benefits as other veterans of active service. This bill appears to contemplate concurrent eligibility with benefits that Merchant Marine veterans may already be receiving from the Department of Veterans Affairs. This would be a special privilege that is not afforded other veterans. Further, to the extent that Merchant Marine veterans may be distinguished from other veterans due to this belated recognition, we note, as the Ranking Member, Mr. Buyer, noted, there are myriad other groups that could claim that they were similarly disadvantaged.

Second, while there can be no doubt that Merchant Mariners were exposed to many of the same rigors and risks of service as those confronted by members of the Navy and the Coast Guard during World War II, the universal nature of the benefit that would be provided under this proposed legislation for individuals based on qualifying service, and the amount of the benefit that would be payable, are difficult to reconcile with the benefits VA currently pays to other veterans. This proposed legislation would create what is essentially a service pension, as was discussed, for a particular class of individuals based on no eligibility requirement other than a valid certificate of qualifying service from the Secretary of Transportation or the Secretary of Defense. Further, this bill would authorize the payment of a greater benefit to a Merchant Marine veteran simply based on this service than a veteran currently receives for a disability rated at 60 percent due to service, and injury due to service. As the same amount would be paid to surviving spouses under this proposal, there would be a similar disparity in favor of this benefit in comparison to the basic rate of dependency and indemnity compensation for surviving spouses as provided for under Chapter 13 and Title 38.

Mr. Chairman, you requested our views on two alternative proposals to provide the monthly \$1000 payment or a one-time lump sum payment of \$20,000 to living Merchant Mariners only. Although those proposals would lessen the costs of the legislation, they would generate many of the same inequities as H.R. 23 by according Merchant Mariners significant preferential treatment not provided to other classes of veterans.

VA estimates the enactment of H.R. 23 as introduced would result in a total additional benefit cost of approximately \$234.1 million in the first fiscal year, and an additional benefit cost of \$1.4 billion over 10 years. We estimate the benefit cost of a bill covering living Merchant Mariners only to be \$163.4 million during the first year, and \$790.3 million over 10 years. We estimate the cost of providing a one-time lump sum payment to living Merchant Mariners in fiscal year 2008 to be \$272.4 million. We also estimate that additional administrative costs associated with the need for more employees to process claims for the new monetary benefit would be approximately \$893,000 during the first fiscal year and \$6 million over 10 years.

Mr. Chairman, this concludes my testimony. I would be pleased to answer any questions you or the other members of the Committee may have. Thank you.

[The statement of Mr. Mayes appears on page 83.]

The CHAIRMAN. Thank you. Mr. Hare do you have any comments? Questions?

Mr. HARE. You say it is difficult to reconcile. I am just wondering, would you agree or maybe disagree. I mean, we have had sixty years here, it seems to me, of neglect for our Merchant Marines. And we had, it was mentioned earlier, Filipino war veterans, and that kind of, you know, you say this money would put them higher. But again, is that not, that is based upon a level playing field, which this is not, is that not correct? From my perspective, the vets that have been receiving the benefits that they justly deserve, and I want them to keep getting that. As a matter of fact I think they ought to be increased if anything, but we are comparing this to a group of people who have been significantly neglected here for many years. Is that correct or no?

Mr. MAYES. The way I am approaching this, as I look at it, it seems that we are attempting here with this legislation to rectify the delay in recognizing veteran status for this group of individuals. Distinguished people who put their life on the line, no question. There really is no precedent that I am aware of for trying to compensate for this delay. We are providing benefits right now. There are over 1,000 Merchant Marine veterans in receipt of either disability compensation or disability pension. We stand ready to assist any Merchant Mariner with an application for benefits, to counsel them on their benefits, to help them achieve status with Department of Transportation or Department of Defense. The Department of Veterans Affairs is not set up to make reparation for this lack of status for these many years.

Mr. HARE. Well, let me ask you this, then. If, you know, the Ranking Member listed a very lengthy member of organizations, including the Flying Tigers. Assuming that the money was there, I assume the VA would have no problem in being able to give those folks compensation also. In other words, it is not pitting one group against another group. So if the money was there, I assume you would have, there would be no problem from your perspective. So this is really, I guess what I am trying to ask you is, this is a dollar and cents thing, according to the VA, not a question of what is fairer. It is just really, you were mentioning the money. And then also on that, are these figures not based upon, I mean, you are looking at people who are, for a ten-year period of time, some of these people who testified today are in their eighties. So are those figures not kind of, from your perspective, inflated based upon the life expectancy of our Merchant Marine people?

Mr. MAYES. Well, let me, if I could sir, back up just a moment. I think it is not correct that we would say that if we made similar benefits available to all of those classes of individuals, civilians, who supported the war effort that we would support legislation to that effect. The Department of Veterans Affairs has in place a Disability Compensation Program that is set up to compensate for disability that is incurred in or aggravated while on active duty. We have a pension program. The pension program is to honor our older

veterans in their later years so that they are not living in poverty. And so, there really is no basis for a program to compensate these distinguished people through the Department of Veterans Affairs for this delay. I mean, the truth is, there were hearings over the years. The American people, and I for the life of me do not know why, decided that they should not have veteran status. I am glad that the Congress did that in 1977. And we are honoring their service today.

Mr. HARE. It just seems to me that the \$1000 per month that we are talking about in this bill, (A) It is not a budget buster, and (B) It seems to me given the length of time that has passed in terms of what we have not been able to compensate our Merchant Marine people for, it seems to be, you know, like spitting in the ocean. So really, as I said to the other panel, I do not think from my perspective this is really about the \$1000 a month. I think this is about the recognition, and this Congress, and this government saying to our Merchant Marine that for sixty years you have been treated as second-class citizens and it is time to move you up to the front here. At least put you on even par with everybody else. So, with that I would yield.

The CHAIRMAN. Thank you. Mr. Buyer?

Mr. BUYER. Therein lies our challenge, Mr. Hare. You use the word "fairness." So, if you want to say, okay, what is fair? I am going to go down this track and follow your line of thinking. If in fact we wanted to do something that is unprecedented. The only thing we have in comparison would be the pension benefit which the VA would pay the one that we established for the Medal of Honor. You would have to say compared to those similarly situated, all these other 38 groups. So if Mr. Filner actually brought this bill, and to follow your—I would not know. I am just saying, if you want to follow fairness out to its logical result, you would be bringing an amendment to incorporate all of these 38 groups so that they are treated similarly. Is that what your position is?

Mr. HARE. Does the gentleman yield?

Mr. BUYER. Yeah.

Mr. HARE. I would like to see us, at some point, to be honest, recognize every person that has put in. I mean, the testimony that we have heard today, people sitting in life rafts for thirty days, prisoners of war, you know, marched off to Burma to work on bridges, I would certainly hope that at some point this Nation, not just this Congress, but this Nation, but I think we have to lead here, absolutely. Because I think this, and I agree with you, Mr. Buyer, this is not pitting valor against valor. To me, it is a question of what is fair and what is right. And when I look at the kinds of silly things that this Congress in recent years has spent money on, this to me seems, it is a moral obligation from my perspective that we have to the people who have given everything they had, including their lives, to this country.

Mr. BUYER. So then if the rationale is moral obligation and fairness, then we cannot end with those, these thirty-eight groups. Because then you have to say Merchant Mariners of Korea, of Vietnam, of the Gulf War, to include these civilian ladies and other civilians that were held as prisoners of war during Vietnam, and others. I mean, there is a large classification. We, as we note from this

hearing and about our history, when we go to war, civilians go with us. And so we have to define that status. That is what we do at this Committee, and define pensions, and define benefits. And the hardest thing, I have found, is defining that subjective term that you just said, fairness.

Mr. HARE. It may be hard, Mr. Buyer, but again, if I could, the fact of the matter remains, I think, and this is just one person's opinion. It boils down to doing what is right. You know, whether it is the Filipino veterans who we promised benefits to and now we are talking about whether or not we can afford to do that. Whether it is our Merchant Marines, and the VA is saying, "Well, you know, it is \$1000, and you know, where do the figures come from?" I hope that at some day we can get to a point that no matter what you do for this country, what your status is, if you are willing to put your life on the line to defend this country that this Congress and that the American people will rise to that occasion. Because to do anything less than that, from my perspective, I think is disingenuous for us. It is—

Mr. BUYER. It is important, let me just say this, Mr. Hare. It is important with regard to the judgments we make and how they will also be defined in the future. The reason I brought up the present conflicts is because when the Army went through this transformation we also transformed the logistical functions, and we have over 60,000 contractors now in the combat zone performing functions that our uniformed armed services used to perform. So are we going to face, twenty years, thirty years, forty years from now these individuals coming back, using the same doctrine, this fairness doctrine which is being appealed.

This is a great discussion to have. I have learned, and I just want to share with my Mariner comrades in the back, even when I chaired Personnel on Armed Services I would have individuals write me wanting to say my division was attached to another division or part of the Army, and we supported the right flank but we did not get the Presidential Citation that some other got. I mean, it was unbelievable the different requests that they would make for me to try to redefine history. And it is hard. I just want you to know how hard that is as a judgment to make.

I just am very, very concerned. And I do not question your valor. I do not question your service. I applaud it. I do not question that sincerity of the Chairman in what he wants to do. I am greatly concerned about all of these other recognized groups under Public Law 95-202 who are similarly situated, and whether or not they would also be entitled to pension benefits. With that, I yield back.

The CHAIRMAN. I thank the gentleman. I thank the panels again. Mr. Buyer, I do want to thank you, although I think to hear your comments we disagree. But I want to thank you for participating in the dialogue and staying here for the full time of the hearing.

I just want to say to Mr. Mayes and the VA, by the way, how many surviving Mariners did you use in part of your calculation here?

Mr. MAYES. What we did was, we used 160,000, based on the numbers at the end of the War. We applied mortality rates to that, and then assumed—

The CHAIRMAN. How many? I do not care how you got there. How many Merchant Mariners? You could have just asked them how many are in their organization, it would have been a lot easier, but go ahead.

Mr. MAYES. We can get you that information.

The CHAIRMAN. You do not know the number that you are using for all these figures?

Mr. MAYES. We used 160,000 in the cost estimate. That was the number—

The CHAIRMAN. Yeah, but how many are alive today that are going to get this fiscal year 2008 thing that you have here? You had to have some number.

Mr. MAYES. I will have to get that to the Committee. I want to make sure that I give you an accurate—

The CHAIRMAN. I cannot believe that you have the millions of dollars, and how much it is going to cost 10 years from now, and you do not know the numbers you are going to use to calculate that? I think you are way over estimate anyway, and you could have just turned around and asked these guys how many instead of applying these mortality figures and all this.

Mr. MAYES. I do have it.

The CHAIRMAN. Okay, well I am glad you do.

Mr. MAYES. Sorry. For fiscal year 2008, it is 13,620 Merchant Mariners.

The CHAIRMAN. And in ten years?

Mr. MAYES. And in ten years, year 2017, 1,674. Let me go ahead and give you the spouses as well. The spouse caseload for 2008 is 5,890. And for 2017 it is 3,092.

The CHAIRMAN. Thank you. I just want to point out in your testimony you said, “The VA is not set up.” I mean, it is like some abstract thing that was handed down to us from some great bureaucrat in the sky. Let me remind you that the Congress sets these things up. The Congress decides. So we can tell you who we should fund. I do not care how it is set up. We set it up. And we can change how it is set up. And just because there is no precedent, so what? I mean, you guys talk about, well, we have got to do it as it has always been done. And oh we, you know, we decide that and we are going to decide this, and I do not care how you are set up and I do not care what precedent is. If we decide this is the right thing to do, we are going to do it.

So, it is your thinking that bothers me. I mean, you gave some recognition to their sacrifices and then you go on to basically dismiss them in all the things that you said. So we found the way, I should tell the folks in the audience, to get the VA to stay for all the testimony by putting them on last. But I would think they would refer to some of the things that were said, and they did not. But thanks for being here, but, you know, the precedence, or the existing organizations have no convincing value to us here in the Committee, at least to some of us.

I thank all the Mariners who have been here, who have traveled across the country, some who had to be here by phone. I think we

learned a lot today. I think we educated Congresspeople, therefore educating America, and I think we are a lot better for it. Thank you so much.

[Whereupon, at 1:10 p.m., the Committee was adjourned.]

A P P E N D I X

Prepared Statement of Chairman Bob Filner, Full Committee on Veterans' Affairs

Good Morning:

Honored Guests, Committee Members, and the brave men and women of the Merchant Marine.

This morning, our Committee continues its quest to correct a grave injustice heaped upon the gallant men of the Merchant Marine of World War II. We are here today to shed some light on the mysteries surrounding the treatment that the Mariners suffered by being denied GI Bill benefits at the end of WWII and to find a way to compensate them, 60 years later, for their heroic deeds.

It is indisputable that the Allied Forces would not have been able to begin, sustain, or win WWII without the valiant service of the Merchant Marine. The ships they commanded carried troops, tanks, food, airplanes, fuel, locomotives and other critical supplies to every theater of war. Merchant Mariners participated from the beginning of the war both here and abroad—from the Atlantic coastal waters of the U.S. and England and from Normandy to Okinawa. In the concluding months of the war, as a part of Operation Magic Carpet, the Merchant Marine ships brought home over 3.5 million men deployed overseas.

During WWII, Merchant Mariners worked the most dangerous details and suffered the highest casualty rate of any of the other branches of service, **with nearly 1 in 26 dying in the line of duty**. A death rate of this magnitude is unimaginable and would not be tolerated in our current wartime endeavors in Iraq and Afghanistan. But the hulking, slow Liberty Ships of the day were little more than sitting ducks for German u-boats and wolf packs. The government suppressed these dreadful numbers to ensure a steady stream of Merchant Marine volunteers, needed to man the thousands of Liberty Ships built in anticipation of the war effort. At this time I would like to submit for the record a joint letter of support from four Maritime Organizations wherein it quotes General Dwight Eisenhower, leader of the Allied Forces of WWII, who succinctly summed up the contributions of the Merchant Mariners, "When final victory is ours there is no organization that will share its credit more deservedly than the Merchant Marine."

Many of the Merchant Marine detractors claimed these men were draft dodgers. Nothing could be further from the truth. During WWII, there was active recruitment for men to join the U.S. Maritime Service (USMS) which trained the Merchant Marine. There were 37 official government recruiting offices set up around the country, with many offices located next to the Navy and Coast Guard offices. Untold numbers of these men were steered from the uniformed branches to join the Merchant Marine because, as they were told by the recruiting officers, *that's where your country needs you*. Also, the Merchant Marine was ahead of its time because it was the only branch of service that did not discriminate based on race and that accepted men as young as age 16. The short story is that the country needed these men, and these men wanted to serve. The majority were unaware of the fine distinctions between the Merchant Marine, Navy, Coast Guard or other armed branches in terms of veteran status after wartime.

I believe their confusion was genuine. Congress passed the *Merchant Marine Act of 1936* to rebuild our Nation's Merchant Marine that had died out after WWI. Also in 1936, the U.S. Maritime Commission was established to oversee the rebuilding of this fleet. Along with the U.S. Maritime Service (USMS), the training arm set up in 1938, it grew the number of Merchant Mariners from 55,000 pre-war to over 250,000 men and opened training facilities around the country, including Sheepshead Bay and a full Merchant Marine Academy by 1942.

Once at war, in 1942, the U.S. War Shipping Administration, as an emergency wartime agency, took control of the purchasing and operation of commercial shipping vessels. Hence, all Merchant Mariners were under the auspices and control of this Federal Government agency. The Navy, as author Brian Herbert notes in his

book, *The Forgotten Heroes*, exerted “de facto authority” over the Merchant Marine service when it gained control of the Coast Guard—which in 1942 had become responsible for the inspection of Merchant Marine vessels and for the examination, licensing and certification of Merchant Marine personnel.

Trying to figure out who controlled the Merchant Marine and who should have made certain that the Merchant Marine of WWII were included as veterans is as futile as a game of “Who’s on First?” The question is who got lost in this bureaucratic, interagency shuffle? The answer is the Merchant Mariners who served selflessly despite all of the discord. I believe today—as I always have—and as Judge Louis Oberdorfer decided in 1988 in the seminal case brought by Stanley Willner and other mariners (*Schumacher, Willner, et al., v. Aldridge*, 665 F. Supp. 41 (D.D.C. 1987)), that these men had every reasonable expectation that they would be treated as veterans for their service to our Nation and would be able to partake in any and all benefits that came with that status.

I want to emphasize that we are not here to establish whether or not these men are veterans. That was determined finally in 1988. We are here today to try to give them their due in *compensation*. Without question, the Merchant Mariners deserve our undying gratitude, not just in words but in deeds. Yet at the war’s end, they received nothing. During WWII, if a Mariner died while in combat, his family was eligible to receive \$5,000 from the War Shipping Administration. That’s it. If he lived or was injured, he and his family received nothing. No GI Bill—no readjustment pay, no unemployment benefits, no educational assistance, no housing or farm loan assistance, no VA hospitals or benefits, no priorities for local, state and Federal jobs, not even participation in V-Day celebrations and parades. Not until 1988, after a hard-fought and ugly legal battle, did these men receive veteran status after 40 years of struggle. For 125,000 Merchant Mariners, it was already too late. What a travesty of justice!

Why these men were not included in the 1944 GI Bill of Rights remains a mystery. Was it because their chief champion, President Franklin Delano Roosevelt, a seaman himself and creator of the Merchant Marine Academy and the U.S. Maritime Commission and Service, died in April 1945? Were the Merchant Mariners caught up in the crosshairs of the politics of the day, of yellow journalism, of bad publicity, of rumors of strikes and draft dodging, of the anti-union sentiments, of the anti-communism scare, of racism, of competition with the uniformed branches, or was it just that a hybrid militarized organization got the short end of the stick when veteran status was being decided—disenfranchised without a voice at the proverbial table? Or, was it the confluence of all of these events? Will we ever know the real truth?

There are a few naysayers that will claim that the Merchant Mariners simply had dangerous jobs—jobs that would compare to the contractors of today in Iraq, paid by a private firm, paid a much higher rate than the average soldier and willing to assume the risks because of their high level of compensation. This is simply not true of the Merchant Marine of WWII. They were not paid more, but comparably and in some instances less, as the chart displayed to my left and attached letter indicate, which I would like to submit for the record. **Exhibit 1**. Moreover, they were only paid when they were working. When their ship was torpedoed or sunk and they were in shark infested waters in a life boat, they were not being paid. POW, not paid. Wounded, not paid. Stanley Willner of the 1988 legal case, not paid. I know that a few of the witnesses today will expand on the wage issue, the greatest myth surrounding the Merchant Marine.

This is why I re-introduced the *Belated Thank You to the Merchant Marine of World War II Act of 2007*, H.R. 23. As many of my colleagues know, this bipartisan, bicameral bill will provide \$1,000 a month to Merchant Marine veterans and to their surviving spouses to give them the real thanks that is long overdue.

Would this compensation correct the wrongs of the past? Does it mean that Merchant Mariners did not lose out on the advantages afforded to the other great men and women who served in WWII—namely through the 1944 GI Bill? NO. Does it lessen the hurt and betrayal they felt when they were not recognized by their country upon return from combat theaters around the world defending America? NO. Does it mean that men like Stanley Willner, who spent three-and-a-half years as a Japanese POW, dropping from 135 to 70 pounds, working endless hours with little subsistence in nightmarish conditions building a railroad over the River Kwai, only to receive 2 weeks of medical care and little else, will ever be made whole? NO. This country needs to stop telling these men and their families, NO. This hearing, I hope, is but the beginning of “yesses” for belated compensation for these deserving souls.

Deserving souls like Stanley Willner, Ian Allison, Henry Van Gemert, Dean Beaumont, Frank Dooley, Dick Wiggins, Eldon Swopes, Bill Jackson, Eugene Barner, Burt Young, Warren Leback, Dennis Roland, George Duffy, Hank Rosen, Dan

Horodysky, Marvin Willenburg, Joe Katusa, Joe Chomsky, Gerald Starnes, Mark Gleeson, Fernando Vallas, Bruce Felknor, and Mr. Nicolich—for those still with us today and for those who have *crossed the bar*.

Lastly, it is well worth noting that in February 2000, our friends to the North, Canada, recognized the service of its Merchant Marine by giving those who served two or more years, lump sum payments mostly in the range of \$20,000. I would like to submit an article for the record that explains how this award was made. **Exhibit 2.**

Members of the Committee, we recently learned of the passing of one of the last veterans of World War I. When we heard the news, each of us felt a collective pride in our hearts for his service to our Nation. That is why the designation of being a veteran is so important. When people hear the word, they think of the selfless service of men and women who are willing to put their lives on the line for their countrymen. That is what the Merchant Marine did selflessly, and that is why they received the veteran designation in 1988. That is why they deserve to receive belated *compensation* for their delayed ascension to veteran status.

President Washington got it right when he said, 'The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the Veterans of earlier wars were treated and appreciated by their country.' We are here today—to begin to right this tremendous wrong and to give the Merchant Marine veterans of WWII their due—in deeds not words.

I would like to now recognize, Mr. Buyer, Ranking Member of the Committee for his opening statement.

EXHIBIT 1

Answer to the Supposed Inequity in Pay Between Merchant Seamen and Members of the Armed Forces in World War II

War Shipping Administration
Training Organization
Washington 25, D.C.

Mr. Arren H. Atherton
National Commander, The American Legion,
National Headquarters, Indianapolis, Ind.

Dear Mr. Atherton,

This will acknowledge receipt of your letter of October 27, 1943, in which you stated the position of the American Legion with regards to inclusion of Merchant Marine Seamen on Legion Honor Rolls. If these community honor rolls are dedicated specifically to, "those serving in the Armed Forces," then of course merchant seamen are not eligible. If, however, any are dedicated to, "those in the war service," in the service of our country, or "of the United States," then it is believed proper that merchant seamen should be included. We cannot of course agree that service in the Merchant Marine can be, in any way, considered as only equivalent to home guard, civilian defense, etc., since these activities have few casualties directly attributable to enemy action, as has the merchant marine. The casualty lists show that the percentage of casualty in the merchant marine is at least three or four times the percentage for any of the Armed Forces.

We wish further to correct an impression which you have in regard to the pay of men in the merchant marine. We believe it particularly unfair to compare the highest paid merchant seamen to the lowest paid member of the Armed Forces, as is done so often. Particularly, you mention that the gun crew on board merchant vessels draw from \$50.00 to \$80.00 per month. For your information, all Navy personnel assigned to Navy gun crews are at least seamen first class. The base pay for this rate is \$66.00 with a 20 percent sea-pay bonus, bringing this to \$79.20, which is the very smallest pay drawn by any member of the Armed Guard range up to Petty Officer second class, the base pay plus allowances for that grade being \$115. The above, of course, is minimum and applicable only to single men without dependents. If he is married or has dependents to whom he allots \$22 per month from his pay, the Government pays to his dependents further allowances in accordance with the following table.

| | |
|---|---------|
| Wife | \$50.00 |
| Wife & Child (\$20 additional each child) | \$80.00 |
| Child no wife (\$20 additional child) | \$42.00 |
| Divorced wife only (not exceeding amount provided by court order) | \$42.00 |
| Divorced wife and child (\$2 additional each child) | \$72.00 |
| 1 parent (chief support) | \$50.00 |
| 2 parents (chief support) (\$11 each additional brother or sister) | \$68.00 |
| 1 parent and 1 brother or sister (\$11 each additional brother or sister) | \$68.00 |
| Brother or sister, no parents (\$11 each additional brother or sister) | \$42.00 |

It can thus be seen that a married man with no children serving in the Armed Guard will be paid from \$157.20 to \$193.20 depending on his rating.

This compares with a base pay of \$72, which, with 15 percent special emergency raise, is \$82.50 for ordinary seamen (who have had at least 3 months in training at \$50.00 per month, comparable to the length of training for the seaman first class of the armed guard), plus a bonus ranging from 40 percent to 100 percent. For able seamen the base pay is \$82.50 with a 15 percent special emergency raise, bringing it to \$100. The merchant seaman, therefore, gets as his total base pay an amount varying between \$115.50 and \$200 per month. Overtime pay averages 30 percent of base. No allowances are granted for dependents. Every man serving aboard a merchant vessel, with the exception of the master or the chief engineer, could earn more money ashore in a shipyard or defense plant without taking the chance of being killed by bombs or torpedoes.

You also mentioned that the Navy gun crew cannot quit their ships. This is, of course, true; but it is also true that in return they are paid for 12 months per year, with 30 days' leave allowed per year, with pay. They are also paid during periods of transfer and stand-by. The merchant seaman is paid only for such time as he is serving aboard ship and has no leave with pay, except in a few isolated instances. He can, however, take a specified maximum leave between voyages without pay. A merchant seaman's pay starts only after signing on a ship and stops as soon as the ship is paid off in its home port. He is paid an average of 10 months per year, while the Navy man is paid for 12 months per year. From actual pay rolls of ships on various runs, the War Shipping Administration has determined that the average monthly pay for ordinary seamen is \$197.50, and for able seamen, \$231.25. All this is subject to income tax. This includes wages, voyage bonuses, and overtime. The following table shows a comparison of average gross income received by four men, each with a wife and two minor children. Two are Navy men paid for 12 months, and two are merchant seamen paid for 10 months.

It will be noted that the ordinary seaman and seaman first class compare favorably, as do the petty officer second class and the able seaman.

There are some other major differences on the question of compensation which are not direct pay but still are definite factors. A merchant seaman who is totally and permanently disabled will be paid benefits at the rate of \$200 per month until the disability has ceased or until a total of \$5,000 is paid, whichever first occurs. Where the disability has been established so that it will continue to remain permanent, an additional benefit of \$100.00 per month is paid to the insured until a total of \$2,500 more is paid. Payment then stops, with no further extension of benefits. The cash value of such insurance, which provides for only 75 monthly payments of \$100 to one who is totally or permanently disabled, is \$6,290. A Member of the Armed Guard who is a petty officer third class median grade for Armed Guard) who is physically incapacitated and medically surveyed will receive a payment of \$58.50 per month for so long as he lives. At the age of 25 the cash value of such an annuity is approximately \$11,500. It will be noted above that the merchant seaman must be totally and permanently disabled, while the Navy man needs only be physically incapacitated and can supplement his pension by working at a civilian job, which cannot be done by a merchant seaman who is totally and permanently disabled.

To the dependents of a merchant seaman killed goes a flat sum of \$5,000. To the dependents of a Navy man killed goes the base pay for 6 months. This, for the petty officer third class would be \$468. However, his dependents would be eligible for pen-

sions for the rest of their lives on a varying scale but, roughly, as follows: Wife \$50; first child \$20; second and additional children, \$10 each.

The wife would draw this pension for life or until she remarried. The children would draw the pension until their eighteenth birthday.

If a man leaves his wife, age 25 (life expectancy, 44.73 years), she would receive if she remained unmarried, \$50 per month for 45 years, or a sum of \$27,000. Taking remarriages into consideration, the average widow would receive a total of \$15,350. If he leaves, in addition, two children, 5 and 3 years of age, they would receive totals of \$3,120 and \$1,800. The amount of money to purchase an annuity based on the above averages would be \$15,300, which could be called insurance.

In addition, the Navy seaman has the privilege of purchasing additional national service life insurance up to an amount of \$10,000 for a premium of less than \$1 per month per \$1,000. This low-priced insurance he may continue to carry even after leaving the service. A merchant seaman is permitted to purchase additional insurance up to the amount of \$15,000 for which a premium of \$2 per month per \$1,000 is charged. However, this insurance is on a month-to-month basis and cannot be continued while the seaman is ashore. The insurance applies only while on a vessel. If a merchant seaman is hit by a truck while ashore, he receives no compensation for being incapacitated even though injuries received make him totally incapacitated. A Navy man's insurance is applicable in such a case.

In addition to all the above very material differences, there are many other benefits accruing to Naval personnel which have a definite monetary value. Some of these are free medical attention for dependents of Navy seamen and the privilege of hospitalization of dependents at a very nominal rate of \$3.75 per day for any case. This includes all medical attention, medicine, and other expenses. Confinement cases for wives of petty officers third class and below are free of charge. A Navy man below chief petty officer receives an annual issue of approximately \$133 worth of clothing. Every quarter after the first year he receives an allowance of \$8.75 for clothing. The merchant seaman pays for his own. The Navy man who elects to make a career of the Navy is also eligible for pension upon his retirement after a specified number of years of service. There is no provision by which merchant seamen can serve any number of years or be eligible for any pension. Free postage, the reduced furlough rates for travel, reductions on theater tickets, and on meals while traveling and other privileges are benefits which in time do total an applicable amount.

We realize that this is a rather lengthy letter, but we also feel sure that in all fairness you will appreciate being advised of the facts. The commonly accepted opinion that merchant seamen are too well paid is thus seen as a myth, and it would be appreciated if the American Legion could help to dispel this myth by advising all its posts of the true facts in the case. The men who serve as merchant seamen are men from the same towns and homes as the men in the Army and Navy. Their services to their Nation are important, and we feel sure you will agree now that the facts are known that they are not overpaid. Many are sons of members of the American Legion, and many are veterans of the last war. I myself am a member of the American Legion and know that the Legion is interested in fair play and justice.

Your cooperation in dispelling the misconception in regard to merchant seamen's pay will be greatly appreciated.

Very truly yours,

Telfair Knight
Assistant Deputy Administrator for Training

**Comparison of Gross Income of Merchant Seamen with Navy
Enlisted Men After Deduction of Income Taxes**

| | Navy seaman, first class | Navy petty officer second class | Ordinary Seaman | Able Seaman |
|---|---|--|----------------------------|------------------------|
| Monthly pay (wife and 2 children) | \$157.20 | \$193.20 | \$197.50 | \$231.25 |
| Yearly pay (12 mos. for Navy, 10 mos., merchant seamen) | 1,886.40 | 2,318.40 | 1,975.00 | 2,312.50 |
| Less exclusion of pay for Military Personnel | 1,500.00 | 1,500.00 | | |
| Estimated Gross income | 386.40 | 818.40 | 1,975.00 | 2,312.50 |
| Less: Personnel exemption wife and 2 children) | 1,900.00 | 1,900.00 | 1,900.00 | 1,900.00 |
| Estimated surtax net income | | | 75.00 | 412.00 |
| Less earned income credit | 188.60 | 231.81 | 197.50 | 231.25 |
| Estimated normal tax net income | 0 | 0 | 0 | 181.25 |
| Victory tax: Estimated Victory tax net income | 386.40 | 818.40 | 1,975.00 | 2,312.50 |
| Less exemption | 624.00 | 624.00 | 624.00 | 624.00 |
| Balance subject to tax | 0 | 194.40 | 1,351.00 | 1,688.50 |
| Summary: Estimated surtax (13 percent) | | | 9.75 | 53.63 |
| Estimated normal tax (6 percent) | | | | 10.87 |
| Estimated Victory tax (5 percent) | | 9.72 | 67.55 | 115.62 |
| Tax | | 9.52 | 77.30 | 180.22 |
| Gross income | 1,886.40 | 2,318.40 | 1,975.00 | 2,312.00 |
| Tax | | 9.72 | 77.30 | 180.22 |
| Income after tax | 1,886.40 | 2,308.68 | 1,897.70 | 2,132.28 |

EXHIBIT 2



February 1, 2000: Minister of Veterans Affairs George Baker announces a \$50 million tax-free package for Canada's Merchant Navy Veterans and surviving spouses. Payments will be made to eligible Canadian merchant mariners who served during the First and Second World Wars and the Korean War. The package will provide between \$5,000 and \$24,000 to veterans or their spouses.

Canadian Veterans Affairs has a toll-free number for Americans: 1-888-996-2242. Canadians can call toll-free 1-800-228-7441 or the TDD for the hearing impaired at 1-877-713-7640. Refer to the Veterans Affairs Canada Web site www.vac-acc.gc.ca for information including an application form.

Canadian Merchant Navy vets win \$50M compensation

By BRODIE FENLON,
London Free Press Reporter,
Wednesday, February 2, 2000

It's about time. That's how Londoner Harvey Hollingsworth reacted yesterday after the federal government announced a \$50-million compensation package for veterans of Canada's merchant navy.

The package comes a year after Harvey and his colleagues were declared full-fledged war veterans.

It's been a 55-year battle for recognition by ex-merchant mariners like Harvey, who worked on the decks of a tanker and two cargo ships ferrying military supplies to Britain in the winter 1945.

"It took me more than 50 years just to get my Canadian Voluntary Service medal (CSVN)," said the 71-year-old retired father of two, who joined the merchant navy when he was 16.

"We did a very good job. I've lost a lot of friends and the characters I knew."

Some merchant mariners staged a hunger strike on Parliament Hill last year to demand compensation.

Mariners entered talks seeking flat payments of \$20,000 for each veteran and widow with an extra \$20,000 for former prisoners of war. Of the \$50-million, Ottawa set aside lump-sum payments of up to \$24,000 in lieu of benefits sailors did not receive before 1992.

About 7,300 merchant navy veterans and surviving spouses will be eligible for the tax-free compensation—to be awarded in two installments based on service aboard cargo ships.

How the money breaks down:

- \$20,000 for war-related service of more than two years.
- \$10,000 for war-related service of six months to two years.
- \$5,000 for war-related service of between one and six months, or for less than one month if captured, killed or disabled.
- An extra 20 per cent for any prisoner of war.

Canada's merchant mariners, many too young or old to serve in the military, kept Europe supplied during the Second World War. Nearly 1,500 died in the Battle of the Atlantic, a higher casualty rate than in any armed service.

Those eligible for the payout include a large number of Newfoundlanders who served in the British merchant marine before Newfoundland joined Canada.

There are 48 Korean War veterans or their widows also eligible.

But after the war, Hollingsworth was left to fend for himself. "I couldn't go to school (after the war) because they didn't give us any money," he said.

Veterans Affairs Minister George Baker called yesterday's announcement "an historic occasion" for the seamen and Canada. Ottawa is the first wartime Allied government to compensate civilian sailors for war service.

After the war, Hollingsworth sailed the world until he joined the Canadian Armed Forces as an infantryman in the early 1950s. He served in Korea and on several peacekeeping tours until he retired in 1978.

While shocked by yesterday's announcement, Hollingsworth already plans to spend his money on a "14-foot, 10-horsepower fishing boat" for a summer trailer he shares with his wife, Barbara, at Young's Point near Peterborough.

"I'm happy about that," he said laughing. "I don't have to touch the savings."

**Prepared Statement of Hon. Steve Buyer
Ranking Republican Member, Full Committee on Veterans' Affairs**

Good Morning. I want to welcome today's witnesses and thank them for their testimony, and most important, thank them for their service to our nation.

We are here today to discuss a question of equity: whether it is equitable to pay merchant marine veterans of World War II a "thank-you" payment for their service during the war.

Anyone with even a passing acquaintance with the contributions of these mariners to the war effort cannot doubt their bravery.

During the early war years, through 1942, more allied merchant ships were being sunk than built; yet they sailed on and their cargoes helped keep our allies fighting while America prepared to exert its full and irresistible force.

The law recognizes two groups of Merchant Mariners; those who served before the Japanese surrender in August 1945, and those who joined after that date.

As of January 17, 1988, Merchant Mariners who served between the start of the war on December 7, 1941, and the surrender of Japan on August 15, 1945, receive **full veterans benefits and status**. The granting of veterans status was made possible by the GI Bill Improvement Act of 1977, Public Law 95-202.

The law also created an administrative process by which civilian or contract employees could apply to the Secretary of Defense for veteran status to obtain VA benefits. The Secretary in turn designated the Secretary of the Air Force to be DoD's executive agent to administer the process.

The first group of Merchant Mariners have access to VA health care. They also have access to disability compensation and pension, loan guarantee, education, insurance, and burial and death benefits.

On October 10, 1998, the House passed H.R. 4110, the Veterans Programs Enhancements Act 1998, which was signed into law on November 11, 1998.

This bipartisan bill gave limited benefits to the post-surrender group of Merchant Mariners who served between August 16, 1945, and December 31, 1946. The bill provided eligibility for burial benefits and interment in a national cemetery.

Before us today is the discussion of H.R. 23, which is entitled a "Belated Thank You to the Merchant Mariners of World War II."

This bill would give \$1,000 per month, tax free, to Merchant Mariners and their surviving spouses. Mr. Chairman, this equates to giving these veterans a non service-connected pension regardless of their income, something we do not do for other veterans with one exception.

The only other group of veterans who receive such a pension are recipients of the Medal of Honor.

I must point out that H.R. 23 has no provision to pay for the benefits offered under the bill. That means this bill cannot pass unless this committee finds the offsets or Chairman Spratt of the Budget Committee provides new funding. Yesterday, CBO estimated the bill at a cost of \$40 million the first years and \$2.9 billion over 10 years.

In short, thank-you funds for Merchant Mariners do not exist. And if equity is truly your objective, I am curious why we are not also—following your line of reasoning—discussing similar payments to the 32 other World War II civilian groups that received veterans status under P.L. 95-202.

Consider the Women's Airforce Service Pilots, the Women's Army Auxiliary Corps, the famed Flying Tigers and all the other groups which gained their status decades after their service. *They* served loyally, selflessly, and courageously. *Their* service contributed directly to victory in 1945. Yet this bill does nothing for *them*.

The 2006 edition of *Federal Benefits for Veterans and Dependents* contains a complete list of these groups beginning on page 64.

Mr. Chairman, you have also promised to pay certain Filipino veterans of World War II hundreds of millions of dollars from a 2008 budget reserve that in fact has no money in it. Yet, these honorable aging veterans of the war in the Pacific, as well as their wives, believe in good faith they will shortly receive thousands of dollars each.

But will they?

The difficult reality is that under PAYGO money must be found; it has not been found for the Filipino veterans and apparently this bill for Merchant Mariners faces the same problem. Setting aside the question of just how the figure of \$1,000 was arrived at, may I ask, Mr. Chairman, if necessary offsets have been identified for these Merchant Mariners?

Before we hear from our witnesses, I have just one more question, Mr. Chairman. To get their \$1,000, Merchant Mariners must, according to this bill, certify to the Secretary of Transportation that they served during World War II.

My understand is that all records from the Merchant Marine Service during World War II are kept by the United States Coast Guard, which has been under the jurisdiction of the Department of Homeland Security since 2003. However, the bill requires Merchant Mariners to apply for benefits to the Secretary of Transportation.

So my question, Mr. Chairman is: who will certify the Merchant Mariner's record? Will it be the Secretary of Transportation or the Secretary of Homeland Security?

With that point clarified, I look forward to today's discussion.

I yield back, Mr. Chairman.

**Prepared Statement of Hon. Harry E. Mitchell
a Representative in Congress from the State of Arizona**

Thank you Mr. Chairman. After what I've learned about the sacrifices of the brave men of the Merchant Marine, I want to congratulate you on your persistence in bringing about some measure of recognition and compensation for these overlooked patriots. I hope that this Congress can close this chapter of our history and right this injustice.

To the Merchant Mariners in the audience, I say thank you for your service, your heroism and your patience. You have served your country well, and you deserve our gratitude.

**Prepared Statement of Hon. Michael F. Doyle
a Representative in Congress from the State of Pennsylvania**

The United States has always been a maritime nation. From the beginning of the original 13 colonies, the people of this land have depended heavily on sea travel and maritime commerce for their existence. Britain's colonies in North America all depended upon the mother country in the 17th and 18th centuries as the primary market for their products—and as a source of manufactured goods and, of course, much-needed new immigrants.

The U.S. merchant marine played an even more important role in our Nation's fortunes in the 20th century. U.S. merchant ships played a critical role in World War II. Without U.S. ships, it's almost certain that Great Britain would have succumbed to the Nazi onslaught, and it's not clear that the Soviet Union could have triumphed over Germany on the Eastern Front. And—needless to say—without the United States merchant fleet, our armed forces could never have carried out the island-hopping campaign that eventually brought about Imperial Japan's surrender.

The United States Merchant Marine provided the greatest sealift in history. And it paid a correspondingly significant price.

U.S. merchant ships faced danger from submarines, mines, aircraft, and the elements. One in 26 mariners serving aboard merchant ships in World WW II died in the line of duty, suffering a higher percentage of war-related deaths than all other U.S. services. It's no wonder, then that during World War II President Franklin D. Roosevelt and many military leaders labeled the U.S. Merchant Marine the "Fourth Arm of our Defense."

I'm sorry that my schedule conflicts with another hearing, so I won't be able to stay for the entire hearing, but I want to close by saying that our World War II merchant mariners deserve more than just our recognition and our thanks. They also deserve the same benefits as other veterans of World War II. That's why I thank Chairman Filner for his tireless work on this bill and why I'm proud to co-sponsor of the "Belated Thank You to the Merchant Mariners of World War II Act."

**Prepared Statement of Hon. Carol Shea-Porter
a Representative in Congress from the State of New Hampshire**

I would like to thank Representative Filner for the opportunity to submit a statement to the Committee on Veterans' Affairs for the hearing on H.R. 23, the Belated Thank You to the Merchant Mariners of World War II Act of 2007.

The U.S. Merchant Marine played a crucial role in Allied efforts during World War II, and Merchant Mariners were at high risk. So I was stunned when I learned that, in return for their critical service to our country in World War II, Merchant

Mariners had received absolutely no veterans' benefits for their sacrifices and essential contribution to the war effort.

During World War II the U.S. Merchant Marine provided essential logistical support for our military operations. Without merchant ships to carry all the personnel, supplies, and equipment needed for the war effort, the Allies could not have won the war. The role of merchant shipping was absolutely critical to our eventual success, as the availability of shipping determined our military options in a global war fought across the Atlantic and Pacific Oceans, the Mediterranean Sea, and so forth. The U.S. Merchant Marine therefore had to and did participate in every major action and operation of the war.

Loaded with supplies and soldiers, a merchant ship was a more valuable target for enemy submarines than a corvette, a destroyer escort, a destroyer, or even a light cruiser. The enemy knew that sinking a merchant ship would prevent it from bringing those supplies and soldiers to combat.

Serving in the Merchant Marine was as dangerous as it was crucially important. Merchant shipping faced destruction by submarines, mines, destroyers, aircraft, kamikaze attacks, and the sea itself. 1,554 ships were lost during the war, and in 1942 an average of 33 ships was sunk each week. In fact, until the middle 1942, German submarines actually sank more ships than were built. Those who made the notoriously hazardous run across the North Atlantic to Murmansk, Russia, were at particularly high risk. On this run in the period through 1943, 12 out of every 100 merchant ships were sunk by enemy action.

After their ships sank, survivors were forced into the sea or onto rafts or lifeboats to hope for rescue. At least 8,000 Merchant Mariners were killed during the war, many thousands were injured, and over 600 were held as prisoners of war. One in 26 Merchant Mariners perished in action during the war, a greater percentage than any military service, including the Marines.

From 1939 to the end of the war, more than 100 Merchant Mariners received the Merchant Marine Distinguished Service Medal, awarded for outstanding acts of heroism. A building at the Merchant Marine Academy at King's Point, N.Y. is named for one courageous Merchant Marine cadet who was killed defending his ship, after replacing an entire gunnery crew. But our Merchant Marine veterans received no further recognition and no benefits.

The U.S. Merchant Marine was heavily involved in the D-Day invasion. One thousand Merchant Mariners volunteered to tow derelict merchant ships to the Normandy coast. The ships were scuttled there to make artificial harbors to replace those the Germans had destroyed. These harbors enabled the unloading of enough troops and supplies for the invasion of France. About 700 merchant ships participated in the invasion of France.

But the Merchant Marine veterans who made possible the successful landings in France received no recognition and no benefits. In fact they were not even recognized as veterans until 1988.

I had known nothing of this history until one of my constituents, Larry Warren of Brookfield, contacted me on behalf of his father, Joseph Warren of Wolfeboro, a World War II Merchant Marine veteran. Here's some of what Larry Warren had to say:

I am writing on behalf of all World War II Merchant Marine veterans but one in particular, my father Fred Warren of Wolfeboro. They need help.

My father served with the Merchant Marines during World War II. His hearing is damaged from working in the engine rooms and his lungs are damaged from the asbestos used in the construction of the merchant ships. He survived typhoons in the Pacific, German U-boats in the Atlantic and Axis torpedo bombers in the Mediterranean. I don't know all the harrowing experiences he went through. He doesn't talk about it.

He was lucky to have made it home. Many didn't. The casualty rate for World War II Merchant Marines was 1 in 26, higher than any branch of the armed services. Merchant Mariners fought and died beside members of our armed forces, some were captured and held POW's. Merchant ships and the crews on them were considered expendable by the Allied leaders. Freedom is not free and the Merchant Marines of World War II paid dearly.

My father has never received help in any form from our government because Merchant Mariners were denied benefits under the GI Bill. No low interest loans, no unemployment pay, no free college training, no help with prescription drugs, nothing. World War II Merchant Mariners were not even considered veterans until an act of Congress in 1988.

I respect all of our veterans and consider them heroes. But I am especially proud of my father. In my eyes he is a hero too. It's time to make amends.

Another of my constituents, Earl Mabie of Hooksett, a World War II Merchant Marine veteran, contacted me and has also encouraged me to support H.R. 23. He told me of the different course his life took without the various benefits normally received by military veterans after World War II.

In 1944, Gen. Dwight Eisenhower recognized the contributions of the U.S. Merchant Marine in these words:

"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."

After the war, he noted, "Their contribution to final victory will be long remembered."

It is time to show that we remember and honor them. It is time to show our gratitude to the Merchant Marine veterans whose sacrifices and perseverance ensured our success in World War II. It is time, however belatedly, to recognize their key contributions to our war efforts. It is my honor and obligation to support H.R. 23.

**Prepared Statement of Ian T. Allison, Santa Rosa, CA, Co-Chairman
Just Compensation Committee (U.S. Merchant Marine Combat Veteran)**

Thank you, Mr. Chairman and members of the Veterans' Affairs Committee.

My name is Ian Allison, Co-chairman of the Just Compensation Committee, a non-profit unincorporated association of Merchant Marine Veterans of World War II registered with the Internal Revenue Service. Our 10,800 members have joined together seeking equal treatment for all Veterans of World War II who shared the loss of 20 Million people on this earth who participated voluntarily or otherwise in this great war.

I would like to submit as evidence at this Veterans Affairs Committee hearing on H.R. 23 a famous book entitled "A Careless Word—A Needless Sinking" by Captain Arthur R. Moore. I recognize that at 704 pages, it is too great to become part of the electronic record and acceptance for printing but submit it as an exhibit material to be maintained in the Committee files for review and use by the Committee.

The book accounts for 820 American ships, freighter, tankers, passenger and troop ships lost at sea in World War II. Over 9,000 Merchant Seamen were either killed or lost in action. 12,000 wounded or maimed and 786 prisoners of war taken by the enemy. The majority of these lost souls lay in Davy Jones' locker at the bottom of the sea without markers or tombstones to show their grave sites.

What depraved men branded these gallant mariners we lost at sea, as DRAFT DODGERS? As an Engineer working in the bowels of gasoline tankers plying the waters of the Atlantic and Pacific and facing the German and Japanese U-boats, I've never met a fellow soldier, sailor or Marine who would trade places with me.

I would like to tell you the story of one lost ship that I have picked at random. The same story can be told of 819 other ships with death and destruction the penalties of war.

THE SS JACKSONVILLE, A T-2 TANKER BUILT AT THE SWAN ISLAND SHIPYARDS BY HENRY KAISER IN PORTLAND, OREGON 1944. AUGUST 30, 1944 A TORPEDO HIT THE SHIP JUST AFT OF THE MIDSHIP HOUSE. FIRE BROKE OUT AND THE 80-OCTANE GAS COVERED THE SHIP STEM TO STERN IN FLAMES. A SECOND EXPLOSION BROKE THE SHIP IN TWO WITH BOTH PARTS STILL BURNING. THE FOREPART SANK QUICKLY, THE STERN SECTION SINKING THE NEXT DAY.

THERE WERE NO LIFEBOATS OR RAFTS LAUNCHED. OUT OF THE 78 MEN ON BOARD, THE ONLY 2 SURVIVORS JUMPED OVERBOARD INTO THE FLAMING WATER AND SWAM AWAY FROM THE SHIP. THEY WERE PICKED UP BY A U.S. DESTROYER ESCORT AND TAKEN TO IRELAND.

FOR THE GRACE OF GOD, THERE GO I. IT COULD HAVE BEEN MY SHIP. I SAILED 3 YEARS DURING THE WAR, IN THE ENGINE ROOM, ON A GASOLINE TANKER BUILT IN PORTLAND, OREGON BY HENRY KAISER. I CAME OUT UNSCATHED BUT 9,000 OF MY COMRADES DID NOT.

Why? Why? Why, were the gallant members of the Merchant Marine, who suffered the highest casualty rate of the war, with 1 out of 26 dying, left out of the

1944 GI Bill of Rights? Some warped minds were at work to have engineered this travesty. I can only speculate after 60 years of thought and observation.

I have come to the conclusion that in general, these three things stirred up jealousy and animosity about the Merchant Mariners.

1. We had no discrimination in our ranks whereby we accepted Blacks, Hispanics and aliens into our ranks. Some of them became ship's officers on up to the "4 Stripe" rank of Captains and Chief Engineers. None of the other Services were as non-discriminatory as the Merchant Marine. Discrimination was still rampant in America during the War.
2. Merchant Mariners didn't wait to be drafted. We were all volunteers. Both the Japanese and German Navys took their toll of our men both before and after WWII.
3. Our ALL VOLUNTEER crews on U.S. Merchant Marine ships during WWII were union members of one of many union organizations representing unlicensed personnel i.e. Sailors Union of the Pacific (SUP), Seafarers International Union (SIU), Marine Firemen and Watertenders (MFOW), National Maritime Union (NMU), Marine Cooks and Stewards (MCS) and ship officers unions which were Master Mates and Pilots (MM&P) together with Radio Operators and Marine Engineers Beneficial Association (MEBA). None of the other Services in the U.S. Forces had legally incorporated organizations to represent their interests as to pay, transportation, living conditions and more. These were all pre-war organizations which were a great boon and offered efficiency to the war effort.

I am sure that members of this Committee, after intelligent review of the history and facts about World War II, will be convinced of the necessity of passing our House Bill H.R. 23.

I thank you for your time in listening to my testimony given this 18th day of April, 2007 and will be glad to answer questions at the appropriate time.

**Prepared Statement of James Burton "Burt" Young, Lincoln, NE
Central Region Vice-President, American Merchant Marine Veterans
(U.S. Merchant Marine Combat Veteran)**

Mr. Chairman and members of the Veterans Affairs' Committee,

It is indeed an honor to be able to express our views on H.R. 23, the Belated Thank You to the Merchant Mariners of World War II Act of 2007. We are here because we were not treated the same as the other services at the end of WWII. We have found we had the highest death rate of any of the services. Our death rate was 1 in 26, the Marines were 1 in 32, the Army 1 in 48, the Navy 1 in 114 and the Coast Guard 1 in 408. Does that sound like we were civilians? Apparently the enemy didn't think so. As my friend, Captain Matt Drag states, "At no time during the war was I called a civilian; only afterwards." He also wrote, "On Pearl Harbor Day, I was third officer aboard an American Merchant Vessel. At this time I held a commission as Ensign in USNR. At the first port of call, I reported to Naval headquarters for duty, I was told 'Stay where you are. That is where we need you'. So for following orders, I was cheated out of my Veteran recognition and benefits. Not only this, but for my service to my Country, I am insulted by being termed a 'civilian.'"

At the Missouri Valley Merchant Marine meeting in Des Moines, we were told there were about 36 of us in line to be sworn into the Navy. An officer came by and said "We need three of you to step out of line and join the Merchant Marine." Look how unfairly they have been treated since the end of WWII compared to those that stayed in the Navy.

At the time of attack, the Merchant Marine had to supply one or two men to assist the Navy Armed Guard. When the war ended the Navy Armed Guard walked down the gangway veterans. The Merchant seamen on the same ship were not considered veterans.

If Congress would have followed the law at the end of WWII, I don't think we would have to be here today. I am referring to the Merchant Marine Act of 1936. It states the United States shall have a Merchant Marine serve as a naval or military auxiliary in time of war or national emergency. We did our part. Did the government honor their part? No, they did not. I ask you with the history you know, did we serve as a naval or military auxiliary in WWII? President Roosevelt thought that we did and asked Congress to do likewise for the men of the Merchant Marine when the GI Bill was passed. Our military leaders felt the same way. I'll quote our military leaders of WWII. General Dwight D. Eisenhower said, "When final victory

is ours, there is no organization that will share its credit more deservedly than the Merchant Marine." Fleet Admiral Chester W. Nimitz said, "The Merchant Marine . . . has repeatedly proved its right to be considered an integral part of our fighting team." General A. A. Vandergrift said, "The men and ship of the Merchant Marine have participated in every landing operation by the United States Marine Corps. from Guadalcanal to Iwo Jima—and we know they will be on hand with supplies and equipment when American amphibious forces hit the beaches of Japan itself. . . . We of the Marine Corps. salute the men of the Merchant fleet." Field Marshall Sir Bernard Montgomery stated, "Their contribution was just as important as that of the troops." Fleet Admiral Ernest J. King—Commander in Chief of the Fleet and Chief of Naval Operations—said, "Because the Navy shares life and death, attack and victory, with the men of the United States Merchant Marine, we are fully aware of their contribution to the victory which must come." General of the Army Douglas MacArthur states, "I wish to commend to you the valor of the Merchant Seamen participating with us in the liberation of the Philippines. With us, they have shared the heaviest enemy fire. On the islands I have ordered them off their ships and into foxholes when their ships became untenable targets of attack. At our side they have suffered in bloodshed and in death. . . . They have contributed tremendously to our success. I hold no branch in higher esteem than the Merchant Marine Service. And the head of the draft, General Hershey, said, "Service in the Merchant Marine was tantamount to the other Services."

I am one of those that started sailing after August 15, 1945 and there are those among you who seem to feel that I don't deserve full Veteran status. I say nonsense. I do not know any in this group that enlisted after August 15, 1945. We all enlisted during a hot shooting war with no knowledge of an atomic bomb that might bring an early end to the war. When I enlisted on July 13th, 1945 at the age of 17, I was given a Service number and issued a dog tag. Who has the power to issue Service numbers besides the United States Government during wartime? I think you'll agree nobody. I think you will also agree that if you were issued a Service number and a dog tag, you would consider yourself part of the Armed Forces and expect to be treated and honored as a veteran when the war ended. So why weren't our Service numbers honored and our training time counted? More shameful treatment.

**Prepared Statement of William Jackson, Oakland, CA, Chief Engineer
S.S. Red Oak Victory (U.S. Merchant Marine Combat Veteran)**

My name is William Jackson. I am 88 years old and have been working as a Merchant Mariner since 1935. I still volunteer as Chief Engineer on the S.S. Oak Victory, a 1944 Victory ship that is being restored in Richmond, California. I am here to ask you to pass H.R. 23 "A Belated Thank You to the Merchant Mariners of World War II Act of 2007".

I had shipped for several years as a busboy on passenger and freight ships. But during the summer of 1937, I received the new U.S. Coast Guard identification Z Card and started shipping out of the National Maritime Union hall in New York as a messman. Although my home was on the West Coast, I shipped out of New York because the National Maritime Union had integrated their shipping hall. None of the West Coast unions had and didn't until the Fair Practice Employment Act in the sixties. Before the United States officially entered World War II on December 7th, 1941, I voluntarily sailed on ships into the war zones of Africa, Egypt and the Suez Canal zone. In July, 1941, we witnessed two air raids while our ship was docked next to a drydock where the target of the attack, a British cruiser, was being repaired. Before the official beginning of the War, there were ___ U.S. ships sunk or damaged.

On December 7, 1941, I was in San Francisco when Pearl Harbor was bombed. At first, I decided I would contact my classmate from Oakland High School. We had been in R.O.T.C. together, where I had been the only African American person. Together, we went right down to the U.S. Army recruiting station. There were a mixture of other races from Mexico, China and Native Americans. I noticed that they called all the other guys and assigned them and sent them home. I asked them, "How about me?" This lady said, "Sorry, but we have no place for African American soldiers." I felt like my heart had stopped. To think that our teachers taught us that we were supposed to be equal citizens, to vote, to be loyal and to defend our Country in time of war. I became very angry and told them, "Don't ever try to draft me. I just returned from a war zone with the Merchant Marine. I'll go back and get a ship." I was never called up by the Draft Board but I saw more action at sea in the North Atlantic and Pacific than lots of men in the Army and Navy did. On De-

ember 9th, I signed on the S.S. Panaman and continued to sail. In August 1942, the ship I was on was sunk by enemy action. I was hospitalized in Trinidad for 4½ months without pay as was Union policy.

In February, 1943, I refused to sign on as a Steward Department crew. I had been granted endorsement as "Wiper," the entry level rating in the engine room, by the U.S. Coast Guard. The National Maritime Union supported my cause. I was assigned to position as wiper on the S.S. Exceller. I was refused the berth twice by the 1st Assistant Engineer but was finally accepted at the insistence of the U.S. Coast Guard and the N.M.U. Late in June, 1943, after 4 months of abuse by the 1st Engineer, I had earned the time to sit for the next rating—Fireman/Watertender. I did and passed. I continued sailing throughout the war, and after that, earning ratings of Oiler, Junior, 3rd, and then 2nd Engineer.

In November, 1963, I took an assignment on the S.S. Hope Hospital Ship as a 2nd Engineer. This ship would go to 8 different underdeveloped countries, stay for 10–11 months and serve as a 125-bed hospital training ship, teaching local medical personnel modern medicine practices. It had a medical staff of 300 people plus 50 doctors who rotated every 2 months. The ship's crew totaled 76 men with the Engine Room having 26. Our mission was to keep the ship supplied with power as there were three Operating Rooms, I.C.U., two Pediatric wards, two women's wards and two men's wards, plus labs, a dental clinic and more. During that time, I earned promotions to First Engineer and then Chief Engineer. It was the hardest job I ever loved. I officially retired in 1985 but returned to serve in Operation Desert Storm for two 7-month tours.

The U.S. Merchant Marine was formed by the War Shipping Administration to supply manpower to man the vast number of merchant ships to carry all the war materials, troops, planes, food, etc. to Allies around the world on all fighting fronts. To do this, they needed as many as 230,000 seamen to man over 5,000 new ships that were to be built. Ships would need all ratings of seamen—deck, engine room and stewards.

The Merchant Marine was the first of all services to integrate. It may have taken the union and the U.S. Coast Guard to make the steamship company give me the right to sail in the Engine room but it did integrate the ships of the Merchant Marine. And the Merchant Marine service schools were integrated between 1942 and 1943. The Merchant Marine was the first to integrate and make my dreams come true.

Today, April 18th, 2007, I appear before you to request passage of H.R. 23 "A Belated Thank You to the Merchant Mariners of World War II Act of 2007". I had a tough time of it in the U.S. Merchant Marine but did win equality on a racial level. Now I am asking for equality with all other United States Veterans for benefits denied the Merchant Mariners by the GI Bill of Rights of 1944.

Mr. Chairman and the entire Veterans Affairs Committee, I thank you.

**Prepared Statement of Gloria Flora Nicolich, Public Relations Director
American Merchant Marine Veterans, Inc., Brooklyn, NY, (Widow, Author)**

HONORABLE MEMBERS OF CONGRESS:

Thank you for allowing me to address you.

I've been the Public Relations Director of the American Merchant Marine Veterans, Inc. since 1993; I joined to honor my husband's memory, and have dedicated my efforts to gaining RECOGNITION, RESPECT and REMEMBRANCE, for those American Mariners who served from 1941–1946.

In 1939, at age 17, my husband dropped out of high school and joined the Merchant Marine as a MESSMAN. Our Merchant ships were already being torpedoed and Seamen were needed. In 1941, he tried to enlist in the Navy but was rejected because of a Rheumatic Heart. He was told to attend Pensacola Naval Academy UPGRADE SCHOOL and return to the Merchant Marine. Upon graduation as FIRST OFFICER, he was immediately transferred to the Army Transportation Corps., where he served on (LTS) ocean-going tugs, until War's end in December, 1946.

By 1946, his heart condition had worsened. His education at Upgrade School was not recognized. His disability made it difficult for him to find employment; doubly so, because he was not considered a Veteran.

By 1941, many Merchant Seamen had already adopted the Sea as their life's work. Many were too old for the Draft. Other young men, like my husband, were ashamed of their disability; ashamed to be called 4F; so when given the opportunity to actively serve their country, they chose the dangers of the Merchant Marine rather than the safety of a defense plant. BY THE WAY—The Maritime Service did not

discriminate as to race, religion, nationality, age or HEALTH. Those who chose to remain as Seamen knew that they faced almost certain death. By war's end, the Maritime Service had lost more men percentage wise than any branch of the Service.

My colleagues here today, have already discussed the sacrifices, privations and indignities suffered by our Mariners during WWII, and the reasons why they deserve to receive a financial consideration.

MY VERY SPECIAL CONCERN is that you may consider eliminating WIDOWS, particularly those whose husbands died before passage of this Bill.

THIS WOULD BE AN INSULT TO THE MEMORY OF THE UNSUNG HERO, and a HEINOUS INJUSTICE to the woman who suffered privation along with him. NOT MANY OF US ARE LEFT!

Firstly, let me say that many of our ancient Mariners either never married, or divorced, or are themselves widowed.

It's also safe to say that 99% of Veteran's wives who became widows during, or immediately after the war, either REMARRIED, or have DIED! The remaining war widows are well over 80, in poor health and facing a very uncertain future. (I know because I'm 84).

Those of us who married American Seamen AFTER the war, married men with physical disabilities, and/or other related injuries. Some married seemingly healthy men who later developed illnesses due to wartime exposure, e.g. Asbestosis.

Case in point: though we knew each other before, I married John after the war. His heart condition had worsened during his time in service. Once discharged, his Academy training was not recognized, and he was unable to find a job commensurate with his intellectual abilities. After 14 years of marriage, his physical condition forced him to go on permanent disability. Over a period of 8 years, he suffered two heart attacks, had two open-heart operations, was on dialysis, on special medication, required constant medical care and died in 1978.

Of necessity I had always worked two jobs. Neither before nor after his death, did I receive financial assistance from any source! I buried him privately, took out a loan on our home, paid all the doctor bills, and supported his aged mother until she died 2 years later. John died in 1978. I received his Honorable Discharge posthumously in 1994. By then, any benefits to which he may have become entitled were for me too little, too late! In 2006 we would have been married over 50 years.

For the most part, we Maritime widows are children of the DEPRESSION. As single women we struggled—as wives, we did not have the advantage of a husband's education, or a new home in the suburbs or medical benefits of any kind. We worked to supplement our husband's income and to give our children better opportunities. All of us cared for our husbands in sickness and health. When they died, we received no help of any kind because we were not recognized as the WIDOW OF A VETERAN. Our husbands were THE FORGOTTEN HEROES OF THE GREATEST GENERATION. We have been their FORGOTTEN WIDOWS.

HONORABLE MEMBERS OF CONGRESS! PLEASE DO NOT PERPETUATE THIS TRAVESTY! PLEASE DO NOT COUNT US OUT!

Thank you for your consideration! God Bless You! God Bless America!

**Prepared Statement of Francis J. Dooley, Esq., National President
American Merchant Marine Veterans**

To understand the level of benefits denied to U.S. merchant mariners, one must look at their service during World War II and then at the wartime and post war treatment of these mariners by the government.

Before World War II and to the present if a merchant seaman was injured or became ill while employed aboard a ship, the Admiralty Common Law of the United States allowed a civil action to compel medical treatment and payment of a daily stipend while he was Not Fit for Duty. The law refers to these benefits and the empowering civil action as Maintenance (medical treatment) and Cure (daily stipend). If the ship is responsible for the injury, Federal statutes (Jones Act) and Admiralty Common Law (Warranty of Seaworthiness) permitted the seaman to bring a civil action in either state or Federal court seeking money compensation for pain and suffering, for permanent disability and for past and future lost wages. Similarly, in death cases, a seaman's widow and orphans could sue for the lifelong loss of his economic support, under the Death on the High Seas Act.

Merchant seamen in peacetime employed directly by the United States Government aboard U.S. owned vessels were considered Federal employees and were (and still are) eligible for workers compensation benefits under the Federal Employees

Compensation Act (FECA). A merchant mariner in peacetime employed aboard a ship bare boat chartered to the United States, could bring a civil action in the Federal district courts under the Public Vessels Act.

By early 1942, the U.S. Government had taken over, completely, all privately owned merchant ships under the Emergency War Powers Act. The U.S. Maritime Commission and the U.S. Department of Labor jointly created the War Emergency Board, which in turn, created the War Shipping Administration (WSA). Total government control was given to WSA over all merchant ships including the pre-war privately owned ships and the U.S. owned newly constructed "public vessels," such as Liberty Ships and T-2s. This relationship of employer-employee existed even aboard the Panamanian flag vessels crewed by American and foreign seamen, with U.S. Navy gunners that were "bareboat chartered" by WSA. The ship owners and operating agents became "agents" of WSA.

Simply put, every merchant seaman was an employee of the United States of America in WWII. The previously referenced rights to compensation should have been in place: either through the Public Vessels Act or Federal Employees Compensation Act (FECA). Merchant seamen were serving aboard ships that were no longer involved in "trade" or "commerce"; they were the crew of a heavily armed "public vessel" participating in a war, and ordered to do so by the U.S. Government. They were employed by the United States of America, which paid their wages either directly or through operating agencies. But in World War II, the rights to compensation for wounds, disabilities and death, if caused by the war, were eliminated by Congress.

To prevent claims being filed under FECA or in civil litigations by merchant seamen or their survivors, Congress passed a Bill in 1943, which stated:

". . . Such seamen, because of the temporary wartime character of their employment by the War Shipping Administration shall not be considered as officers or employees of the United States for the purposes of the United States Employees Compensation Act. . . ."

TWO DECISIONS DEVASTATING TO MARINERS RESULTED:

1. Merchant Mariners were Contract Workers

Each time they entered government training, they signed a "Contract," and each time training was completed, this Contract ended. Every time they signed ship's Articles, for a voyage, a new Contract was signed; at the end of the voyage, that Contract ended. This status eliminated any possibility of being either a government employee entitled to protection, or of being members of the Armed Forces of the United States of America.

A "Discharge" from the ship, at the end of the voyage was issued to every seaman, signed by the ship's captain, as agent of the United States, and witnessed by a United States official, titled "Shipping Commissioner." And at that point in time, he was literally discharged until he entered into a new "Contract."

It is basic admiralty law, enacted in U.S. statutes that a seaman's wages cease on the day his ship is sunk or destroyed. The Contract ended at that point. This law was utilized in World War II. But in wartime, the odds increased that a ship would be sunk or destroyed, as did the time period of repatriation, which frequently extended into months. This was especially true of mariners who were rescued after the ship was sunk on the Murmansk run; the only WSA obligation was repatriation. They spent months in Russia awaiting repatriation.

In 1944, WSA began enlisting 16 year old boys, for training by the United States Maritime Service. They were then assigned to ships as galley boys, or mess boys or wipers. They were, by any definition, minors. When they signed Articles for voyages during the war, their parents or guardians were not present to consent to this employment "Contract" as required by law. AMMV has the names of 16 and 17 year old kids that were killed by enemy action, serving as merchant mariners. Would the parents have consented to their children quitting high school and "enlistment," in USMS, had they known that their boys were nothing but expendable "Contract" workers, whose deaths are without recognition from their country?

2. Five Thousand Dollar Insurance Solution

WSA substituted for civil litigation or workers' compensation, an insurance policy, worth \$5,000.00 per seaman, which covered every misfortune from personal injury to total disability to death benefits for survivors.

The insurance policy was for injuries and death caused by the war. Chubb Insurance Co. employees administered the policy from an office at 99 John Street, New York City, NY. Chubb, in the name of WSA, would pay \$5,000.00, to the widow and orphans. There were no other dependency benefits. Chubb would pay weekly bene-

fits to the disabled, until Chubb determined that they were cured, or the \$5,000.00 was spent.

Injured seamen would have to travel to the Chubb office in Manhattan, or elsewhere and have their injuries/disabilities evaluated by a claims examiner. They were paid \$60.00 (against the \$5,000.00) per month, and were expected to house and feed themselves. They were reimbursed the fare to and from the office. When the \$5,000.00 was exhausted, the payments were stopped. Payments were abruptly halted in 1946, by an Act of Congress, leaving the injured without any compensation, even if they had not maxed out the \$5,000.00.

Had the dependent survivors of deceased merchant seamen received the same benefits, as the members of the armed forces, there would have been in addition to the \$5,000.00 insurance, (or more), which members of the Armed Forces also had, a dependency pension to the widow (until she remarries) and the children (until the age of 18 years old).

The veteran, of course, was eligible for the GI Bill of Rights, which provided full education or training (\$50.00 per month to the veteran plus tuition and books), special employment, preference rehabilitation and lifetime care, through the Veterans' Administration. If partially or totally disabled, there was a lifetime pension.

The use of huge quantities of asbestos was designed into all merchant ships. The boilers, main engine, and steam lines were all heavily insulated with asbestos. The walls (bulkheads) and ceilings (overhead) of the mess halls, living quarters and galley were made of asbestos panels. When the ship vibrated and pounded, at sea, the asbestos was shaken loose, became friable and airborne throughout the ship. Fibers were inhaled and many years later, caused asbestos related pulmonary diseases. The failure to provide for follow up care left thousands of these mariners without medical treatment and compensation. It should be pointed out, however, that since obtaining veteran's status in 1988, the VA has accepted these men as patients, but this was 43 years after the war ended and no treatments between those times.

After WWII ended, seaman in need of follow-up medical care were ineligible for the U.S. Public Health Service Hospitals, because to be eligible, the seamen had to have a ship's discharge within the preceding 60 days.

After WWII, merchant mariners quickly learned that their service and sacrifice were unpublicized, unappreciated and unrecorded. Strict censorship as to ships' losses, casualties and deaths prevented an accurate history. Quite simply, there is no official history. There was to be no recognition of his service to his country and no post-war benefits for the mariner.

And WWII service did not exempt him from the draft in 1948, 1949 or during the Korean war.

The bravery, even death, of the men who sailed the cargo ships and helped man the ship's guns, was never recorded. A cloak of secrecy, a policy of silence and censorship about ship movements imposed during the war, along with the failure or refusal to record their services, their wounds, their deaths, has resulted in the merchant mariner having to plead his own care and fight for recognition.

Respectfully submitted, Francis J. Dooley

[The following is an attachment to Mr. Dooley's statement, which is an excerpt from the "Maritime Life and Traditions" Magazine, Issue No. 33, pages 6 and 7.]

A recruitment booth in a Broadway, New York, music theatre during 'Merchant Marine Week', 1943. The reference to 'Action in the North Atlantic' was for a wartime film about convoys duty on a liberty ship that was playing in the theatre at the time. The Maritime Service needed new recruits to crew all the ships built for the war. They were taken from prisons, those with disabilities, and others too old to serve in the military.



New trainees arriving at US Maritime Training Station, St Petersburg, Florida.



the theory that yellow fever is transmitted by mosquitoes rather than direct contact – summers in New York City spelled yellow fever and death. Seaman Islanders had every reason to fear the fever: in 1848 it spread from the quarantine hospital in Tompkinsville to infect 180 local residents. Citizens were enraged beyond control and burned down the quarantine hospital. The city's solution was to build Hoffman and Swinburne Islands and relocate the hospitals out into the harbour. The two small islands also played a major role in the 1938 immigration of the period, protecting the

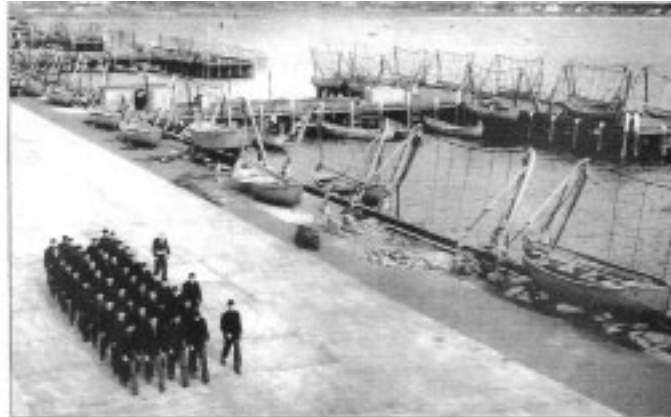
port from disease until Ellis Island was expanded and operations moved there. And they played a role in the harbour's defence system in both World War I and II, serving as an anchorage for the anti-submarine nets that closed the entrance to the port.

In 1938 the newly formed US Maritime Service was in search of a location for its first training station. The former quarantine islands had not been used for many years, yet were in good condition – in 1937 Hoffman had had new buildings built that were never used. On 6 September 1938 Hoffman and Swinburne opened for training. The new trainees were all experienced seamen, both licensed and unlicensed. To be eligible for paid training men had to be unemployed, have had seven months sea time in the last two years, and be over twenty-one years of age. Changes in requirements were constantly made as the training programme was developed.

The nation still had not totally come out of the Depression and the maritime unions were not supportive of upgrading men when many of their skilled members were unemployed. But the incentive for seamen to enroll was three months' training with pay, subsistence, uniforms, and the opportunity for seaman pay and annual training.

The fact that many of the higher ranking officers of the Maritime Service – including those who served in US Navy officers

Lifeline training was one of the most important parts of the course for all shipboard department trainees at Sheepshead Bay.



to train partners and then added Hospital Corpsmen to the rank. This gave each ship the security of having someone aboard who could administer medical aid. The course was started at Sheepshead Bay in 1942 under the direction of a Public Health Service doctor and combined the Junior Assistant Purser School and the Hospital Corps School. The main mission of the school was to train men to work on their own, being responsible – on board ship – only to the master. The program accepted apprentice seamen who tested high on the General Classification Test (GCT) along with partners who had previous experience at sea. After completing the sixteen-week course trainees were assigned to the US Public Service Marine Hospital for a month of further training. Any ship with a Purser/Hospital Corpsman officer also carried blood plasma in the ship's medical supplies.

Merchant marine deck and engineering officers in World War II came from four different sources: the Maritime Academies or school ships, the Federal Merchant Marine Cadet Corps, the Maritime Service officers-training programme, and 'through the knoopie'- men who studied on their own after getting the required seafaring. It is interesting to note that of the four entry routes all still exist, with the exception of the officers-training programme of the Maritime Service.

All officers received some benefits, upgrading, specialized training, and correspondence courses from the Maritime Service programmes. Refreshers and upgrading were one of the first missions of the service in 1938. Licensed personnel could, if they wanted, receive USMC commissions with rank according to their licenses – all graduates of the state maritime academies and the US Merchant Marine Cadet Corps were commissioned ensigns,



Winter Uniform Red Patch



An artist's rendition of a trainee in Maritime Service uniform with the distinctive USMC red patches. Note the distinctive sailor's hat, which was introduced later. When the service was first started, in 1938, trainees wore uniforms similar to the US Coast Guard, including white sailor hats. In the right corner is the official seal of the US Maritime Service.

**Prepared Statement of H. Gerald Starnes, St. Augustine, FL
(U.S. Merchant Marine Combat Veteran)**

Mr. Chairman and Members of the Committee:
My name is H. Gerald Starnes, here today to urge passage of H.R. 23, a Belated Thank You to the Merchant Mariners of World War II Act of 2007. I am speaking for about 3,000 still living Veteran graduates of the United States Merchant Marine

Academy at Kings Point, NY who have joined Mr. Ian T. Allison and the Just Compensation Committee in the endeavor to at last gain Congressional recognition for our services in helping win that forgotten great war 1941–1945. The U.S. Merchant Marine Academy is the only one of the five Federal service academies that send their Cadets into wartime combat zones. The memorial monument on the campus bears the names of 141 young men who lost their lives in combat.

All of us are very grateful for the superb education we received and are proud to be graduates of that institution of military discipline and valuable learning. There was a war on and the largest ship building program the world had even seen required trained engineering and deck officers in manning these vessels when they were delivered. Appointments were relatively easy to obtain for 17 and 18-year old males; no police record, high school diploma, in perfect health, recommendations from neighbors who had known us all our lives and our high school principal. We were sworn in as Cadet/Midshipman with the rank of Midshipman in the US Naval Reserve and received a Commission in the Naval Reserve upon graduation. Naval Science was one of our major courses and included gunnery. If there was a call to General Quarters, we had an assigned battle station to serve with the vessel's Navy Gun Crew.

Unlike our all of our armed forces, many of whom never left a desk stateside, and received the GI Bill for 4 years of college, all the veteran members of the classes of '39 through '47 did not receive a degree at graduation as the Academy wartime curriculum did not meet the requirements for college accreditation. After graduation, we Kings Pointers and all the other Merchant Mariners of World War II were denied veterans status by every Congress for over four decades and received not a single benefit of any sort.

Until 1977 merchant seamen were not allowed to apply for veteran recognition. Following a Federal Court ruling in 1986 to recognize merchant seamen as veterans, like the others, in 1988, we received a U.S. Coast Guard discharge and notification of eligibility for limited medical attention if you were homeless or on Medicare. To me and my fellow veteran alumni these documents were deemed worthless. I had retired from General Electric and had held a U.S. Coast Guard Chief Engineer's license since 1952 and, like my father, a World War I veteran, I wanted nothing to do with a VA hospital. My dad spent several months during and after the war recovering in Walter Reed hospital and would only go to our local VA institution on a Sunday afternoon to see a baseball game.

An engineer on watch in the engine room of a ship makes decisions on what is wrong or right with the plant's operation, based on the numbers that his instrumentation is reading out, his sense of how the equipment should sound and what his crew is telling him about their observations. However, enemy submarine torpedoes and aircraft attacks were always aimed at the engine room to stop the ship for the kill. This added other thoughts when you're on duty below the water line no matter how much coffee you drink and try to avoid them.

After the war ended, in August, 1945, President Truman urged us Merchant Mariners to stay on the ships. More casualties occurred as 54 vessels struck mines. I personally recall running down the Malacca Straits full speed through a night of thunder and lightning on a tanker with 135,000 barrels of fuel oil for the reoccupied British Naval base in Singapore. During the Japanese occupation, they had destroyed all the navigational aids such as lighthouses and buoys and had mined the strait that had supposedly been swept clear by Allied mine sweeping vessels.

The average age of the World War II Merchant Marine Veteran is now 83 or 84. Many are enfeebled, in ill health and in a pitiful situation financially, physically and mentally. An aged Kings Pointer called to thank me for my efforts in informing the Veterans on H.R. 23. I had his name listed as graduating in a later class than his age would indicate. He probably couldn't remember what he had for breakfast, but he could remember well that he was "sunk three times in the Mediterranean and couldn't get out of there and back to the Academy to graduate with his class".

For over 60 years the Congresses of the United States have denied us recognition and benefits as war veterans. We are aware that the outcry in both legislative bodies will be "there is no money for the Merchant Mariners; it's all been allocated to other veteran organizations and government agencies". The first years benefits of H.R. 23 would, at the very most, be only \$120,000,000 and decrease every year thereafter to zero in a few years. With all due respect to the problems of the 109th Congress, we do not understand why H.R. 23 and S. 1272 could not have come to the floor of the lower and upper houses for a vote when 9,963 special interest "earmarks" totaling \$29 billion were passed into law in 2006, according to the Wall Street Journal. At our advanced ages, this is our last chance. We believe that the new 110th Congress can and will pass our benefit bill this year.

Thank you very much for your attention to our cause.

**Prepared Statement of Stanley Willner, New York, NY
(U.S. Merchant Marine Combat Veteran, and former POW)**

Thank you Mr. Chairman and Members of the Committee for Veterans' Affairs. My name is Stanley Willner. I am the first official Merchant Marine veteran of World War II. I was captured by the German Navy and turned over to the Imperial Japanese Army occupation forces in Singapore. I remained a prisoner for more than 3 years and 3 months.

After graduating from high school in 1938, I received an appointment to the U.S. Maritime Service from the late Senator Harry F. Byrd of Virginia.

I spent 3 years as a Merchant Marine cadet. On August 21, 1941 I graduated to Deck Officer and third mate with a commission of Ensign in the U.S. Naval Reserve.

I served as Third Mate on the Excaliber, one of the Four Aces passenger ships in the Mediterranean. When Japan attacked Pearl Harbor, I was in Lisbon, Portugal.

After returning, I immediately went to the Naval Board in New York City to enlist. I was rejected and sent to serve on M.S. Sawokla, an Army Transport ship.

In the midst of all this activity, I met and married my wife of 65 years, Carol. But before we had a chance to take our honeymoon, the Sawokla set sail for a 3 month deployment to India and the Persian Gulf with supplies to stand up an Army Base in Bahrain, Iraq.

Upon my return, I was to be promoted to Lt. J.G. or full Lt. in the U.S. Navy Reserve. Most importantly, my new wife and I would take our honeymoon.

In November 1942, the Sawokla, steaming south of Madagascar, was stalked, fired upon, torpedoed and sunk by the German Raider, Michel (Mik-el). The Michel was deceptively disguised as a merchant vessel but equipped with a lethal arsenal. The German Raider fleet was as effective as the U-Boats in sinking Allied supply vessels.

The Michel's log shows that the Sawokla sunk almost immediately. I was the Officer on watch with a staff of eight lookouts. I woke up in the water, badly wounded and clinging to a piece of wreckage. About three hours later the Michel picked me up. I remained in the sick bay for about 3 months. I was given excellent medical treatment.

The next day, the Michel sent out its scout plane and torpedo boat to pick up the wreckage so there would be no trace of the Sawokla. That action resulted in a letter from the Navy Department declaring me dead. (Exhibit 1)

Thirty seamen and nine members of the Naval Armed Guard survived the attack. We were now captives of the Third Reich.

The Michel sank more ships while I was on board. One ship had one survivor, the other had thirteen.

The Japanese would not let the Michel out of the Pacific blockade for its return to Germany. Low on food and fuel, the Michel docked in Singapore and turned over its prisoners to the Japanese.

The Michel's doctor had given me a medical letter to give to the Japanese. The Japanese sergeant took the letter, tore it up and hit me with his rifle butt. Hard, un-Godly times were just ahead.

We were billeted in Changi Jail which was built to hold about six hundred criminals. The Japanese had herded anywhere from 10,000 to 15,000 prisoners, including women and children, within its walls.

Initially, we lived in huts outside the main building, while we worked at the docks.

My clothes were in shreds from the Michel's attack. I had kicked my shoes off in the water. I would live in these tattered rags, barefoot for over 3 years. The only other clothing I received was when an Australian serviceman gave me a piece of cloth that I used as a loin cloth.

The Allied POW's who had surrendered in Singapore still had clothes and mess kits. All I had was a tin can for water, which I used for over three years.

For the remainder of my captivity, I did not shave, brush my teeth or cut my hair or receive any medicine or enough food to remain healthy and fit.

As if it could not get worse, it did. The Japanese sent us up country into Burma and Siam (Thailand) to build the Burma-Siam Railroad, known as Death's Railway. Its path crossed over the River Kwai.¹

¹Historically, the bridges spanned the Mae Klong river. Death's Railway followed the Kwae Noi Valley. The Pierre Boule novel and the David Lean movie incorrectly referenced the River Kwai (Kwae noi—little tributary), but I have continued to use it as a common reference for easier communication.

In Singapore we were crammed into small railroad cars. We could not sit, but were packed in standing position, barely able to move at all. There was no ventilation. Several of the men had dysentery. Others had little choice but to urinate and defecate on themselves. The railroad car quickly began to smell like a sewer barge. The stink would not wash off. Every nine or 10 hours the train would stop to take on coal and water. We were let out for about fifteen minutes a day over the course of 5 days.

On arrival, we were marched twenty miles a day for six straight days to get to the location of the railroad.

Before my capture, the U.S.S. Houston and the 131st Battalion, known as the Lost Battalion went missing. I caught up with some of the survivors on Death's Railway. For some reason, only a limited number of Americans were sent up country by the Japanese.

While the movie, the Bridge on the River Kwai made this episode in history known to many, it did not reveal the true brutality of the Japanese and the suffering of officers and enlisted men, who starving and diseased, built a railroad through the jungle on virtually no food and one cup of water a day. We were worked from dark to dark. More than 100,000 human lives were sacrificed. Some counts are as high as 300,000 and include native women and children.

Two indelible memories of extreme brutality that have haunted me in nightmares come to mind. A British soldier who had lost an arm and a leg was responsible for heating the Japanese officers bath water in a 50 gallon drum. One night, returning from a work party, we heard a great commotion in the camp. We were made to line up while the water in the drum was brought to a full boil. The Japanese picked up the British amputee and tossed him into the boiling water. I can still hear his screams to this very day.

The second was an outbreak of Cholera. We were given only one cup of boiled water a day. The scathing tropical heat took its toll on us. Some were so desperate for a drink of water, they would drink from the River Kwai. The natives living up river, used the river for everything, including human waste disposal. Many thousands contracted Cholera and died.

I was assigned to a squad to collect the victims in our camp who were dead or near death and burn them. If we refused, the Japanese would shoot you on the spot and add you to the pile. Such a situation was impossible to comprehend then as it is now. No explanation is suitable. And, no amount of years makes it any less horrible for me.

The Railroad was completed in about 2 years. Those who survived were sent back to Singapore. I was sick with beri-beri, dysentery, malaria, pellagra, scurvy and ringworm. All kinds of sores covered my body. Out of the original 525 plus men who went up country with me, only 116 returned.

When we were liberated all Allied prisoners in the Far East and Murmansk were flown from Singapore etc. to the 142nd Army Hospital in Karachi, India, which is now Pakistan.

I was 25 years old, weighed 74 pounds and infected with every disease imaginable. The doctors told me that I would be the luckiest man alive if I lived to be fifty years old. The Army medical care was nearly the last time as a Merchant Marine that I received any U.S. government benefits for my service.

The doctors and nurses in the 142nd cried when they saw us. They had never seen human beings in such bad shape. In fact, the first night we slept on the floor not wanting to mess up the white hospital sheets.



From India on our trip back to the States, the Merchant Seamen were soon forgotten. They received no Government benefits until 1987 when they were awarded veteran's status. Our captors and our fellow prisoners treated us as military prisoners and made no distinction in our service when they dished out the brutality. Yet our own government would see us as undeserving and would render us invisible in the post war years.

The other POWs were issued new uniforms and given spending money. The Mariners received only one shirt and one pair of pants, plus a pair of shoes. I was unable to wear the shoes. After a month in the hospital we were flown back to the States.

The plane stopped in Gander, Newfoundland. A female worker asked me if I wanted some fresh milk. I drank the milk and she charged me \$2.00 because I was not in uniform. I had no money.

The plane landed in a military airport outside of Washington, D.C. The military men were met with Honor Guards. The Mariners were left on their own. I was lucky. My wife came to take me home.

I was unable to adjust. The Government gave me 1 month's pay of \$250.00. I was admitted to the Marine Hospital for 2 weeks. I was told I was fit for duty and was discharged. This was the very last government benefit I received until 1988, four decades later.

I had a large ringworm on my stomach. As the result of being hit with rifle butts in the back several times, I eventually had to have back surgery. For nearly a year I suffered with malaria. Walking around I would just pass out. I suffered continuous nightmares. I was lucky to have my family taking care of me.

A British doctor who took care of us in the camps would send me medicine for the jungle rot on my chest. It took 2 years of dental work to save my teeth. The government dentist wanted to pull them out. My family paid for the civilian dentist.

It is well known today after Korea and Viet Nam that war veterans and especially POWs have huge psychological issues to overcome. I had to use civilian doctors at my own expense. It was well over a year and half before I could return to work.

I tried working for the Maritime Commission pricing war surplus ships for sale to foreign countries. The work required travel and I was unable to travel and had to resign.

My wife and I took over a family business that brought us some success over the years. But, I have never stopped being a prisoner.

I attended two River Kwai reunions with Dennis Roland (deceased), my shipmate and POW buddy. I was the only Allied POW who refused to walk across the bridge with our former Japanese captors. In the cemetery before the walk, memories of all those who were sacrificed for the Japanese railroad came flooding back. I could forgive, but I refused to forget.

The importance of the Merchant Marine effort in the successful outcome of World War II cannot be overstated. Without the Merchant Marines, the logistical arm of the war effort would have collapsed. The steady flow of supplies at perilous and great risk by Merchant seaman deserves recognition by the same government that depended so heavily upon them.

General Douglas McArthur:

"They shard the heaviest fire—They have suffered in bloodshed and death—They have contributed tremendously to our success. I hold no branch in higher esteem than the Merchant Marine Services."

President Harry Truman:

"To you who answered the call of your country and served in the Merchant Marine to bring bout the total defeat of the enemy, I extend the heartfelt thanks of the Nation."

During and after World War II, members of the U.S. Merchant Marine were denied well deserved benefits. In 1944, President Roosevelt signed the GI Bill. He said, "I trust Congress will soon provide similar opportunities to members of the Merchant Marine who risked their lives time and again during the War for the welfare of their country." The U.S. Merchant Marine and the U.S. Maritime Service were agencies of the United States Government.

My best friend and fellow POW, Dennis Roland, the 2nd Officer on the Sawokla, died on December 17, 1984 at the age of 76 with leukemia. Roland stayed in the Navy retiring as a Lieutenant Commander. When Roland passed away, I took his place in the fight for Merchant Marine veteran status.

The Air Force was sued on behalf of the Merchant Marine survivors by Joan McAvoy. The case is known as Plaintiffs—Ed Schumacher, Willner, and Lester Reid, vs. Aldridge. Aldridge was the Secretary of the Air Force at the time.

Federal Judge Louis Oberdofrer conferred veteran's status in his Summary Judgment in 1987—42 years after the end of World War II. An adult lifetime. By this time both Schumacher and Reid were deceased. I was the first Merchant Mariner to be called a World War II veteran.

It is my lifelong desire to see those who willingly risked life and limb patriotically in support of the war effort, in the midst of combat, to receive not only the monetary recognition but the recognition of a country they made strong and whole all these years.

Remember that when a merchant ship was sunk, the mariner's pay was stopped. This token of thanks will help bring the recognition so well deserved.

The British, Dutch and German Merchant Mariners were always considered veterans by their country. Surviving crew members of the Michel were even surprised to learn years later that their American captives were not considered veterans for the service given.

Thank you for this opportunity to testify and present my life history.

Exhibits—Notification of My Death

In reply address to the name of this letter, but State (Army, Navy, Navy Department) Washington, D. C. Refer to No.

NAVY DEPARTMENT
BUREAU OF NAVAL PERSONNEL
WASHINGTON, D. C.

FEB 27 1943

Pers-36590-JMI
62096

From: The Chief of Naval Personnel.

To: The Secretary of the Navy.

Subject: Cancellation of appointment in the case of Mr. Stanley WILLNER as Ensign, D-M, USNR, dated August 21, 1942.

1. It is requested that the appointment in the case of the above subject applicant be cancelled for the following reason:

Applicant is deceased.

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| Chief Clerk | |
| Register Section | |
| A | K |
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| C | |
| D | |

S-11-11-11 ✓
3/10

Randall Jacobs
The Chief of Naval Personnel.

A. F. Lawton
A. F. Lawton
By direction.

Approved: FEB 27 1943
Frank Knox
Secretary of the Navy.

Printed USNR Register File
Michael Williams

Copy to: DNOP-New York, New York
Pers. 3101

NO 305 File

ADDRESS INFORMATION TO THE
DIRECTOR OF NAVAL OFFICER PROCUREMENT
NEW YORK, N. Y.

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BUREAU OF NAVAL PERSONNEL
NAVY DEPARTMENT
OFFICE OF NAVAL OFFICER PROCUREMENT
NEW YORK, N. Y.
23 FINE STREET
NEW YORK, N. Y.

March 5, 1943.

Mrs. Stanley Willner
391 Central Avenue
Jersey City, New Jersey

My dear Mrs. Willner:

We are sending you, by direction of the Navy Department, your husband's commission as an Ensign in the United States Naval Reserve.

We extend to you our very deep sympathy in your personal loss and beg leave to share your great pride in so splendid an officer.

Very sincerely,

Kenneth G. Castleman
KENNETH G. CASTLEMAN
Captain U.S. Navy Retired
Director.

**Prepared Statement of Bruce Felknor, Evanston, IL
Author, "U.S. Merchant Marine at War, 1775-1945," as Presented by
Hon. Janice D. Schakowsky, a Representative in Congress from the
State of Illinois**

I thank Chairman Filner and this Committee for the opportunity to speak for the surviving remnant of merchant mariners of World War II. And I am profoundly grateful to my Representative Jan Schakowsky, the majority's Chief Deputy Whip, for consenting to present my testimony. (Surgery has left me presently voiceless.)

I am proud to be a merchant marine veteran of World War II. Perhaps 10,000 of us remain from the quarter-million men and boys, then aged 16 to the eighties and beyond. Roosevelt and Churchill and their generals and admirals knew how vital was our task and how gallantly and effectively we served and how we delivered. And our lives were on the line every time we left port.

So when the war was won, with our essential help, why were we selected out when Congress created the GI Bill of Rights? A major reason was the myth of merchant marine pay, based on comparisons that ignored navy dependent allowances, freedom from income tax, paid vacation and time between voyages.

Second, because we were so few. The GIs had 13 million sets of parents; we had one-quarter of 1 million. In the folks-at-home department [read "votes"] we were outnumbered 52 to 1.

A third major reason was lack of public knowledge and awareness of what a merchant marine was and what it did. No war correspondents were stationed on freighters or tankers. Outside port cities the news media were generally oblivious to the

merchant shipping that carried every engine of war to the front. Only occasionally did a dramatic story about a freighter or tanker or lifeboat trip from a paper in some seaport find its way into the national news wire services.

Wartime motion pictures were a staple of hometown movie theaters—but I know of only one feature film about the merchant marine: 1943's "Action in the North Atlantic" with Humphrey Bogart. You can't count the feature films about the army, air corps, navy, marine corps, in the Second World War.

So it is small wonder that the small company of men who carried the American war machine across the oceans of the world were unknown to the general public.

A typical freighter or tanker crew numbered about 43 officers and men, plus 22 from the naval armed guard who manned the guns, often assisted by the merchant marine counterparts, whose training included gunnery.

Fast friendships developed among these shipmates, and at war's end it was a major shock for the merchant marine men to discover that they were not even veterans and that the Seamen's Bill of Rights urged on Congress by Presidents Roosevelt and Truman never got out of the House.

I remember the personal bitterness from then that sticks in my craw today. And the mixed emotions that greeted my becoming a veteran in 1989 with none of the life-changing perquisites of the GI Bill of Rights.

Two years ago I voiced these emotions in a poem, "The Song of the Merchant Mariner." It concludes:

The Army and its Air Force were included, The Navy and the Coast Guard and Marines; Alone the merchant seaman was excluded:

The one that fueled and fed their war machines.

He offered his life to his country each time that he sailed.

To thank him his country and congress and government failed.

My heart swells with pride suppressed for sixty years at the response of Chairman Filner and his cosponsors and all who have brought H.R. 23 to the table. Thank you, and God bless you.

THE SONG OF THE MERCHANT MARINER

Copyright 2005 By Bruce L. Felknor

Now hear the song of America's merchant marine,
Its Herculean deeds in World War Two,
Supplying all its country's war machine,
Disdaining death as only the brave can do.

A hundred eighty thousand men and boys,
None drafted, ev'ry one a volunteer,
To serve on ships the oceans tossed like toys,
Deliv'ring an invading army's gear,

Each knowing ev'ry time he sets to sea
That out of port he's in a zone of war,
Where lurking submarines can plainly see His ship a target,
Just another score.

Torpedoes' wakes are hard to see at night,
But when they hit,
The sea's suffused with light.

A hundred eighty thousand gallant souls,
From nineteen forty-one to 'forty-five,
They sailed across the oceans' seas and shoals,
To keep the Allies' chance to win alive.

In old rust-buckets, lumb'ring Libertys,
They braved the winter North Atlantic's storms,
In tankers too, and newer Victories,
Through oceans' rolling, pitching, tossing norms.

And in the far Pacific—misnamed ocean!
Unlike some tropic atoll's calm lagoon—
Epitome of violence in motion:
They faced the fury of a full typhoon.

In convoy, or alone on zig-zag course,
The billows were the U-boat's stalking horse.

A hundred eighty thousand seamen who—
 Civilians to a man—confronted death,
 From mines, torpedoes, guns, and bombs that flew;
 Each trip meant facing death with ev'ry breath.

No seaman knew the destination when
 A man signed on to make another trip.
 (The captain has all secrets in his ken,
 To be destroyed if they abandon ship.)

But some faced more than others; when you sail
 With "ammo" or with aviation gas,
 You know that if 1 day your luck should fail,
 Your body won't attend your fun'ral mass.

The U-boat captain's dream is realized:
 When such a ship is hit it's vaporized.

Offshore, in Carolina's latitude,
 A stalking U-boat's periscope reveals
 A coastal tanker riding deep with crude.
 The Unterseeboot sends a brace of "eels."

Explosions, and a viscous pad of oil
 Congeals and thickens on the icy brine.
 Blown overboard, two swimmers vainly toil
 Until their strength is gone, and then resign.

Her stern awash, the tanker bursts afire;
 A gutt'ring flame spreads o'er the oil-choked sea.
 Now sinks the stern; the upright bow's a pyre
 That's quenched in diving to eternity.

A lifeboat head-count tallies who's alive:
 But thirty-two of forty-four survive.

A hundred eighty thousand mothers' sons,
 And thousands faced the U-boats and the planes
 'Long Norway's coast: the deadly Murmansk runs,
 Where death and ice bestrode the ocean lanes.

Where submarines, torpedo planes, and more,
 Where German cruisers joined the fight to close
 The Allies' access to North Russia's door,
 And thereby Stalingrad's relief foreclose.

Far north beyond the Arctic Circle, and
 Bear east and sail across the Barents Sea;
 Turn south: Murmansk or Arkangelsk. There's land!
 No subs, but bombers, bombers constantly.

Midsummer ice and sunlit nights conspire
 With subs and bombers: unremitting fire.

A hundred eighty thousand, some of whom
 In convoys sailed "the Med" to bring supplies
 For Sicily's invasion, anteroom
 To Hitler's Europe, and to his demise.

A trick when eastbound vessels reach Gibraltar:
 Limpet bombs stuck to the hull by swimmers.
 The watch of marksmen downward peer, nor falter
 To shoot whatever moves among the glimmers.

We're moored at Bari; German planes appear,
 Torpedo, bomb, and strafe.
 Unloading ships With troops and ammunition disappear,
 Blown skyward in a small Apocalypse.

A quaint and bustling port when all is well,
 With bombs can be the hinterland of hell.

On D-Day hordes of men and tons of gear
 Traverse the English Channel to a port
 That ne'er existed any other year,
 Invented for this day, great tides to thwart.

An artificial port, breakwaters, piers
 All made in England, towed to France's door,
 And sunk in place, so ships could dock in tiers
 And land their cargo right on Europe's shore.

Then down the channel sailed a bridge of ships,
 With men and cannons, trucks and jeeps and tanks,
 Machine guns, pistols, rifles, loaded clips,
 And ev'rything to arm and feed the Yanks.

All brought by merchant ships and tugs and crews,
 Without which the Allies were sure to lose.

A hundred eighty thousand; many went
 Into the far Pacific and its isles,
 To often-hostile beach with armament
 And food and gas and medics' goods in piles.

A Liberty moored to a rickety pontoon pier
 Discharges, using its winch and cargo booms
 On drums of gas, assorted crates—we hear A0 plane!
 Guns manned; a friend. The work resumes.

Sometimes the guns of merchant ships were all
 The antiaircraft weapons at the beach,
 Each shell-burst formed a threat'ning smoky pall;
 And some shots blew up planes that they could reach.

Then Kamikazes: some of them were killed,
 Their sacred mission ever unfulfilled.

The war was won in nineteen forty-five,
 And then began the troops' repatriation.
 The homeward-bound in merchant ships arrive,
 To great parades and gen'ral celebration.

GIs came home to preference in hiring,
 Home-purchase mortgage guarantees, and yet—
 The GI Bill of Rights their zeal inspiring—
 A college education free of debt.

The Army and its Air Force were included,
 The Navy and the Coast Guard and Marines;
 Alone the merchant seaman was excluded:
 The one that fueled and fed their war machines.

He offered his life to his country each time that he sailed.
 To thank him his country and congress and government failed.

A trio who were prisoners of war,
 Slave-labor at notorious River Kwai,
 Protested their exclusion from the corps,
 Of vet'rans. They're rebuffed at ev'ry try.

Then forty-two years later, joined by friends,
 They take the case to U.S. District Court,
 And there the string of slights abruptly ends:
 They win a solid finding of support.

They're vet'rans at last—more than half of their shipmates have died—
 Old men now, too late for those college and homeowner loans.

Yet forty years late, being vets evokes surges of pride—
 And a veteran's marker to label the site of their bones.

Of all branches they died in the war at the paramount rate,
 And got grudging acknowledgement finally, forty years late.

(The 180,000 figure is the number of men actually sailing at the end of the war.)

**Prepared Statement of Mark S. Gleeson, Oakmont, PA
(U.S. Merchant Marine Combat Veteran
Active American Merchant Marine Veterans Association)**

Thank you Mr. Chairman and Members of the Veterans' Affairs Committee.

My name is Mark Gleeson and I am a Member of the American Merchant Marine Veterans of World War II. I joined the American Maritime Service in June 1945 fully expecting to be part of the invasion fleets invading Japan planned for November 1945. Physical injuries in training camp and at sea cut my sea service short. I have my Honorable Discharge from the United States Coast Guard under the provisions of P.L. 105-368. I appear today speaking in favor of H.R. 23.

I first applied for my military discharge under the provisions of PL 95-202 in 1989. When this was turned down, I became involved in the efforts of Merchant Marine veterans to gain our denied veterans' recognition through Federal legislation. The issue at point was when did World War II end and who qualified for veteran's recognition. For almost 10 years I had a title of Vice Chairman of the Merchant Mariners Fairness Committee, the ad hoc committee that worked with many distinguished members of Congress to finally pass legislation in 1998 granting veterans status to about 3000 seamen who had been denied such recognition by the Civilian/Military Service Review Board due to their interpretation PL 95-202. I have written a personal chronicle of this ten-year legislative struggle.

In reflecting on this chronicle that covers five sessions of Congress, it is obvious that the scope of H.R. 23 can not be a funding problem. It does not fund the varied veterans' benefits, including educational, loan, and medical benefits. It acknowledges the service of merchant seamen only.

To this point, the chronicle contains the fact that after four previous efforts, the Senate and the House in 1996, passed S-281 by voice vote, a bill that established the start of the Vietnam conflict as February 28, 1961, not the August 5, 1964 date following the Tonkin Bay incident. This legislation, spearheaded by Senator D'Amato of New York, belatedly recognized some 16,000 servicemen who had been serving in Vietnam during that time period. The Congressional Budget Office indicated that this act would have no significant impact on the Veterans' Affairs Budget. These men fully and richly deserved belated government recognition and response for their service, and their service related injuries. We believe the merchant marine veterans of World War II also deserve a positive response for their service. Of some 250,000 seamen at the end of World War II, it is estimated that less than 10,000 are still alive, and there are fewer each year.

We ask for your help in passing H.R. 23. Only those seamen recognized by a Federal court decision in 1987 received limited medical benefits. The remaining **Denied Seamen** recognized by PL 105-368 receive no medical benefits. All they are entitled to is a tombstone and a burial flag. If they want a medal they are entitled to, they must pay for it. They must also pay the Coast Guard \$30 for their Honorable Discharge papers. We believe it is time all eligible World War II Merchant Marine Veterans be treated as equal veterans. While H.R. 23 does not grant educational or medical benefits to remaining seamen, it does partially compensate them for the benefits they never received. The Federal court and congress have recognized merchant seamen of World War II as veterans. We are proud of that. We are not proud that we are still not treated as veterans.

We read in the chronicle that only a few people we contacted in our ten-year legislative effort were knowledgeable about what the merchant marine did to help defeat the enemies of democracy. It was as difficult then as it is now to explain incidents of history and to illustrate that without the men who manned the merchant fleet, final victory would not have been possible. Some understanding of history is important to appreciate the significance of H.R. 23.

Over the years, we found few people who knew that thousands of young men were actively recruited by the government to join the merchant marine in 1945 so they could man the ships that would invade Japan in November 1945. The two planned invasions of Japan would have resulted in an estimated one million American casualties. Included in these casualties would have been merchant seamen. It is difficult to communicate these issues that are now 62 years old. It is also hard for us to overcome the effect of misinformation that has been repeated over and over and thus, has prevented the passage of H.R. 23.

Certain issues have come up year after year to support denying merchant seamen the requested relief. Among them are the disparity in the pay scales and the contention that there were strikes by merchant seamen. With respect to the often-mentioned strike, the truth is that the strike resolved around some longshoremen labor issues in the summer 1946 in New York City. **This was a dock labor manage-**

ment issue, not a merchant seamen issue. What is important to this discussion is that during World War II, no ship did not sail, or sailed late due to a strike by seamen. Admiral Emory Land, Administrator of the War Shipping Administration, stated this fact in his last report to Congress on January 15, 1946. This fact is never mentioned. Failing to correct the misperception that the merchant seamen went on strike is, at the least, an affront to the men who served and died for their country.

No invasion failed or was delayed as merchant ship crews reportedly took off for coffee hour, or refused to load or unload cargo on the weekends. We have found that few people knew that when a ship was sunk, and the seaman was in the water, his pay ceased the minute he abandoned ship and did not start again until he signed on to a new ship. If he was injured, this could have been weeks or months. If he lost all his clothing, he had to buy new clothing himself, if he survived. He was not provided free gear. Yet, seamen came back out of the cold or burning water, and sailed again. The pay issue that is used again and again against merchant seamen never really existed. Unfortunately these facts are not well known.

The men of the Naval Armed Guard and the merchant seamen sailed together on the same ships, ate the same food, manned the same guns, fought the same enemy, died or were wounded on the same ships. The Naval Armed Guard veterans, men we call our blood brothers, received full veteran's benefits. They deserved this. The surviving World War II merchant seamen are still waiting.

We are here again, discussing things that have been settled before in our favor both in Federal court and in Federal legislation. We are, however, at a disadvantage in presenting facts to members of Congress regarding H.R. 23. All the other services have historical research centers staffed by professional historians, all paid by the government, that produce data for you, the public, and as records of their particular service. Congress also has military liaison personnel available who present their version of issues. The merchant marine has no such historical center to present credible testimony on our behalf, or government personnel to speak for us.

H.R. 23 is a belated yet welcomed attempt to recognize the efforts of men of a service that has its name engraved on the new National World War II Memorial, in the same size as the other services. The merchant marine's name would not be there, carved forever in stone along with other services, if it were not considered a service equal to all others.

Finally, H.R. 23 could also help in a small way to acknowledge the Merchant Marine of World War II as the only non-segregated service. While most African-Americans in the army and in the other services were relegated to menial tasks, African-Americans in the merchant marine graduated from the United States Maritime Academy at Kings Point. African-American seamen shipped out as masters, officers and crews of ships, serving in harm's way the entire war.

The Merchant Marine Veterans of World War II respectfully asks you to finally recognize them for their participation in the war, as all other services have been previously recognized by their government for their wartime service. We ask you to pass H.R. 23. We believe it is the right thing to do, and we believe this is the right time to do it. America will respect that.

Thank you.

**Prepared Statement of Herman "Hank" Rosen, San Diego, CA, Co-Chairman
Just Compensation Committee (U.S. Merchant Marine Combat Veteran)**

Mr. Chairman and the House Veterans' Affairs Committee Members.

My name is Herman Rosen, known as Hank. On April 29, 2007, I'll be 88 years old. I live in San Diego, California and I strongly encourage the passage of H.R. 23 "A Belated Thank You to the Merchant Mariners of World War II Act of 2007."

On December 7, 1941, when the Japanese attacked Pearl Harbor, I was a student at the University of Missouri and a Member of ROTC Field Artillery. I expected to be drafted into the U.S. Army.

I had always wanted to go to sea. An advertisement in Popular Mechanics Magazine caught my attention. It was a photograph of a young man in a midshipmen's uniform. Beneath it read "America's new ships have the finest officers afloat. Anxious to get in and pitch for America? Here's the way to serve your Country now . . . Apply to the Merchant Marine Academy today!" I thought, why not, my chance to go to sea and help my country.

I applied, passed the requirements and in March 1942, was sworn in as a Cadet, U.S. Merchant Marine Cadet Corps., Midshipman, USNR and reported to the Academy at King's Point, New York.

After 3 months of preliminary training, I shipped out from Wilmington, NC on the newly launched S.S. John Drayton, a Liberty ship. We sailed to New York where we loaded Douglas A-20 bombers, Sherman tanks, ammunition, and assorted supplies for unknown recipients. We all assumed they were for Russia.

Due to horrendous Merchant Marine losses of ships and men on the North Atlantic, the S.S. John Drayton was routed from New York to Cuba through the Panama Canal to the Pacific Ocean, down the West coast of South America, across the Atlantic to South Africa. In Durban, South Africa we joined a convoy which traveled through the Indian Ocean to the Arabian Sea and finally the Persian Gulf and Khorsamshar, Iran. It was a journey of 17,260 miles from October 11, 1942 to February 1, 1943. Our ship was finally unloaded and on April 1st, we were ordered to return to the States.

On a dark night on the Indian Ocean, 21 days later, with gale force winds blowing, the S.S. John Drayton was trapped and torpedoed by two Italian submarines some 300 miles east of Durban, South Africa.

I scrambled to a lifeboat, injuring my leg, and joined 23 other wet, frightened, injured, and oil-covered Merchant seamen and Navy gun crew. As was policy, my pay from the Merchant Marine ceased the minute I jumped into the lifeboat while the Navy gun crew continued on salary.

We spent 30-days adrift on the Indian Ocean without food and potable water, drinking salt water, urine and blood. Nineteen men died; 5 survived.

After 30 days in that lifeboat, we were picked up by a Greek vessel and taken to a military hospital in Durban. I weighed 97 pounds and suffered from exposure, malnutrition, dehydration, septic abrasions of the hands and feet, conjunctivitis in both eyes, shock and tachycardia, which has affected me since then.

After several months of hospitalization, during which time I continued unpaid, I returned to the Academy at Kings Point, graduated and was commissioned as Ensign, U.S. Naval Reserve, and licensed as 3rd Mate in the Merchant Marines.

I continued sailing throughout the War serving my country despite my experience. I was discharged by the Merchant Marine at war's end.

It is noteworthy that the Merchant Mariners in my lifeboat and in the hospital were not paid. The Navy gun crew were paid. In 1944, the GI Bill of Rights was passed but the Merchant Mariners received no Veterans' status or benefits. We received no GI Bill; no 52 weeks of \$20.00 per week; no VA loans; no Veterans health benefits; no family tax relief; no VA burial; no military transport; no generous life insurance; no mortgage interest deductions; even no USO access. YET we suffered the highest proportion of casualties of any branch of the Armed Services. More than 9,000 Merchant seamen died and more than 700 American Merchant ships were sunk.

It has been a long, hard battle for us to earn Veterans' status. I ask you today to rectify this wrong. Please support H.R. 23, "The Belated Thank You to the Merchant Mariners of World War II".

Thank you, Mr. Chairman and the Committee Members for listening to my testimony.

Statement of Brian Herbert, Bainbridge Island, WA
Author, "The Forgotten Heroes: The Heroic Story Of The United States
Merchant Marine"

This nation owes a debt of honor to the men of the U.S. Merchant Marine who served the Allied cause so valiantly in World War II. As a government and as a people we have let these heroes down by denying military benefits to them. It is a shameful chapter in American history, and a national disgrace.

From 1941-1945, the War Shipping Administration sent civilian seamen into war zones, transporting troops, bombs, tanks, planes, aviation fuel, torpedoes, and other dangerous war materiel. The typical Allied soldier in Europe needed seven to eight tons of military supplies a year to sustain his ability to fight, and 80% of that was provided by the U.S. Merchant Marine.¹ These brave men became the lifeline of Allied forces overseas. Delivering essential cargoes, the U.S. Merchant Marine suffered

¹Dear, I.C.B., ed., *Oxford Companion to World War II*. Oxford: Oxford University Press, 1995, p. 1203; *Collier's Encyclopedia*. New York: P.F. Collier & Son Corp., 1960, volume 12, p. 643.

more deaths per capita in World War II than any of the American armed forces—a 32% higher rate than the highly publicized losses of the U.S. Marine Corps.²

Packed with military cargoes, the slow-moving ships of the Merchant Marine were easy targets for German and Japanese naval and air forces. Torpedoes fired at merchant ships carrying ammunition or petroleum often caused explosions so immense that no traces of the vessels or their crews were ever found. Merchant-ship duty was so hazardous that some men quit at the first opportunity and joined the armed forces—where it was safer.

Seamen suffered terribly. Medical workers and survivors of the torpedoed oil tanker *SS John D. Gill* reported that the flesh of burned merchant seamen “would come off in your hands.”³ When the *SS Benjamin Brewster* was torpedoed, a survivor described the “screams of the dying, some . . . boiled alive, others fried on the steel decks. . . .” One of the engineers was “a charred and misshapen figure” on a stretcher.⁴ Among the merchant seamen who survived disasters at sea, many suffered amputations or other disfiguring injuries.

At the end of the war, the men and women of the U.S. armed forces were honored with victory parades and the GI Bill, which gave them educational benefits and low interest loans. But the members of the U.S. Merchant Marine received none of that. Instead they were shunned and ridiculed; they were called draft-dodgers, slackers, and bums. Many former seamen became derelicts without homes after the war, left to wander the streets of America like stray, unwanted animals. Some of them committed suicide.

The reasons for this involve politics and a veil of lies and distortions that was placed over the achievements of these men. It has even been alleged that they were overpaid, perhaps the biggest untruth of all. How could they possibly have been overpaid when they died in huge numbers and when survivors were denied military benefits for their entire lives? As I proved in my book *The Forgotten Heroes*, these men were in fact grossly underpaid. They operated ships with skeleton crews. They performed the work of at least half a million men (more than twice their actual numbers), and were sent into battle with the equivalent of pea shooters on their decks.

During the war, the Japanese Navy ordered their commanders to sink enemy ships and cargoes, and to “carry out the complete destruction of the crews. . . .”⁵ As a result, American merchant seamen were machine-gunned in their lifeboats, tortured by submarine crews, and thrown into shark-infested waters. Some survivors of the merchant ship *SS Jean Nicolet*—with their hands tied—were left on the deck of a Japanese submarine and drowned when the captain crash-dived the sub.

The men of the U.S. Merchant Marine were independent sorts who often did not dress in uniforms or salute officers—and they have been criticized for this. But there is an old saying: “The uniform does not make the man.” It is essential to keep in mind that this country was served at its time of greatest peril by men who performed their jobs efficiently and completed their *military* assignments. They were individuals . . . the very essence of what it means to be an American.

They were also patriots. On June 27, 1942, Convoy PQ-17 sailed from Reykjavik, Iceland with thirty-four merchant vessels. They were bound for Russia in a rescue operation, transporting food, clothing and military supplies to the beleaguered nation, to keep it from falling to enemy forces. On July 3rd, “Lord Haw Haw” (the German version of Tokyo Rose) announced over the radio, “The Americans celebrate the Fourth of July tomorrow, and we shall provide the fireworks.”

The next day the German Navy attacked in force. During the one-sided battle, American merchant ships were in radio contact with one another, and coordinated a remarkable act of bravery and defiance. To commemorate American Independence

²Armed Forces statistics: World Almanac (1999), p. 209; Merchant Marine statistics: “American Merchant Marine in World War II” (p. 1 of 12 on the U.S. Merchant Marine website www.usmm.org as of October 5, 2001); also see *The Anchor Light*, March 2001, p. 5, and “Progress Report on Just Compensation,” by Henry Van Gemert, Co-Chairman, in *Salty Dog*, December 2002.

³Galati, Bob, compiler and editor, *A Winning Team! The Armed Guard and Merchant Marine in World War II*. Irving, Tex.: Innovatia Press, 1995, pp. 42–45; Millar, Ian A., “Tankers at War!” *Sea Classics*, July 1990, pp. 22–27.

⁴Riesenberg, Felix Jr., *Sea War, the Story of the U.S. Merchant Marine in World War II*. New York: Rinehart & Company, Inc., 1956, pp. 115–116 (citing the account of Junior Engineer Ira C. Kenny, by Marjorie Dent Candee of *The Lookout*—a publication of the Seamen’s Church Institute).

⁵Riesenberg, Felix Jr., *Sea War*, pp. 36–37.

Day, they simultaneously raised large national flags, and sang "The Battle Hymn of the Republic."⁶

There are countless stories of Merchant Marine heroism and patriotism—too many to tell in the time I have been allotted. Thank you for listening to my plea for justice. These men and their families deserve far more than we have given them. We would not be a free nation today if the U.S. Merchant Marine had not sacrificed so much on our behalf.

ADDITIONAL WRITTEN TESTIMONY OF BRIAN HERBERT

I am enclosing edited excerpts from my book, *The Forgotten Heroes*, to illuminate the terrible dangers faced by the U.S. Merchant Marine during World War II, and how these brave seamen directly aided Allied military forces. Note: This document is based upon the electronic version of the text that I submitted to the publisher, and it differs slightly from the finished book, which was copyedited by the publisher. The basic evidentiary information, however, matches. For complete footnotes and other source information, please refer to the published book. In addition, the book contains photographs of torpedoed merchant ships and evidence of merchant ships carrying troops and war materiel. *The Forgotten Heroes* was published by Forge Books/Tom Doherty Associates, New York, ©2004 by Brian Herbert. ISBN: 0-765-30706-5 (hardcover) and 0-765-30707-3 (paperback).

WAR CRIMES COMMITTED AGAINST MERCHANT SEAMEN DURING WW II (Edited excerpts from Chapter 5 of *The Forgotten Heroes*, pp. 54-63):

The unarmed freighter *SS David H. Atwater* was shelled by a German U-boat on April 2, 1942, causing it to sink off the coast of Virginia. The crew was not given any chance to abandon ship, and when they tried to do so, their lifeboats were riddled by machine gun fire. Only three out of twenty-eight crew members survived.¹

Another unarmed ship, the converted tanker *SS Carrabulle*, was heavily shelled by a U-boat on May 26, 1942, in the Gulf of Mexico. Almost the entire crew escaped in two lifeboats. Then the submarine drew close to them, and the German captain asked if all hands had abandoned ship. The crew answered no. The officer then laughed and fired a torpedo at the *SS Carrabulle*. The explosion sank the ship and blew up one of the lifeboats, killing 22 of 24 men aboard.²

. . . A German submarine torpedoed the Greek freighter *Peleus* near Liberia. Two survivors were taken aboard the sub for questioning and then returned to their raft, after removing their life jackets. The commander of the submarine, Kapitänleutnant Heinz Eck, ordered his men to throw hand grenades at all of the rafts and to riddle them with machine-gun fire. After the war, Eck was found guilty of committing a war crime and was executed by firing squad.³

In 1943, two Allied merchant vessels, the *SS Daisy Moller* and the *SS British Chivalry*, were torpedoed in separate incidents by Japanese submarines in the Indian Ocean. When the crewmen tried to escape in lifeboats, the submarines rammed them and Japanese sailors machine-gunned the occupants.

A similar act of atrocity was committed the following year by Tatsunosuke Ariizumi, predatory commander of the Japanese submarine *I-8*. After torpedoing the Dutch merchant ship *Tjisalak* just south of Colombo, Ceylon (Sri Lanka), he ordered the survivors to board his sub. The Japanese then stole the men's watches, rings, and other valuables, and tortured them, hitting them with a sledge hammer, beheading them with swords, and machine-gunning them. Ariizumi massacred 98 seamen.⁴

. . . In 1944 there were at least three additional horrendous incidents of Japanese atrocities, all against Liberty ship crews. One involved the *SS Richard Hovey*, whose crew narrowly escaped the Japanese and survived 16 days in a lifeboat. When the merchant ship was sinking, the Japanese submarine surfaced, and men on the deck began firing machine guns and high velocity rifles at people in the lifeboats. The submarine drew closer and rammed one lifeboat, causing it to flip over. On the deck of the sub, Japanese men in khaki uniforms and caps laughed and shouted. One of them recorded the events with a motion picture camera. The Captain of the merchant ship, Hans Thorsen, was taken prisoner and died in captivity.⁵

⁶ Edwards, Bernard, *Blood and Bushido: Japanese Atrocities At Sea, 1941-1945*. Note: Only an excerpt—Chapter 13—of this book was provided to me by a retired merchant seaman, without publication information or page numbers. This chapter describes the tragedy of the *SS Jean Nicolet*. I also interviewed another merchant seaman who was one of the survivors of the *Jean Nicolet*, William B. ("Bill") Flury.

I spoke with a survivor from another 1944 atrocity, Peter Chelemedos. He had been a young Chief Mate on the *SS John A. Johnson*, en route from San Francisco to Honolulu with a cargo of food, 500-pound bombs, ammunition, trucks, and tractors. It was torpedoed in the middle of the night.

. . . All members of the crew and military personnel aboard—70 people in all—made it into lifeboats and onto rafts. Beneath a bright moon, the submarine surfaced, with a Japanese emblem on the side and the designation *I-12*. Laughing crew members appeared on the deck. They fired machine guns and pistols at survivors, shouting “Banzai!” whenever they hit the defenseless men.

Terrified merchant seamen dove out of the boats and off the rafts into the water, but the submarine came close and rammed the lifeboats, crushing a man to death who was clinging to the side. Men tried to avoid being seen.

. . . The submarine tore an Armed Guard gunner . . . named Christensen . . . to pieces in its propellers. Chelemedos recalled seeing the Japanese try to murder one of the stewards . . . by catching him in the screws as he hung onto the side of the lifeboat with other men. The man managed to escape, but one of Peter’s friends, a young ship’s carpenter, was not so fortunate, and fell under the murderous hail of bullets. The young man had recently been married, and had his whole life ahead of him. . . . Another survivor, Radio Officer Gordon Brown, had been on his first voyage at the time, and suffered severe mental anguish from the trauma of the experience, in which ten of his ship mates were murdered in cold blood. He was later killed in a kamikaze attack while on another merchant ship.⁶

The worst (known) World War II atrocity against American merchant seamen occurred in the Indian Ocean. . . . The Liberty ship *SS Jean Nicolet* left San Pedro, California, carrying a military cargo of mooring pontoons and unassembled landing barges lashed onto the decks, and important war supplies in the cargo holds, including two landing craft.

. . . At shortly after midnight on July 2, 1944, the ship was torpedoed and shelled by the Japanese submarine *I-8*. Fires broke out on the ship, and it listed so heavily—at least 35 degrees—that the captain feared it might capsize. All passengers and crew—100 people—successfully abandoned ship in four lifeboats and two rafts. At this point only one man had a significant injury, a broken arm. Suddenly the men saw gun flashes in the night, and shells slammed into the *SS Jean Nicolet*, setting the ship on fire.

Then a strong searchlight shone from that direction, and a submarine became visible, with Japanese men standing on the deck, dressed in khaki uniforms with red Imperial Navy markings on their shoulders. At gunpoint the survivors were ordered aboard the submarine by its commander, the notorious Captain Ariizumi who had massacred the crew of a Dutch ship earlier in the year.

The first to be taken on board was the 17-year-old mess boy William M. Musser, who was shot in the head and kicked into the barracuda and shark-infested waters. The next victim was a 19-year-old ordinary seaman, Richard L. Kean. The other Americans had their hands tied tightly with cords or wire. . . . One man was hit in the face with a lead pipe, breaking his nose and knocking out his front teeth. Two of the bound men were washed overboard by a bow wave, and left to drown. In the middle of the night, others were forced to run a gauntlet on the deck of the submarine, where laughing, taunting Japanese beat them with clubs, stabbed them with swords and knives, and hooked them into the water with fixed bayonets, brutally murdering more than half of the captives.

Just before dawn the following morning, 30 survivors were still on the deck of the submarine. Spotting an Allied plane—a Catalina—the Japanese guards disappeared into hatches, and then the captain crash-dived the sub, drowning half of the people on deck. One of the surviving merchant seamen, Bill Flury (whom I interviewed), was on the deck of the submarine at the time. With his hands tied behind his back, the young man managed to tread water without a lifejacket, until one of his shipmates untied him. In the darkness, he heard the terrified screams of the men as sharks attacked them. He saw the burning *Jean Nicolet* sink and disappear. He swam all night, and was eventually rescued by a British submarine chaser.

. . . Faced with a war crimes trial at the end of the armed conflict, Captain Ariizumi disappeared, and was believed to have either swum ashore at one of the Japanese ports or to have committed hara-kiri.⁷

BRAVE ACTS OF MERCHANT SEAMEN DURING WW II (Edited excerpts from Chapter 7 of *The Forgotten Heroes*, pp. 73–78):

In 1942, the Liberty ship *SS Virginia Dare* shot down seven German planes in Convoy PQ-18 on the way to Murmansk, Russia. The proud crew painted seven swastikas on the smokestack of the ship, in honor of this, and received one of the

few Gallant Ships awards of the war. In the same waters, the *SS Bellingham* won an argument with a German bomber by shooting it down.

Early in 1945, near the end of the war, the Liberty ship *SS Henry Bacon* was returning from Murmansk in another convoy. The weather in that area was particularly harsh and unpredictable, and when it worsened suddenly, the ship fell out of the convoy. A short while later, a squadron of more than twenty German torpedo planes attacked the Liberty ship, firing at least two torpedoes apiece. Remarkably, none hit the mark, as the helmsman steered the ship expertly to avoid them. During the fierce battle, the naval gun crew shot down five planes before a torpedo finally hit the ship below the water line at the #5 cargo hold. The *Henry Bacon* went down, but not without a heroic fight.²

I interviewed Alan H. Knox, who was on the Liberty ship *W.W. McCracken* when its gun crew shot down a Japanese "Betty" bomber off the coast of Australia. Mr. Knox, who was 86 years old when I spoke with him, described the battle in detail.

Thousands of other merchant seamen had stories to tell. . . . In 1943, the Liberty ship *SS Solomon Juneau* shot down two German planes in the Mediterranean Sea, and assisted nearby ships in shooting down three more. In 1944, the *MS Cape Romano* was attacked by Japanese bombers. Suddenly a kamikaze plane streaked toward them, but the Armed Guard shot 20mm machine guns at it, hitting the pilot. The plane swerved and only hit the ship with a glancing blow on the port side that did not sink it. That same year, the *SS John Evans* was attacked by a Japanese plane, which strafed it with machine gun fire. The Armed Guard returned fire and killed the pilot. The plane hit the top mast and cargo booms before crashing into the water, but the ship was able to continue under its own power. Yet another event involved the *SS Morrison R. Waite*, which shot down a Japanese zero in the Philippines in November, 1944. Over the course of a 40-day period, the valiant crew of this ship went through no less than 135 air raid alerts.³

A number of Armed Guard crews claimed to have sunk German U-boats or Japanese submarines. Among those with such stories were the men working in the gun tubs of the *SS William H. Berg*, the *SS Liberator*, the *SS Frederick R. Kellogg*, the *SS Lihue*, the *SS Charles C. Pinckney*, and the *SS Edgar Allen Poe*. At the end of the war, however, the United States Navy and the British Admiralty discounted all of their claims, saying that captured submarine logs and other records did not support them. . . .⁴

The most legendary example of merchant seamen sinking a ship, a story that is well documented, concerned the *SS Stephen Hopkins*. . . . The vessel was in ballast, on the way to Dutch Guiana to pick up a load of bauxite ore for the American war industry. . . . On a rainy morning in September, 1942, the lookout saw two vessels emerge from a mist in the South Atlantic, heading directly toward them. Moments later the officers determined that they were German raiders, and a general alarm was sounded. The crew of one of the approaching vessels—the auxiliary cruiser *Stier*—was in the process of painting camouflage on the vessel when the raiders came upon what they thought would be a sitting duck. The auxiliary cruiser, which had six 5.9" guns, was accompanied by a supply ship, the *Tannenfels*. In another engagement, a sister ship of the *Stier*, the *Kormoran*, sank a first-line Australian warship, the cruiser *Sydney*.

The Germans raised their battle flags, and at one thousand yards, they opened fire. One of their salvos hit a main boiler of the merchant ship, killing men in the engine room and slowing the vessel to a speed of only one knot.

Navy Ensign Kenneth M. Willett ran aft toward the 4" gun, but shrapnel hit him in the stomach. He kept going, firing shells that were only a third as heavy as those of the *Stier*. He operated the gun until the magazine blew up, killing him. In the forward gun tub of the *Stephen Hopkins*, the Armed Guard sailors had been killed, so Second Mate Joseph E. Layman took their place at the 37mm gun, aided by mess boy Herbert Love, who passed shells to him. They were hitting the *Stier*, but then the *Tannenfels* fired, killing both merchant seamen.

Seeing that the *Stier* was on fire and listing, Captain Paul Buck brought the *Stephen Hopkins* around, so that its aft gun could fire at it more directly. Having been hit in several places, the merchant ship was afire and sinking, but it still had some fight left. One of the civilian seamen aboard, engine cadet Edwin J. O'Hara (a Merchant Marine Academy Cadet-Midshipman) helped several injured Navy sailors to safety, then ran back to the aft gun, which was unmanned. He loaded one of the five remaining shells into the gun, fired it, and then fired another, and another, hitting the *Stier* repeatedly. Then both raiders opened fire on him with their bigger guns, killing him instantly.

This brave young seaman was an undergraduate of the U.S. Merchant Marine Academy at Kings Point, New York. Because of the need for seamen to man these

ships on an emergency basis, he had been pressed into service before receiving his degree.

A short while after O'Hara died, the *Stier* sank, followed by the *SS Stephen Hopkins*, with its United States flag—the Stars and Stripes—still flying. A lifeboat from the merchant ship made it away across misty, choppy seas, carrying 19 men. Captain Buck was seen on a life raft, but was never heard from again. Four of the men in the lifeboat died before it made the coast of Brazil a month days later, without the aid of navigation instruments or charts.

Years afterward, Hans Grunert (one of the *Tannenfels* crewmen), told a German newspaper that they searched for American survivors in the rough seas, without success. Then he said, "With our flag at half-mast we made a full circle around the spot where the Liberty ship had sunk, thus rendering the last honors to our brave adversary." The *SS Stephen Hopkins* subsequently received the Gallant Ship Award from the War Shipping Administration, one of the few merchant ships to receive such a high honor.⁷

. . . American merchant seamen deserve much of the credit for sinking the German warship *Stier*. In addition, as I will discuss in Chapter 23, Cadet Edwin J. O'Hara should be awarded the Congressional Medal of Honor posthumously—an honor that has been denied to him by the armed forces officials in charge. . . .

AID PROVIDED BY MERCHANT SEAMEN TO ALLIED FORCES DURING WW II (Edited excerpts from Chapter 11 of *The Forgotten Heroes*, pp. 106-121):

(In every Allied invasion—including D-Day—the U.S. Merchant Marine played a vital supporting role. In *The Forgotten Heroes*, I devoted a chapter to Invasion Forces. The following excerpts are from a different chapter, pointing to lesser-known contributions of the U.S. Merchant Marine):

The cargoes carried by United States merchant ships during the war show clearly how much the Allied nations and armed forces depended upon them. This is just a partial list of the essential cargoes hauled: Tanks, LCTs (landing craft tanks), field artillery pieces, munitions, jeeps, military trucks, ambulances, tires, fighter planes, airplane parts, PT boats, landing craft, locomotives, flat cars, box cars, bombs, ammunition, TNT, dynamite, gunpowder, torpedoes, various high explosives, poison gas (including mustard gas), gasoline, aviation gas, fuel, diesel oil, crude oil, kerosene, various refined petroleum products, lumber and other building materials, steel, heavy mechanized equipment, bulldozers, tractors, telegraph poles, tools, ball bearings, medical and first aid supplies, acid containers, chrome ore, asbestos, bauxite (the ore used to make aluminum for warplanes), bulk ammonia water, food stuffs (including millions of cans of Spam and K Rations), cigarettes, chewing gum, candy bars, soap, books, and U.S. Mail. They even carried homing pigeons for the Army Signal Corps and war brides. Sometimes the cargoes were so secret and essential to the war effort that they were kept in sealed containers, under 24-hour guard.³

. . . Merchant vessels transported millions of American troops to war zones in the Pacific theater and across the Atlantic. In 1942 the Liberty ship *SS Joseph Holt* carried thousands of U.S. Army soldiers to Port Moresby in the Australian Trusteeship of New Guinea on an emergency rescue mission. . . .

As described in Chapter 9, the U.S. Merchant Marine was sent on a number of highly successful rescue missions, some involving the fates of entire countries, such as England and Russia. Australia was one of the largest trophies for the merchant seamen of the United States, yet another little-known fact in the history of these forgotten heroes.

The Merchant Marine carried enemy prisoners, too. The Liberty ship *SS Benjamin Contee* was transporting 1,800 Italian prisoners of war in August, 1943 when it was attacked by a German torpedo plane, off the coast of Algeria. . . .⁵

During the war every U.S. Merchant Marine ship carried confidential military codes for communicating with military authorities and other merchant craft, documents that the officers were instructed to destroy if the vessel was imperiled. Some merchant ships, such as the freighter *SS Malama*, also carried "ultra secret cargoes."⁶

. . . Merchant seamen were even hit by "friendly fire" from Allied armed forces. That occurred at Bari, Italy on December 2, 1943, during a German air raid on merchant shipping in the harbor. Seamen on those vessels were killed when Allied shore batteries misdirected their fire and hit ships and men instead of the attacking aircraft.⁸

In addition to the merchant seamen who died in the war, more than 600 of them were taken prisoner by the Axis powers, and subjected to torture and forced labor. Conditions in the Japanese camps were particularly atrocious, since they never signed the Geneva Convention. . . .

. . . On March 11, 1944, the crew of the *SS Marion Crawford* saved the lives of U.S. Army soldiers being transported on the ship, after an enemy artillery shell struck a hatch containing ammunition. An explosion and fire ensued, and more explosions were likely if the fire reached the rest of the ammunition. Faced with extreme danger, the merchant crew manned their fire stations and put out the blaze, enabling the soldiers to escape with their lives. . . .¹⁴

Alan H. Knox related a story to me that occurred when he worked as Second Mate on the *MS Cape Henry*. Flying B-24 Liberators, the Royal Air Force had bombed German-controlled oil fields near the coast of Turkey. The bombers had to go in low for the mission, so a number of them were shot down by anti-aircraft fire. The crew of the *Cape Henry* rescued 50 or 60 British Royal Air Force flyers from life rafts in the Mediterranean and took them to the port of Famagusta on the neutral island of Cyprus.

For the 1945 invasion of Okinawa by Allied forces, the *SS Sharon Victory* brought C-rations for the soldiers, and was in the process of unloading the containers when air raid sirens went off. Civilian seaman Marvin Ettinger ran to the machine gun on the flying bridge of the ship, where he was a loader. Japanese kamikaze planes were attacking, and at precisely the wrong moment the U.S. Navy gunner "started to cry and he laid down at the bottom of the gun turret moaning. . . ." The merchant seaman manned the gun himself, and survived to tell the story.¹⁵

In another battle near the Philippine island of Leyte, the freighter *SS Alcoa Pioneer* was hit by a kamikaze plane. Eleven men were killed in the nighttime attack, including five members of the Navy Armed Guard. One of the merchant seamen who survived the episode, Carl E. Nelson, recalled the horrific aftermath: "Among the twisted metal and debris of every kind including body parts of some of my shipmates, I searched, hoping to offer emergency aid to those who may have survived. One fellow, a good friend of mine, was lying on the deck groaning in pain, endeavoring to push part of his stomach back inside his abdomen, one of his severed legs laying on the deck beside him. He died in my arms in just a few minutes. Only two men who had been on that flying bridge survived, both of them seriously wounded."¹⁶

On March 1, 1945, the *SS Columbia Victory* was approaching one of the western beaches of the island of Iwo Jima, to deliver ammunition to the Marine Corps headquarters there. As the cargo vessel neared the shore, however, two Japanese batteries opened fire, wounding a man on the aft deck—the fantail. Thousands of United States Marines were at the base and could have been killed in a huge explosion of the ammo carrier. Thinking quickly, the captain of the ship changed course and moved out of range.¹⁷

. . . When the *SS Timothy Pickering* was bombed near Sicily in 1943, one of the merchant seamen, 2nd Mate George W. Alther, was killed when he helped a wounded naval gunnery officer.²⁰ When the crew of the *SS Jean Nicolet* were subjected to torture by a crazed Japanese submarine captain in 1944 (see Chapter 5), seaman Harold R. Lee saved the life of a Navy Armed Guard sailor. . . .²¹

Even when merchant seamen did not have a well thought out plan of battle, they demonstrated great courage and bravado. It happened early in the war when unarmed merchant ships went out with telephone poles set up on the fore and aft decks, rigged to look like guns. It also occurred aboard the Liberty ship *SS Knute Nelsen*, when the First Assistant Engineer talked about ramming an enemy submarine if they ever got the opportunity to do so. In addition, he recommended that the officers carry sidearms, so that they could leap from a lifeboat onto a surfaced submarine, gain entrance to the conning tower and kill the commander.²²

. . . The *SS Cedar Mills* . . . answered the distress call of a French destroyer in the Atlantic Ocean. . . . It was December, 1943, and a ferocious storm had left the Allied warship in a perilous situation, short of fuel and listing at a 45 degree angle. The endangered ship would have sunk, with all hands lost, if the *SS Cedar Mills* had not towed her a long way to safety, 5 days through bad weather and mountainous seas.²³

**Prepared Statement of Bradley G. Mayes, Director
Compensation and Pension Service, Veterans Benefits Administration
U.S. Department of Veterans Affairs**

Mr. Chairman and members of the Committee, I am pleased to be here today to provide the views of the Department of Veterans Affairs (VA) on the "Belated Thank You to the Merchant Mariners of World War II Act of 2007," H.R. 23, 110th Congress. I am accompanied today by Mr. Thomas Pamperin, Deputy Director of the

Compensation and Pension Service, and Mr. Richard Hipolit, Assistant General Counsel.

Mr. Chairman, let me start out by recognizing the sacrifices made by members of the United States Merchant Marine Service (Merchant Mariners) during World War II and note that we currently treat these individuals as veterans by virtue of their service.

With regard to H.R. 23, I note that Title 46 of the United States Code provides for the payment of burial benefits and interment in national cemeteries of certain former Merchant Mariners. H.R. 23 would amend title 46 to require VA to pay to certain Merchant Mariners the sum of \$1,000 per month. This new benefit would be available to otherwise qualified Merchant Mariners who served between December 7, 1941, and December 31, 1946, and who received honorable-service certificates. The surviving spouse of an eligible Merchant Mariner would be eligible to receive the same monthly payment provided that he or she had been married to the Merchant Mariner for at least 1 year prior to the Merchant Mariner's death.

VA does not support enactment of this bill for several reasons. First, to the extent that H.R. 23 is intended to offer belated compensation to Merchant Mariners for their service during World War II, we note that many Merchant Mariners and their survivors are already eligible for veterans' benefits based on such service. Pursuant to authority granted by section 401 of the "GI Bill Improvement Act of 1977," Public Law 95-202, the Secretary of Defense in 1988 certified Merchant Mariner service in the oceangoing service between December 7, 1941, and August 15, 1945, as active military service for VA benefit purposes. As a result, these Merchant Mariners are eligible for the same benefits as other veterans of active service. This bill appears to contemplate concurrent eligibility with benefits Merchant Mariners may already be receiving from VA—a special privilege that is not available to other veterans. Further, to the extent that Merchant Mariners may be distinguished from other veterans due to the belated recognition of their service, we note that there are myriad other groups, listed at 38 C.F.R. § 3.7(x), that could claim to have been similarly disadvantaged.

Second, there can be no doubt that Merchant Mariners were exposed to many of the same rigors and risks of service as those confronted by members of the Navy and the Coast Guard during World War II. However, the universal nature of the benefit that would be provided under H.R. 23 for individuals with qualifying service and the amount of the benefit that would be payable are difficult to reconcile with the benefits VA currently pays to other veterans. H.R. 23 would create what is essentially a service pension for a particular class of individuals based on no eligibility requirement other than a valid certificate of qualifying service from the Secretary of Transportation or the Secretary of Defense. Further, this bill would authorize the payment of a greater benefit to a Merchant Mariner, simply based on qualifying service, than a veteran currently receives for a service-connected disability rated as 60-percent disabling. As the same amount would be paid to surviving spouses under this proposal, there would be a similar disparity in favor of this benefit in comparison to the basic rate of dependency and indemnity compensation for surviving spouses as provided under chapter 13 of title 38.

Mr. Chairman, you requested our views on two alternative proposals to provide the monthly \$1,000 payment or a one-time lump-sum payment of \$20,000 to living Merchant Mariners only. Although those proposals would lessen the costs of the legislation, they would generate many of the same inequities as H.R. 23 by according Merchant Mariners significant preferential treatment not provided to other veterans.

VA estimates that enactment of H.R. 23 as introduced would result in a total additional benefit cost of approximately \$234.1 million in the first fiscal year and an additional benefit cost of \$1.4 billion over 10 years. We estimate the benefit cost of a bill covering living mariners only to be \$163.4 million during the first year and \$790.3 million over 10 years. We estimate the cost of providing a one-time lump sum payment to living merchant mariners in fiscal year 2008 to be \$272.4 million. We also estimate that additional administrative costs associated with the need for more employees to process claims for the new monetary benefit would be \$893,000 during the first fiscal year and \$6 million over 10 years.

Mr. Chairman, this concludes my testimony. I would be pleased to answer any questions you or the other members of the Committee may have.

SUBMISSIONS FOR THE RECORD

April 18, 2007

The Honorable Bob Filner
 Chairman
 House Veterans Affairs Committee
 335 Cannon House Office Building
 Washington, DC 20515

Dear Mr. Chairman:

We are writing on behalf of the undersigned American maritime labor organizations to express our strong support for H.R. 23, the "Belated Thank You to the Merchant Mariners of World War II Act of 2007" and to urge your Committee to favorably report this legislation. The organizations we represent have the privilege of including among our retired and active seagoing members individuals who served our country with honor and distinction during World War II, and their descendents. These World War II merchant mariners are truly representative of the "Greatest Generation", and we are extremely proud of them and the example they have set for all merchant mariners who continue to respond to our Nation's call whenever and wherever they are needed.

General Colin Powell, following the Persian gulf war, said that: "Since I became Chairman of the Joint Chiefs of Staff, I have come to appreciate first-hand why our Merchant Marine has long been called our Nation's fourth arm of defense. The American seafarer provides an essential service to the well-being of our Nation as was demonstrated so clearly during Operation Desert Shield and Desert Storm."

We agree wholeheartedly with you that the enactment of H.R. 23 is necessary "to correct an injustice that has been inflicted upon a group of World War II veterans, the World War II United States merchant mariners." We sincerely thank you, Mr. Chairman, for your initiative in working to address this injustice by sponsoring legislation to provide long-overdue recognition and benefits to World War II merchant mariners. We are also grateful to your colleagues who have cosponsored H.R. 23 and for their decision to add their names to the bipartisan supporters who are committed to working with you and with us for the enactment of H.R. 23 this year.

There is not, nor should there be, any debate as to the invaluable service given by American merchant mariners during World War II. In fact, World War II merchant mariners suffered the highest casualty rate of any of the branches of the Armed Forces, other than the United States Marine Corps, as they delivered troops, tanks, food, fuel and other needed equipment and material to every theater of World War II. Enemy forces sank more than 800 merchant vessels between 1941 and 1944 alone.

As General of the Army, Allied Expeditionary Forces in Europe, Dwight David Eisenhower stated, "When final victory is ours there is no organization that will share its credit more deservedly than the Merchant Marine." Fleet Admiral Chester W. Nimitz, Commander-in-Chief, Pacific Theater, said that "The Merchant Marine . . . has repeatedly proved its right to be considered as an integral part of our fighting team."

General of the Army Douglas MacArthur, speaking of the merchant seamen who supported the liberation of the Philippines, stated that "With us they have shared the heaviest enemy fire. On these Islands I have ordered them off their ships and into foxholes when their ships became untenable targets of attack. At our side they have suffered in bloodshed and death. . . . They have contributed tremendously to our success. I hold no branch in higher esteem than the Merchant Marine Service."

Finally, President Franklin Roosevelt eloquently and accurately summed up the contributions of America's World War II merchant mariners, telling the country and the world that they "have written one of its most brilliant chapters. They have delivered the goods when and where needed in every theater of operations and across every ocean in the biggest, the most difficult and most dangerous job ever taken."

Yet despite this record of exemplary, indispensable service to America's war efforts, merchant mariners were not given the formal recognition and benefits granted other services by the Congress through the GI Bill of Rights in 1945. In fact, no legislation to recognize the contributions made by World War II merchant mariners was enacted until Congress extended limited veterans' status to these gallant American citizens in 1988.

We believe, as you have stated Mr. Chairman, that it is time to correct this injustice. We believe our country has an obligation to the remaining World War II merchant mariners, and to the descendents of those who died during the War and since, to fully acknowledge their service and to give them the measure of benefit called

for in H.R. 23. We ask you and your Committee to take the first step in righting this wrong by favorably reporting H.R. 23 to the House of Representatives for its consideration.

We again thank you and the members of your Committee for the support you have shown for the World War II merchant mariners. We ask that our statement be included in the Committee's hearing record on H.R. 23 and we stand ready to provide whatever additional information you may need.

Sincerely,

Thomas Bethel, President, American Maritime Officers; Timothy A. Brown, President, International Organization of Masters, Mates & Pilots; Ron Davis, President, Marine Engineers' Beneficial Association; Michael Sacco, President, Seafarers International Union

**Statement of Tamara Horodysky, Webmistress
American Merchant Marine at War**

I am webmistress of American Merchant Marine at War, www.usmm.org, online since March 1998. I research the accomplishments and sacrifices of mariners since 1775, with particular focus on World War II. My husband served in the Merchant Marine and Army Transport Service during World War II, and with the Military Sea Transportation Service during the Vietnam War.

H.R. 23 "Belated Thank You to the Merchant Mariners of World War II Act of 2007," **deservedly** provides \$1,000 per month to WWII mariners (average age 83) or their widows, in lieu of benefits not received after World War II.
Praise from President and Military Leaders—

President Franklin D. Roosevelt:

" . . . the entire country joins me . . . in paying tribute to you men of the Merchant Marine who are so gallantly working and fighting side by side with our Army and Navy . . . "

Dwight D. Eisenhower, General of the Army:

"The truly heroic man of this war is GI Joe and his counterpart of the Air, Navy, and Merchant Marine."

Douglas MacArthur, General of the Army:

"I wish to commend to you the valor of the merchant seamen participating with us in the liberation of the Philippines. With us they have shared the heaviest enemy fire. On this island I have ordered them off their ships and into fox holes when their ships became untenable targets of attack. At our side they have suffered in bloodshed and in death . . . I hold no branch in higher esteem than the Merchant Marine."

Fleet Admiral Chester W. Nimitz, U.S. Navy, Chief of Naval Operations:

"The Merchant Marine Service has repeatedly proved its right to be considered as an integral part of our fighting team."

Mariners: First to Go, Last to Return, Highest Casualty Rate

American merchant ships got their first taste of war in **October 1939**, with the capture of the unarmed SS City of Flint by a German pocket battleship. This was the only ship to fall into enemy hands intact. The first mariner war casualty died Nov. 1940, when his ship struck a mine. The last mariner death was recorded in March 1947, again due to a mine. Mariners faced danger from the enemy as soon as they left a U.S. port.

Mariners from SS Connecticut were in the Bataan Death March. Mariners from Justine Foss were executed on Wake Island or worked in Japanese coal mines. Mariners from the SS Sawokla slaved on the River Kwai Railroad. Mariners on the SS Jean Nicolet were forced from their lifeboats onto the deck of a Japanese submarine, and with hands tied, forced to run a gauntlet of clubs and machetes. The sub submerged with men on deck.

Cadet-Midshipman Edwin O'Hara fired the coup-de-gras that sank the auxiliary cruiser Stier, the only German surface warship sunk by an American ship. O'Hara and Paul Buck, Master of the Stephen Hopkins, were among those who went down with the ship.

Mariners took part in every invasion. They carried troops, ammunition, fuel, tanks, landing craft, airplanes—and everything else needed to establish and maintain an amphibious invasion.

For example, mariner-crewed Cape Stevens took part in the invasion of Gilbert Islands, Kwajalein, Eniwetok, Saipan, southern Palau Islands, and Iwo Jima. Liberty ship Tabitha Brown brought in supplies for the landings in Sicily, Salerno, Anzio, and Southern France.

During the invasion of Normandy there were 200 mariner-crewed cargo ships, each carrying 480 men and 120 army vehicles; 33 blockships deliberately sunk to create an artificial harbor; 10 troopships carrying up to 2,600 troops; and 28 tugs.

1. Fairness, not cost is the issue!

Mariners were denied a free college education, low-cost business loans, priority for jobs, one-year unemployment insurance, free medical care, etc. Mariners—and their families—suffered financial repercussions all their lives.

The average age of World War II mariners is 83, and since the average male life-span is 72, the estimated \$36 million cost per year would decrease extremely rapidly! After a computer with personal information was stolen in 2006, Veteran Affairs had no difficulty in finding \$26 million dollars to notify veterans and to deal with potential credit problems.

According to a government audit, between 1997 and 2003, the Defense Department purchased and left unused 270,000 fully refundable commercial airline tickets wasting \$100 million.

2. The precedent . . . would likely result in additional spending . . . (referring to the other 33 groups who received Veteran Status)

While signing the GI Bill on June 22, 1944, President Roosevelt stated:

“I trust Congress will soon provide similar opportunities to members of the merchant marine who have risked their lives time and time again during war for the welfare of their country.”

Roosevelt did not say “and Women Air Service Pilots (WASPs), civilian airline employees, etc.” In May 1944, Congress called the WASP program “unnecessary and undesirable” and had them disbanded. Of the 1,830 women who enrolled, 1,074 graduated, and 39 died in accidents.

Statistics on the total number of WWII mariners vary, but 250,000 is a common figure. Approx. 8,400 mariners were killed on American-owned ships due to torpedoes, bombs, mines, kamikazes, collisions in convoy, or grounding in uncharted waters. Another 1,100 died later of their wounds, according to testimony before Congress. 35,000 mariners were repatriated because their ships were sunk, thus 1 in 8 mariners lost their ships. 114,000 men and women received the Combat Bar, signifying enemy attack.

The Merchant Marine seal is prominent on the World War II Memorial, equal to those of the Army, Navy, Marine Corps, Army Air Forces, and Coast Guard. 595 mariners are buried or commemorated in American Battle Monuments Commission National Cemeteries overseas.

According to international law, mariners lost their civilian status when they manned offensive weapons. A typical merchant ship had a 4-inch cannon forward, 5-inch aft, and 10 anti-aircraft guns. During General Quarters, mariners who were off watch were assigned battle stations as gunners, loaders or ammunition passers.

Instructions to Masters from the Secretary of the Navy, Frank Knox—
(Op-23L-JH (SC) S76-3 Serial 097923) March 30, 1942:

“It is the policy of the United States Government that no U.S. Flag merchant ship be permitted to fall into the hands of the enemy. . . . The ship shall be defended by her armament, by maneuver, and by every available means as long as possible.”

War Shipping Administration, Operations Regulation No. 35:

“It is the desire of the Navy Department to instruct and train the officers and men of the merchant crew in all matters pertaining to gunnery and defense of their vessels.”

3. Comparison with Medal of Honor

Some legislators compare the proposed \$1,000 per month benefit to the payment received by those awarded the Medal of Honor. Mariners are not trying to equate their service to these great heroes, but chose an **arbitrary sum** to help make up for the injustice they suffered.

According to Congressman Filner, the **current value of benefits received by all other Veterans of World War II is \$1 million dollars per veteran.** \$1,000 per month paid to 83-year-olds is an absolute bargain!

It is ludicrous for some legislators to claim that receiving “full veteran benefits from VA” in 1988, is equivalent to the GI Bill granted other veterans in 1944.

4. Mariners were subject to military justice and received military medals.

The Uniform Code of Military Justice states, “. . . persons subject to this chapter: In times of war, persons serving with or accompanying an armed force in the field.” In 1942, Fleet Admiral Ernest J. King, the Chief of Naval Operations, directed that Naval discipline and control was to be exercised against Merchant Marine crews while in all theaters of war.

General Eisenhower, asked for and received permission from President Roosevelt, to award military medals to men of the Merchant Marine. Mariners were awarded: **Navy Cross, Distinguished Service Medal, Silver Star, Bronze Star, Navy Marine Corps Medal, Purple Heart.**

5. Mariners were not employees of private shipping companies.

War Shipping Administration was established by President Roosevelt, Executive Order No. 9054. February 7, 1942.

“Control the operation, purchase, charter, requisition. and use of all ocean vessels under the flag or control of the United States,

“Allocate vessels under the flag or control of the United States **for use by the Army, Navy,** other Federal departments and governments of the United Nations . . . In allocating the use of such vessels, the Administrator shall **comply with strategic military requirements.**”

According to testimony offered in Schumacher v. Aldridge (the court decision which led to veteran status for mariners), military authorities controlled the duration of the voyage, the assignment of routes, the destinations, including military invasions, the position in convoy, convoy procedures, shore leave in a war theater, and when to engage the enemy. The shipping company responsibilities extended only to necessary arrangements while in port for repairs, supplies, and longshoremen.

The following letter assigning Capt. Matt Drag to a ship is signed:

“Very truly yours, United States of America, War Shipping Administration,
by International Freighting Corp., Agent.”

Letter Head



Phone BR 1241 + 8400

INTERNATIONAL FREIGHTING CORPORATION, INC.

AGENTS FOR THE WAR SHIPPING ADMINISTRATION

17 BATTERY PLACE

NEW YORK 4, N. Y.

JANUARY 4, 1945

CAPTAIN JAMES H. DRAB
 U/S I. F. C. LINES
 17 BATTERY PLACE
 NEW YORK, N. Y.

DEAR CAPTAIN DRAB:

THIS WILL CONFIRM OUR VARIOUS CONVERSATIONS WITH YOU, AS A RESULT OF WHICH WE TAKE GREAT PLEASURE IN ASSIGNING YOU AS MASTER OF THE U/S JOHN G. TUST, WHICH VESSEL IS NOW IN THE PORT OF SAN FRANCISCO, CALIFORNIA. THIS ASSIGNMENT WILL BE EFFECTIVE AS OF THURSDAY, JANUARY 4, 1945 AT WHICH TIME YOU WILL LEAVE NEW YORK TO JOIN THE VESSEL AT SAN FRANCISCO.

WE HAVE PROVIDED FOR YOU, FIRST CLASS RAIL TRANSPORTATION FROM NEW YORK TO SAN FRANCISCO, INCLUDING FULLY ACCOMMODATIONS FROM NEW YORK TO CHICAGO. YOU WILL PURCHASE FULLY ACCOMMODATION FROM CHICAGO TO SAN FRANCISCO WHEN YOU ARRIVE AT CHICAGO. IT WILL BE IN ORDER FOR YOU TO REIMBURSE YOURSELF FROM YOUR MASTER'S ACCOUNT FOR THIS EXPENSE AND OTHER INCIDENTAL EXPENSES INCURRED WHILE TRAVELING, AND ALSO FOR SUBSISTENCE WHILE TRAVELING IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF OUR AGREEMENT WITH THE MASTERS, JATES AND PILOTS ASSOCIATION.

UPON YOUR ARRIVAL IN SAN FRANCISCO REPORT TO OUR AGENTS, MCCORMICK STEAMSHIP COMPANY, 481 MARKET STREET, WHO WILL ADVISE YOU AS TO THE LOCATION OF THE VESSEL. YOU WILL GO ABOARD AND TAKE COMMAND FROM CAPTAIN THOMAS J. NELSON. YOU WILL ALSO MEET IN SAN FRANCISCO, MR. F. FLORIANI OUR PORT PURSER, AND MR. WILLIAM MURPHY OUR ASSISTANT PORT ENGINEER, WHO WILL ASSIST YOU IN EVERY WAY WHILE THE VESSEL IS IN PORT.

YOUR SALARY IN THIS POSITION WILL BE \$415.00 PER MONTH.

VERY TRULY YOURS,

UNITED STATES OF AMERICA
 WAR SHIPPING ADMINISTRATION

BY: INTERNATIONAL FREIGHTING CORPORATION, INC.
 AGENT

BY: R. A. NELSON
 OPERATING MANAGER

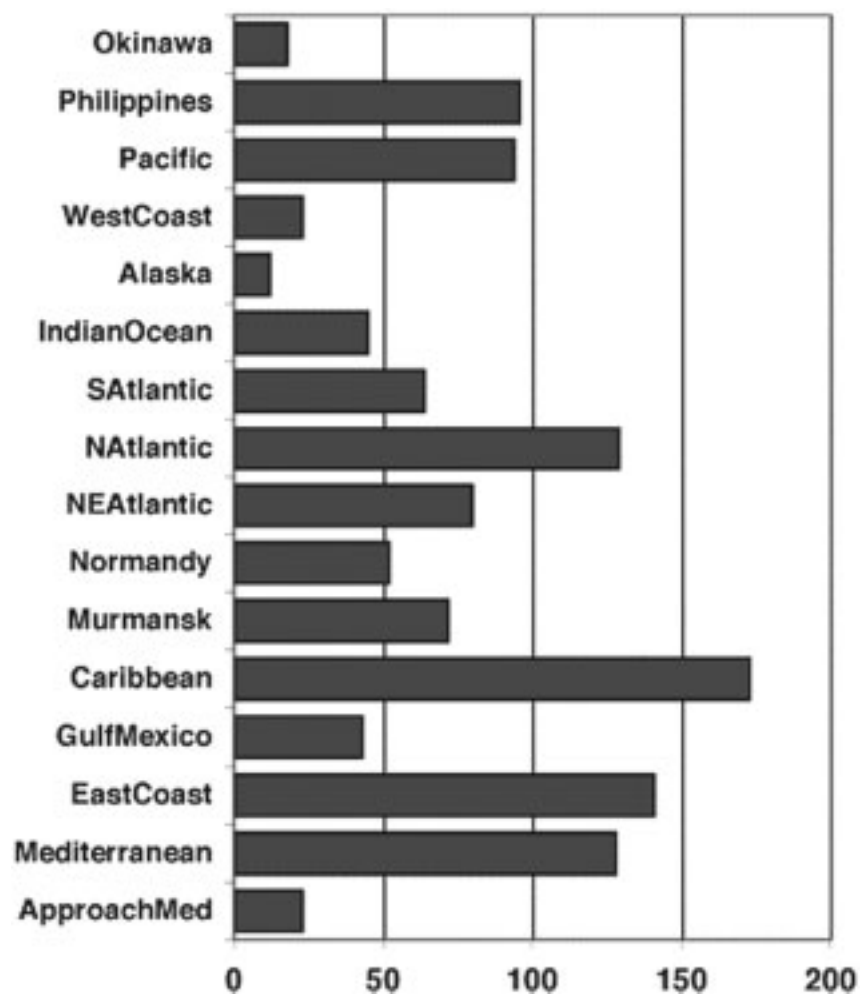
ENC-3
 ccc CAPTAIN J. H. JORDAN
 CAPTAIN R. N. GIBBLETTON
 MR. F. FLORIANI
 MR. J. HAYES

6. Mariners could NOT choose voyages and quit at any time.

During World War II, Masters of ships were given sealed orders, which they opened only after leaving port, thus mariners could not possibly choose voyages. Only U.S. Navy, U.S. Army, or Allied port officials knew their route and destination. If the cargo had Cyrillic lettering and they were issued fur mittens, they could guess their destination was Murmansk.

Mariners could "choose their voyages" only by shipping from a different port. If they sailed from San Francisco, the main west coast port, they were certain to go to the South Pacific or Alaska. On the other hand, if they sailed from Boston or New York, they would go to Great Britain, Murmansk in northern Russia, the Caribbean, Brazil, Chile, or the Red Sea. If they shipped from Newport News they usually went to North Africa or the Mediterranean. The chart below shows this was no choice at all.

Merchant Marine ships sunk or damaged by region



Cadet-Midshipman William Jopes was assigned to the tanker Yamhill as part of his required six months sea service. He went aboard in Portland, Oregon in late Nov. 1943, and arrived in Baltimore in late August 1944.

The tanker was assigned to the British War Ministry to shuttle fuel from the Persian Gulf to India and Australia. During one of their passages through the Indian

Ocean, Yamhill battled a Japanese submarine for 12 hours and refueled the aircraft carrier USS Saratoga. After the war, a WWII carrier pilot wrote Jopes:

"We carrier pilots somehow received most of the glory and good press, however, without the fuel, ammunition and supplies aboard the merchant marine, none of us would have made it off the flight deck."

The tanker Sylvan Arrow was torpedoed in the Caribbean on May 20, 1942; survivors were torpedoed again on June 10 while being repatriated to the U.S., and torpedoed on a third ship on June 14.

During World War II, men with experience at sea were forbidden to work in shipyards or to use State Employment offices. During an 8-month period 1943-44, 600 men with sea experience were released from the Army and required to return to sea.



For information apply

7. Many young men and boys thought they were joining a branch of the Armed Forces.

The War Shipping Administration recruited 16- and 17-year-old boys to "Join the Fighting Men of the Merchant Marine."

Other young men and boys went to a U.S. Navy Recruiting office, were told to "sit there." Later, a uniformed man walked in, asked, "Do you have any more for me?" That's how they the enlisted in the U.S. Maritime Service, the training arm of the War Shipping Administration.

Their instructors at boot camp wore U.S. Navy and Coast Guard uniforms. Their own uniforms and dog tags looked just like those of the Navy. They learned gunnery. When they went off-base, they saluted all Army or Navy officers. They thought they were in the military!

8. Mariners Pay Equal to Army or Navy

Navy personnel were exempt from income taxes, while merchant mariners paid income taxes and "Victory" taxes. Every man serving aboard a merchant vessel, with the possible exception of the master and chief engineer, could earn more money ashore in a shipyard or defense plant without taking the chance of being killed by bombs or torpedoes.

Their Navy Armed Guard shipmates had medical care for themselves and their dependents. Mariners got a maximum of 60 days medical care in a Public Health hospital. No benefits for dependents.

The following study was done by the War Shipping Administration in 1943, before the additional benefits provided by the GI Bill.

Annual income after taxes

| | Navy | Mariner |
|--|---------|---------|
| Seaman first class vs. Ordinary seaman | \$1,886 | \$1,897 |
| Petty officer second class vs. Able seaman | 2,308 | 2,132 |

Benefits

| | Navy | Mariner |
|---|---------------|---------|
| Cash value permanent disability, mariner | | \$6,290 |
| Cash value partial disability, Navy personnel | \$11,500 | |
| Death benefit, mariner | | 5,000 |
| Death benefit, Navy petty officer third class | 468 | |
| Cash value, mariner widow's pension | | 0 |
| Cash value, Navy widow's pension | 15,350-27,000 | |

9. Bill would grant veteran's benefit to individuals who are not veterans.

Mariners who served between August 16, 1945, and December 31, 1946 became veterans with the passage of the Merchant Marine Fairness Act of 1998.

**Statement of Kimo S. Hollingsworth, National Legislative Director
American Veterans (AMVETS)**

Mr. Chairman, and members of the Committee, thank you for allowing American Veterans (AMVETS) the opportunity to present our views on H.R. 23, the Belated Thank You to the Merchant Mariners of World War II Act. AMVETS applauds this Committee and its effort to pursue legislative initiatives for veterans to obtain the services and benefits they richly deserve.

In 1977, Public Law 95-202 provided authorization for certain civilian groups to be classified as veterans for purposes of being eligible for Federal veterans benefits, and on January 19, 1988, the Secretary of the Air Force declared certain Merchant

Marine service as qualifying for veterans' benefits. Merchant seamen who served in active oceangoing service from December 7, 1941 to August 15, 1945 are considered to be veterans. Also eligible are Civil Service crewmembers serving aboard U.S. Army Transport Service and Naval Transportation Service vessels in oceangoing service.

Public Law 105-368, *the Veterans Programs Enhancement Act of 1998*, amended Title 46, United States Code, by adding chapter 112, which provides that the "qualified service" of certain merchant mariners between August 16, 1945, and December 31, 1946, would be deemed active duty service for purposes of benefits eligibility under chapters 23 (Burial Benefits) and 24 (National Cemeteries and Memorials) of Title 38, United States Code. Depending on the type of merchant marine service, certification of "qualified service" must come from the Department of Transportation or the Department of Defense.

Basic eligibility has thus been extended to covered merchant mariners for the following benefits: burial flags, burial allowance for certain indigent wartime veterans, plot allowance payable to a State for burial in certain "state owned" cemeteries or cemetery sections, headstones and markers, internment in national cemeteries, markers in memorial areas of national cemeteries, and markers in memorial areas of Arlington National Cemetery. In general, benefits may be provided only for deaths occurring after November 11, 1998.

H.R. 23 would provide a \$1,000 monthly payment, tax free, to the 10,000 surviving Merchant Mariners of World War II, or their widows. If implemented, this legislation would cost \$120 million for the first year, and approximately \$20 million in subsequent years. VA estimates that enactment of the legislation would cost approximately \$1.43 billion over a 5-year period, which is exactly why we want to take a deeper look at the effects of the bill. VA estimates that enactment of the legislation would cost approximately \$1.43 billion over a 5-year period.

The Merchant Mariners were a small, but critical component to the Allies' efforts in World War II. They transported troops, ammunition, food, gas, and other supplies that were necessary to win the war. It is estimated that as many as 800 merchant marine ships were sunk by enemy forces. AMVETS certainly recognizes the sacrifices that these brave men made in service to the nation during World War II, and we have a resolution that supports this bill. We do, however, have serious concerns about the cost of this bill and how it would impair VA's ability to provide the benefits it already manages. Provided Congress decides to act on this legislation, it would also need to identify millions of dollars in offsets. AMVETS would be strongly opposed to Congress seeking spending offsets from existing Department of Veterans Affairs accounts. Mr. Chairman, this concludes my testimony.

Statement of Dean Beaumont, Scottsdale, AZ

As written testimony before the House Veterans Affairs Committee hearings on House Bill H.R. 23 "A Belated Thank You to the Merchant Mariners of World War II Act of 2007," I would like to submit the following:

SOME OF MY WW II MERCHANT MARINE PERSONAL EXPERIENCES:

In 1942 I volunteered for service in the Navy, but because of my asthma, I was turned down. This hurt, because most of my buddies at Occidental College were accepted in the Navy. (All those who joined got the GI Bill, even some who never went to sea.) Immediately after being turned down by the Navy I had joined the Merchant Marines through the help of my father who knew the owner of the American Mail Lines as they needed officers for their many ships. Because of my background as an Eagle Scout and 6 years as a student in the Military Academy, I was accepted as an officer in the Merchant Marines. Two weeks later I was proud to be serving my country on a Liberty ship, the SS Brander Matthews, heading for Saipan. I was the youngest officer at the age of 18 in the Merchant Marines. At the end of the war, I was depressed and very disappointed that I was denied the GI Bill which would have helped me pay for college, housing, and so forth. I was even more upset when I saw that some of my friends, who never served on a ship or never were in any danger because of the war, got the GI Bill.

These were the ships on which I served during WW II:

- SS Samuel Parker which received the Gallant Ship Award by President Roosevelt for taking 300 tanks from America to Africa to help get General Rommel out of Africa during which time the ship shot down 2 German dive bombers.

- SS Brander Matthews which left Pearl Harbor with 500 torpedoes and a shipload of ammunition. We traveled under Australia to avoid Japanese submarines. We heard that a Merchant Marine ship one day ahead of us was sunk by a Japanese submarine whereupon the Japanese then rescued 42 Americans. However, only one American Merchant Mariner of those 42 rescued prisoners aboard the Japanese submarine was subsequently rescued by an American Navy destroyer the next day. His story, as told to the Captain of this American destroyer, was that one by one each rescued Merchant Mariner from his ship had his head chopped off by a Japanese Samurai Sword prompting this Merchant Mariner to jump into the sea and hide under the submarine. It could have been our ship. We all felt we had a close call.
- Again on the SS Brander Matthews, we hit a tremendous typhoon in the Mozambique Channel off Africa. The ship was listing 34 degrees with much damage to the ship when our jumbo boom block broke loose repeatedly smashing the decks. Fearing we would sink, we sent men out on deck with ropes to lasso the block. Those brave men saved the ship. Again a close call, but I dismissed the fear by thinking that I was proud to be serving my country.
- In 1944 I was in the 21st General Hospital in Bari, Italy due to "battle fatigue." There were four U.S. Merchant Marine ammunition ships in the harbor near us. I remember thinking, "These ships might be attacked and we would all die." The day after I left Italy, the Germans bombed that harbor blowing up the 4 ammunition ships. One of those 4 ships was carrying chlorine gas and some 2,500 people were killed.
- Again on a tanker, the SS Elk Basin, carrying a large dangerous cargo of gasoline to the Philippines, we were all apprehensive sensing danger. No one was allowed to even smoke. This experience again caused me great distress and anxiety.

Considering it all, these were only a few of the many events that caused me great distress. Then to come home and find out that Merchant Mariners alone were singled out to be denied our proper recognition as heroes. We were the Forgotten Heroes of WW II. On top of that I had to face my buddies, who never even went to serve in the war, and yet did get the GI Bill which I and some 220,000 others in the Merchant Marines were denied. Our brave Merchant Mariners suffered the highest casualty rate in WW II with the Marine Corps a close second.

Please. Let's finally honor all these brave men, now near the end of their lives, by voting to pass this bill.

Thank you for your consideration, Dean Beaumont.

P.S. There are many more stories in the book titled "THE FORGOTTEN HEROES: THE HEROIC STORY OF THE UNITED STATES MERCHANT MARINE" by Brian Herbert published in 2004.

Serial No.
A- 28221

 **United States Coast Guard**

Certificate of Registry as Staff Officer

This is to certify that
having given satisfactory evidence that he is qualified to serve as a
staff officer on vessels of the U. S. Merchant Marine in the grade
of *has, by*
direction of the Commandant of the Coast Guard, been registered
as such staff officer in accordance with the Act of August 1, 1939,
and the regulations issued thereunder.

Given under my hand this day
of, 19.., at port of

E. B. Ferrand
(Acting) DISTRICT INSPECTOR IN CHARGE



**Statement of the Honorable Corrine Brown
a Representative in Congress from the State of Florida**

Thank you Mr. Chairman.
I want to thank Chairman Filner for fighting for the rights of the Merchant Mariners.

I am reminded of the words of the first President of the United States, George Washington, whose words are worth repeating at this time:
"The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the veterans of earlier wars were treated and appreciated by their country."

The Merchant Mariners of WWII, a volunteer, civilian military corps, served honorably in combat during WWII, but were denied any veterans benefits or recognition at the end of battle despite sustaining tremendous casualties amongst its ranks.

This branch, the first Navy of the United States, has served in peace and in every war since 1775.

I am pleased the many, many Merchant Mariners who have called my office over the past few years are getting the recognition they deserve.

I look forward to hearing the testimony of the witnesses here today and am pleased to support this legislation.

I urge the Committee to forward this bill to the floor as soon as possible.

Statement of Joseph Chomsky, East Meadow, NY

On May 27, 1941, well before the attack on Pearl Harbor that brought this nation officially into World War II as an active combatant, the President, with the approval of Congress, declared an "UNLIMITED NATIONAL EMERGENCY", effectively putting this nation on a "WAR" basis. On April 19, 1942—65 years ago, tomorrow—the President, again with the approval of Congress, took "complete and absolute" control of this nation's Maritime Industry, its ships, shipyards, docks and—most importantly—its seamen. Under these orders, the mariners already employed on American "Merchant Ships" became part of the "armed forces of this nation" under longstanding International Law.

The control of our ships was turned over to the United States Navy, with guns and gunners, provided by the Navy, placed on our ships. The Merchant Seamen were ordered by our President and the Congress to take an active part in the defense of our ships.

Under orders authorized by the President, those ships were repainted to hide their identities as Merchant Ships and were then identifiable as U.S. Navy warships. These ships and their crews, along with the thousands of ships being built by our government, and the new crews recruited, trained and assigned to these ships by U.S. Government agencies to carry wartime cargoes, performed honorably, and with distinction, in support of this nation and other Allied nations in that war.

Many American Merchant Mariners sailed the ships that delivered the war cargoes to our friends and Allies. Some served under "flags of convenience"; many, secretly, under flags of ships chartered to our Navy and Army to hide from the public our Nation's involvement in the war at that early time. Most of these seamen have since died, in some cases leaving their dependents destitute.

Soon came the assault on our ships and the slaughter of our seamen, known to the Nazi German Navy as the beginning of "the Happy Time" when wholesale sinking of our ships began. Not all of those brave young men survived to continue sailing after Pearl Harbor, but their widows, children and other next of kin deserved—and deserve—recognition and compensation as much as anyone who came later to the defense of our Nation. Belatedly, this bill offers some recognition and some compensation to a limited number of surviving merchant seamen and their widows.

In 1943, I was an 18-year-old Cadet Midshipman in the United States Maritime Service. As part of my "training," I took part in three invasions, in Italy, Sardinia and France, as well as several ocean crossings exposed to enemy attack by U-boats, enemy aircraft and armed raiders.

In 1945, when the war was winding down, we were told that we would still be needed to bring home the troops, resettle millions of displaced people and deliver necessities to our allies. We were not told that our government was giving away our rights to come home, continue our education or compete on a level playing field for our jobs or our places in society. Not until 1988 (pursuant to a Federal court order) would we be recognized as "veterans". Hence we received none of the significant benefits bestowed upon military veterans at the war's end.

Our lengthy and dangerous service was not recognized by many local draft boards. Instead, we were threatened with being drafted into the Army for an indeterminate tour of occupation duty if we went home before being released officially. In my case, after more than 3 years of active wartime service in the Merchant Marine, I returned home to either attend college or find a job, but without the benefits of the GI Bill enjoyed by the other services. After finally being accepted to a college (though without GI education benefits), I had to forfeit that opportunity when, one week before classes started, my draft board threatened me with imprisonment if I did not report for either military or merchant marine duty. I returned to sea. Many other merchant marine veterans were similarly treated.

During the war, Congress authorized substantial expenditures for Public Relations for our military services, but not for the Merchant Marine. Some of our Naval and military leadership refused to acknowledge that we even took part in the war!

Some truth finally did come out—years after the end of the war—that we, the merchant mariners, had suffered a far higher rate of casualties than did our military services: more than one in 25, compared to one in 32 for the Marine Corps,

twice as high as the Army, three times that of the Navy, four times higher than the U.S. Army Air Corps. In all, some ten thousand merchant mariners were killed, and many more wounded.

The number of ships lost was also staggering.

- In February 1942, 71 merchant ships sunk in the Atlantic; 65 of them were sunk in American waters.
- We lost another 65 ships in March 1942, and 65 more in April when the first U-boat was sunk.
- In December 1942, we lost yet another 61 ships including 19 sailing in convoy.
- In March 1943, there were 105 sinkings, 72 in convoys.
- In July 1943, for the first time, Allied construction of merchant ships exceeded sinkings.

In all, over a thousand United States merchant ships were lost.

Was our contribution to the war effort effective? The people at home supported the war effort with their labor. We, the merchant mariners, brought home the raw materials they needed to build the tools for our military services to fight with. WE brought home the iron, aluminum, rubber, chemicals, and other materials from which trucks, tanks, aircraft, guns, bullets and bombs were made. WE delivered the finished goods to wherever our military leaders said they needed them. In fact, we delivered many times more weapons and military equipment than the enemy had.

For comparison:

| | The enemy had: | We delivered: |
|----------------------|----------------|---------------|
| Tanks | 52,000 | 227,000 |
| Artillery | 180,000 | 915,000 |
| Mortars | 73,000 | 658,000 |
| Machine Guns | 674,000 | 4,744,000 |
| Trucks | 595,000 | 3,060,000 |
| Aircraft (combat) | 146,000 | 417,000 |
| Aircraft (training) | 28,000 | 103,000 |
| Aircraft (transport) | 4,900 | 43,000 |

Yet despite all of our accomplishments, our losses and our sacrifices, and despite some recognition by Congress, it still took orders from a Federal Judge (Oberdorfer), to get from our military leaders (Department of Defense) even partial, reluctant recognition of our services—and that not until 1988!

Under this Bill, the earliest merchant mariner service date for the proposed benefit is December 7, 1941, even though both Congress and the President recognized earlier dates for our service. Public Law 87, passed by the 78th Congress in 1942, set May 1, 1940 as the earliest date for the Certificate of Substantially Continuous Service needed for these benefits. Our government has also awarded service ribbons to merchant mariners who served between September 9, 1939 and December 7, 1941 (medals added later), such as the Conspicuous Service Medal, the Distinguished Ship Award, and the Mariners Medal.

In fairness to those merchant mariners who served prior to December 7, 1941, they and their survivors should also be recognized and compensated.

On signing the “GI Bill of Rights” at the end of World War II, President Roosevelt regretted that the Merchant Mariners who had served so valiantly were not included, and he asked Congress to “correct that oversight” and welcome us home.

I am now 82 years old (or young), and I—along with the remnant of other merchant mariner veterans who yet survive—am still waiting, more than 60 years later, for this Nation to welcome us home. This Bill provides modest compensation and long-awaited recognition.

Respectfully submitted, Joseph Chomsky, Lt. Jg, United States Maritime Service.

Statement of Francis R. Coughlin, M.D., JD, New Canaan, CT

Mr. Chairman, thank you and your Subcommittee for the opportunity to present our request for favorable consideration of H.R. 23 The Belated Thank You to the Merchant Mariners of World War II Act of 2005. As elderly men, we seek recognition and a delayed financial acknowledgement for service as young voluntary patriotic members of the United States Merchant Marine in time of war more than 60 years ago.

Like the members of the Army, Navy, Marine Corps, Air Corps and Coast Guard who served “in harm’s way” between December 7, 1941 and December 31, 1946—

we who served in the United States Merchant Marine have been officially recognized in a limited way as veterans of World War II through legislation passed in 1988 and finally, in November 1998. Those men who are alive and were as young as 17 years of age in December 1946—have now lived to be at least as old as 75 years of age. Those who were 17 years of age in December 1941—have now lived to be at least 80 years of age. Most of the members of the United States Merchant Marine were older than 17 years of age when they went to sea during World War II. Few 17-year-olds were able to be trained and perform the majority of duties aboard a ship, which served in that “bridge of ships carrying men and materiel from the arsenal of democracy to the far flung battle fronts of the world.”

At 79 years of age, although I lost the power of my lower limbs last year and must rely upon a wheelchair or a walker, I consider myself fortunate to be alive. Most of my shipmates are now dead. We seek passage of H.R. 23 because it is to honor them and to honor the youthful patriotism, which was an almost universal characteristic of our country during the fight for survival of democracy, which we remember as World War II.

How many of us can be left? In World War II, some 250,000 white and black men voluntarily served together in the United States Merchant Marine. Some six to eight thousand died who went to sea. Over 600 were prisoners of war. More than 700 ships were sunk. The United States Marines and the United States Merchant Mariners sustained the highest casualty rate of all of the services. Those Merchant Mariners who drowned, burned to death, froze to death, died of thirst in a lifeboat were all volunteers. They did not go to sea in chains or at the point of a gun—except for the guns and torpedoes of the U-Boats.

Now, we who are alive ask you to make clear in the record that our country recognizes the role of the United States Merchant Mariners in World War II while there are veterans of this service who are still alive. Mr. Ian Allison is present today to speak for us and to answer your questions. I have added some pages to describe my own Merchant Marine experience in order to help you to understand who we were in World War II, who we became as we lived in our free country and who we are at this stage of our lives. Would we serve again in the United States Merchant Marine as we did in World War II? Yes!—without a moment’s hesitation we would be glad to serve again in the same cheerful spirit that we did serve and that my son recently served in Army Military Intelligence in Iraq for a year. We ask that you endorse H.R. 23 better late than never!

Thank you for your serious consideration of our appeal.

Francis Coughlin had completed 1 year of pre-medical studies at Fordham College in New York City when he joined the United States Maritime Service. Because of severe nearsightedness (20/400 in both eyes) which required corrective lenses, he was turned down for enlistment in the Navy and the Army at age 17 and classified 4F in the draft at age 18. Like many of his friends, he chose to serve rather than remaining in the comfort of school and home in time of War.

At the age of 18 years and 2 months, Francis Coughlin was sworn into the United States Maritime Service in New York City on April 12, 1945. This was the date on which President Franklin D. Roosevelt died. On April 24, 1945, Francis Coughlin reported to the United States Maritime Service Training Station (USMSTS) at Sheepshead Bay, Brooklyn, New York for basic training as Steward’s Mate 3rd Class. This rating was the lowest rating in the Steward’s Department, and arguably, the lowest rating aboard ship.

Sheepshead Bay USMSTS had 10,000 men serving at this location. The United States Maritime Service was fully racially integrated, all volunteer and advertised in print and on the radio as: “A Federal Uniform Service under the authority of the War Shipping Administration.” These words were said weekly on national radio in a recruiting program called “It’s Maritime!,” which originated from Avalon Training Station on Santa Catalina Island, California. Captain John L. Beebe, USNR commanded Sheepshead Bay USMSTS, and other Naval Officers were prominent in the Senior Command. Trainees lived in 14 barracks supervised by a junior officer of the Navy or the USMS and by non-commissioned officers. Trainees were subject to military discipline, which included “Captain’s Mast” for disciplinary infractions. Trainees received routine classroom training in shipboard and lifeboat skills as well as the required military drill, marching in formation and the use of shipboard anti-submarine cannon.

At the completion of 3 months of “boot training,” Francis Coughlin was selected for 5 months of training in Hospital Corps—Purser School at Sheepshead Bay USMSTS and 1 month of experience at the United States Public Health Service

Hospital in Stapleton, Staten Island, New York. Upon successful completion of this training to be the responsible medical person aboard ship, Francis Coughlin was sworn in as Warrant Ship's Clerk—Hospital Corps on December 24, 1945. On that date Francis Coughlin was assigned as the Purser-Pharmacist Officer aboard the S.S. Gideon Welles, a 7176-ton, 441-foot Liberty Ship with a Merchant Marine crew of 65 men and a United States Army Transport Service crew of 12 men commanded by two United States Army Captains. This ship was about to leave Baltimore, Maryland with an outgoing cargo of coal destined for Venice, Italy at the head of the Adriatic Sea. After traversing the Atlantic and the Mediterranean Sea, while steaming to Venice in the Adriatic Sea, the ship identified two floating mines in the seaway. These mines were reported to our United States Forces by radio. The mines were fired upon with rifles by our ship's officers in order to explode them and clear the seaway. (How many mines we successfully passed at night is, of course, unknown. However in November 1945 one United States Merchant ship was sunk by a mine in the Adriatic at Trieste, Italy with a United States Merchant Marine crew loss of life.)

After unloading cargo in Venice, Italy where we met British Army troops, the S.S. Gideon Welles retraced our voyage, returning to Baltimore for refitting. On the return in the North Atlantic in late January of 1946 our ship encountered a rare North Atlantic winter hurricane. Over 3 to 4 days our 441-foot welded and riveted ship moved toward the Virginia capes in 60-foot waves rolling as much as 45 degrees according to the shipboard clinometer.

Francis Coughlin remained aboard the ship when it arrived in Baltimore, Maryland until March 17, 1946. At this time and after completing a year of service, Francis Coughlin received a "Certificate of Substantially Continuous Service" by direction of the United States Maritime Commission for service "having commenced on April 12, 1945 and terminated on April 12, 1946 within the meaning of the Rules and Regulations . . . [per] Public Law 87, 78th Congress (57 Stat. 162), as amended." (This certificate was dated November 14, 1947.) Francis Coughlin then returned to his pre-med course at Fordham College in New York City: without benefit of the "GI Bill" which provided free tuition, without F.H.A. loan benefits to veterans who wished to buy a home and start a family and—most stinging—Francis Coughlin and those who served voluntarily in World War II returned to civilian life without being able to call themselves "Veterans of World War II" until more than 40 to 50 years later when the title, at least, of "Veteran of World War II" became available to us in 1988 thanks to a suit in a Federal District Court and in November 1998 thanks to a Bill introduced by Senator Trent Lott in the Senate and Congressman Lane Evans in the House of Representatives. In 1988 347 Representatives and 73 Senators cosponsored the Bill, which was signed into law by President William Jefferson Clinton.

Francis Coughlin graduated from Fordham College in 1948. He received the Doctor Of Medicine degree from Yale University School of Medicine in 1952 and the Master of Science (Surgery) from McGill University, Montreal in 1955. From 1952 to 1960 he did a General Surgical and then a Cardio-Thoracic Surgical Residency at McGill University, Harvard University and the Overholt Thoracic Clinic, Boston. At the Massachusetts General Hospital (MGH) in 1958 he participated in laboratory testing of a heart-lung machine and then assisted in the performance of the first 10 open heart operations at the MGH, using that pump-oxygenator. Subsequently, in 1960, Dr. Coughlin entered private practice of cardio-thoracic surgery in Connecticut. He has served as Clinical Associate Professor of Surgery at New York Medical College. In 1988 he completed law school, and he has received a law degree from Quinnipiac University School of Law.

On October 1, 1992 Francis Coughlin, MD, JD testified before the House Subcommittee on Compensation, Pension and Insurance on H.R. 44—The Merchant Mariners Fairness Act.

Francis Coughlin, MD, JD has held numerous leadership roles in medicine and the law in Connecticut and New York including: Chief of Surgery, St. Joseph Hospital Medical Center (1970s); Vice-Chair, Connecticut State Commission on Medico-Legal Investigations (1990–2002); President, Society of Medical Jurisprudence (1996–1998); President, Yale University School of Medicine Alumni Association (2001–2003); trustee, Whiney/Cushing Medical Library of Yale University (2004–present).

STATEMENT OF FRANCIS COUGHLIN, M.D., J.D., MEMBER, MERCHANT MARINE VETERANS OF WORLD WAR II, AND A MEMBER OF THE MERCHANT MARINE FAIRNESS COMMITTEE

Dr. COUGHLIN. Good morning, sir.

Mr. Chairman and members of the subcommittee, as a 65 year old veteran of World War II merchant marine service, I appreciate this opportunity to be here. It's the first time I have appeared before Congress and it's an experience I will never forget. I appreciate your taking the time to listen to us and to consider this important issue after 45 or more years of appeal on this question.

After a certain period of time, there is going to be irreparable damage if this issue is not definitively settled, because most of the individuals that are concerned are of the ages of 65 to 90. Most of the individuals that I know who are concerned, like myself, have a military discharge from either the Army or the Navy for subsequent service. The reason that we're here, the reason that we want equal protection under the law, the reason that we want fairness, is that we want, at our age, recognition of our patriotic service that we performed at age 18.

My name is Francis Coughlin. I'm a resident of New Canaan, CT. I am a graduate of Yale Medical School in 1952. I've been a chest surgeon since 1960, and have taught surgery at New York Medical College. I have been an associate professor of surgery since 1981. In 1985, I went to law school in order to learn the language of the law.

Along with Mr. Katusa and Mr. Searle, I am here today as a member of the Merchant Marine Fairness Committee and as a member of the Merchant Marine Veterans of World War II. We represent those 2,500 individuals about whom you have heard. We feel that they have been denied the similar type of coverage as our other 76,000 shipmates because of an arbitrary August 15, 1945 cutoff date for qualified service.

We have heard the August 15 date discussed. That date has been termed the cessation of armed conflict. There's no doubt about that. Armed conflict of an offensive type on the part of the United States stopped on August 15 with V-J Day. We have also heard that President Harry Truman, in Proclamation 2714, issued a statement that, as of December 31, 1946, the hostilities of World War II terminated as far as we were concerned.

The others who were being trained in that Maritime Service training facility, also thought that they were being trained in a military installation.

I don't want to take any more time. We all would be happy to answer questions. I appreciate your consideration of our appeal to you.

[The prepared statement of Dr. Coughlin appears at p. 86.]

The Tale of the Aging Mariners

Some Merchant Seamen Still Lack Veteran Status

By MALINA B. ROSENBERG
Associated Press

Caught up in patriotic fervor but kept out of the Army and Navy for less-than-perfect eyesight, Francis Coughlin wanted to serve his country. So he became a merchant seaman, helping deliver coal to freezing Italians in the winter of 1943.

"We sailed up the Adriatic Sea to Venice," recalled Coughlin, 71, a doctor and lawyer in New Canaan, Conn. "We passed mines . . . that could have destroyed our ship."

Some mariners died at sea even after the Japanese surrendered on Aug. 14, 1945.

But the U.S. government does not regard Coughlin or the 3,000 other surviving seamen who worked on ships carrying cargo to war-torn Europe and the Pacific as full-fledged veterans.

That has changed, to a degree, because of legislation sponsored by Rep. Lane Evans (D-Ill.) and Senate Majority Leader Trent Lott (R-Miss.), that became law late last year. It extends basic burial benefits to merchant seamen who sailed between Aug. 15, 1943, and Dec. 31, 1945, the date proclaimed as the official end of World War II by President Harry S. Truman.

The new law does not confer full veteran status on the men, who will not have access to the same health care or disability benefits available to the nation's 8.3 million surviving World War II veterans.

But by providing a flag, a grave marker and burial in a national cemetery, it conveys something that seamen want more than money or health care: recognition that they served their country with honor.

"These men want to be able to look at their grandchildren and say, 'I'm a veteran of World War II. I served my country in a different way,'" said Thomas Proley of Cape Cod, Pa., secretary of American Merchant Marine Veterans.

The 1945-46 group was left out 10 years ago, when a federal court ruled that Merchant Marine veterans of World War II should be granted veterans' status.

The Air Force, in charge of implementing the rule, imposed a service cutoff date of Aug. 15, 1945—even though the December 1945 date is recognized by the Department of Veterans Affairs as the cutoff for veterans' status for the Army, Navy, Marines and Coast Guard. Merchant seamen were being recruited as late as May 1946 to bring supplies to occupation forces throughout the world, according to the mariners.

Mariners trace their history back to the Revolutionary War, when a party of Maine mariners, armed with pitchforks and axes and inspired by news of the colonists' victory at Lexington, used an unarmored schooner to capture a British warship off New England.

In 1836, the Merchant Marine was created to carry cargo and serve as a military auxiliary in time of war. Two years later, with war on the horizon, President Franklin D. Roosevelt ordered the mass production of Liberty ships to carry war supplies and establish



Francis Coughlin, 71, has sought benefits for fellow seamen who served at the end of World War II.

linked the U.S. Maritime Service, now defunct, to train seamen.

Not everyone agrees that mariners—classified as civilians even when their ships were under military control during war and they received gunnery training—should be veterans.

"They were never led to believe, nor was it ever implied, that they would gain veterans' status in their contractual obligation to move cargo," said Bob Mathan, assistant legislative director for the Veterans of Foreign Wars, a 2.1 million-member organization that opposed veterans' status for World War II seamen.

Mathan acknowledges the crucial role mariners played in the Allied victory by moving supplies. But they also were not subject to the draft, were sometimes better paid and could volunteer—or not—for risky missions.

"I'm not going to say they didn't run some horrible risks," Mathan said. "However, members of the military service never had the option not to volunteer for a hazardous assignment such as Iwo Jima or Normandy."

For mariners, the casualty figures provide grim evidence that many were in harm's way. About 6,800 of the 215,000 World War II mariners were killed.

Some mariners are pressing the Civilian Military Service Review Board for full veterans' status for the 1945-46 group.

After all, they say, other groups that fall outside the traditional armed services—such as World War I reconstruction aides—were granted such recognition.

"We carried aviation fuel from South America to Genoa, Italy, for the Air Force," said David Horsdely, 70, of Berkeley, Calif., who sailed with the Merchant Marine in October 1943. "We went through mine fields. . . . We didn't consider ourselves civilians."

Statement of William B. Flury, Egel Point, OR

U.S. MERCHANT MARINE—WWII, LAST SURVIVOR OF THE SINKING OF THE
SS JEAN NICOLET

I was eighteen when I got assigned to the SS Jean Nicolet, a Liberty Ship built in Portland. It was my third trip to sea. I had tried to enlist in the regular military, but I have an eye problem and they classified me 4-F. Everybody I knew was in that war—including all my brothers. My dad had been in World War I. Our family always did what we could. I wanted to do my part also. I had to do somethin' so I joined the Merchant Marine.

We shipped out of San Pedro, California in May 1944. Things were goin' pretty good till we got about 700 miles south of Ceylon. That's when the nightmare started.

I was looking at the sky when the torpedo hit. I was shook up pretty good, but I ran up to my gun station. Later another torpedo hit. The Captain gave the order to abandon ship. There were 100 of us aboard—mostly Merchant mariners, some Navy Armed Guard, some Army guys and a few civilians.

Not long after we got into the lifeboats, this Jap submarine surfaced and started shelling our ship. They turned their searchlights on and started scouring the water. We didn't know what they wanted until they got close and started hollerin' at us, 'Hands up or we shoot you!' They had machine guns trained on us.

They cut us with bayonets and knives, hit us with rifle butts and steel pipes, kicked us and yelled insults. They tore our lifejacket off us, jerked off any wrist-watches, rings or dog tags we were wearing, and went through our pockets taking everything. They made us take off our shoes and strip to our skivvies, and tied our hands behind our backs.

They shot one young man right off the bat. They hit him over the head with a heavy piece of pipe, then this Jap pulled out his pistol and shot him in the head and kicked his body overboard before he hit the deck. The Jap was laughing the whole time. He was only 17 and it was his first trip to sea.

The Japs took Captain Nilsson, the radio operator, and Mr. O'Gara, a representative for the War Shipping Department, to the conning tower and shoved them below. None of us ever saw them again.

Pretty soon they killed another young man. Richard Kean was from Ft. Klamath, Oregon. He was only 18 or 19. They bayoneted him in the stomach and while he was bent over in pain they hit him in the head with a rifle butt and kicked him over the side. He had his hands tied behind his back and couldn't possibly defend himself.

The Japs had set up a gauntlet of about 10 to 15 men on the after deck. They would come and take our guys back one at a time. We were forced to run the gauntlet and were kicked, clubbed and beaten with steel pipes. If anyone survived, he was stabbed in the stomach by this huge Jap standing at the end with a bayonet. Then tossed overboard.

After two or 3 hours of that torture, there were only about thirty of us left. Then I heard the air coming out of the sub's tanks and knew we were going to dive. I couldn't get my hands loose. It was a hell of a long ways to the surface, but I'm a good swimmer. I had been treading water for about an hour when this guy came along and cut me loose. He had a pocketknife he'd managed to hide. He and I helped some other guys get loose. It was really scary during the night. The sharks were getting some of the men.

A PBY plane flew over and flashed a message that we would be picked up the next morning. Next morning we saw the ship coming to rescue us. It was the most beautiful sight we'd ever seen! We were picked up on July 4, 1944 by a British sub-chaser. They took us to a British hospital. We were put on a train and went all the way across India to Bombay where we caught an Army transport back home.

A Naval officer gave a speech and told us we were an inspiration to American youth. They tell me I'm the only one left. Hard to believe! In October 1993, more than forty-nine years after this horrible experience, I was presented with the Prisoner of War Medal by the U.S. Government, also the International Prisoner of War Award from England. I've got two big reasons to celebrate the 4th of July. It's our Nation's birthday and the anniversary of the date I got rescued off that damned raft! I'm a hell of a good swimmer, but I sure got some help from somewhere else that time!

NOTE: Bill Flury was selected to represent the Merchant Marine veterans of WWII at the sixth and final regional Department of Defense 60th anniversary celebration of WWII. On August 28, 2005 in Vancouver, WA, Bill was honored on the stage with the other Service branch veteran representatives. He was pinned with the "ruptured duck" pin by the Governor of Oregon.

San Francisco, CA
 April 12, 2007

Hon. Bob Filner,
 Chairman,
 House Veterans Affairs Committee,
 335 Cannon House Office Building,
 Washington, DC 20515

Dear Mr. Chairman:

My name is Captain Warren G. Leback and I am pleased to submit this brief in support of H.R. 23 Merchant Mariners.

I am a Merchant Marine Combat Veteran of World War II and a graduate of the United States Merchant Marine Academy, Kings Point, NY. I joined the Liberty Ship "Joseph McKenna" in June 1942 as a Cadet Midshipman. During my time on her we participated in the support of Guadalcanal and Palau in the Caroline Islands. I was awarded a Merchant Marine Combat Medal for services at Guadalcanal. I continued my war service through November 1945 when as Chief Mate of Grace Line's "Santa Ana" the ship was returned by the War Shipping Administration to Grace Line, it's owners. I continued to sail including Master until I joined Grace Line management. I have held senior management positions in Grace Line, Central Gulf Lines, SeaLand Service, El Paso LNG Company and most recently as President, First American Bulk Carrier Corporation completing 65 years in the Maritime Industry. I served as Deputy Maritime Administrator under President Reagan and Maritime Administrator under President George H.W. Bush. I hold United States Coast Guard Merchant Marine Master's License Any Ocean Any Tonnage 13th Issue having earned my first Master's License in 1947.

I wish to offer my support of H.R. 23 Merchant Mariners which will provide a monthly pension for the surviving U.S. Merchant Mariners who served in the Merchant Marine from 1940 through 1945. I wish to point out the Merchant Mariners of World War II were not Draft Dodgers as has so often been characterized. When I joined the "Joseph McKenna" the Master was 72 and the Chief Engineer was also 72. They had come out of retirement and sailed during the early war years until the training program produced their replacements. I was 18 and only an Ordinary Seaman at 16 was younger.

The Merchant Mariners of World War II served their country with loyalty and dedication. Records show that if their vessels were sunk and they survived, they shipped out on the next available vessel knowing full well they may be attacked and sunk again. It has been estimated that over 225,000 civilian merchant seamen manned the 5,000 ships, saw war service and survived.

We lost 624 ships and 6,845 seamen during World War II. The United States Merchant Marine Academy lost 142 Cadet Midshipmen due to enemy action.

I wish to point out that when you paid off your ship, your wages ceased until you signed on another ship. No vacation time was accrued or paid. The World War II seaman had no pension benefits. It was however customary to pay the Masters and Chief Engineers a small pension on retirement if they had been long term employees of the company.

Why pay the surviving World War II Merchant Mariner a pension at this time in his life? Consider the fact that the average age of those seamen who served from 1940 through 1945 is between 79 and 87. Certainly the pension as proposed in H.R. 23 Merchant Mariners would add to his quality of life.

H.R. 23 Merchant Mariners has a cut off date as to who is eligible. It does not apply to service in subsequent wars. The industry has provided those Merchant Mariners coming into the industry commencing with the Korean War with pensions and benefits which provide for an acceptable quality of life upon retirement. The World War II Merchant Mariner war service was excluded from these benefits.

What H.R. 23 Merchant Mariners will do is to provide a final recognition for those surviving World War II Merchant Mariners who with ruddy cheeks, dark locks and determined hearts sailed into harms way carrying war supplies and materials and more importantly our country's flag more than sixty (60) years ago.

Gentlemen, your Committee can do no less than to vote H.R. 23 Merchant Mariners out and on to the House floor for a positive vote.

Thank you. I remain.

Sincerely,

Captain Warren G. Leback
World War II Merchant Mariner Combat Veteran

I was privileged to serve the government on two (2) occasions.

I was appointed Deputy Maritime Administrator, Maritime Administration, Department of Transportation by President Ronald Reagan in 1981 serving through January 1985.

During my service as Deputy Maritime Administrator, the Administrator Admiral Harold Shear USN (Ret.) delegated the responsibilities of overseeing the inland waterways, ports and terminals, plus because of my background the Liquefied Natural Gas (LNG) American flag operators and their vessels.

I worked closely with maritime labor including a roll back of wages and benefits to assist in making the American flag more competitive.

I was delegated to oversee the workout of several title XI contracts which we negotiated a re-issue of the contracts at lower interest rates thus strengthening the companies and reducing the risk to the government. As an aside we could today use the format which we developed in 1984 covering title XI as the basis for the title XI program proposals today, i.e. provide flexibility to the government and owner to take advantage of interest rate fluctuation during the term of the bonds thus reducing the risk to the government.

I was appointed Maritime Administrator, Maritime Administration Department of Transportation by President George H.W. Bush in 1989 serving through January 1993.

I headed the Maritime Delegations to renegotiate our Maritime Agreement with the Soviet Union, Peoples Republic of China, Ukraine, South Korea, Brazil and Japan. These negotiations laid the foundations to open China, South Korea and the Soviet Union to allowing U.S. flag operators equal rights intermodally with those of the country involved. This also applied to port operations. These negotiations laid the foundation for opening up particularly China and South Korea to American business.

I oversaw the Ready Reserve Force controlled by MARAD and its deployment in the Gulf War. The force experienced delays in activation which was due to lack of funding operational plans, reserve of qualified crew members. This was corrected for future deployment. Annual funding was established, core maintenance crews employed. Maintenance procedures established and periodic testing of the system.

Instituted a scrapping program covering the National Defense Reserve Fleet composed mainly of World War II and 1960 built obsolete vessels. The program was put on hold in 1993 because of environmental concerns.

Directed the write off of those accounts payable held by MARAD but deemed non-collectible by reason of the companies involved were no longer in business. Disposed of title XI held vessels which were deemed non-competitive or would impact the industry if sold at unrealistic low prices.

The highlights of both tours were to strengthen the industry and reduce risks to the government.

Captain Warren G. Leback

**Statement of Hon. Norman Y. Mineta
(former Secretary of Transportation, 2001–2005, Secretary of Commerce,
2000, and former Representative in Congress from the State of California,
1975–1996)**

(H.R. 23 introduced in the 110th Congress by Bob Filner on January 4th, 2007), (S. 961 introduced in the Senate on March 22nd, 2007 by Ben Nelson, along with Ted Stevens, and Sam Brownback. Identical to H.R. 23).

Mr. Chairman,

It gives me great pleasure to share with you some of my thoughts on this important legislation. As the former Secretary of Transportation, my duties included the oversight of our Nation's Maritime Administration which also involved the Ready Reserve Fleet and the United States Merchant Marine Academy—both institutions critical to the strategic security of the United States.

Through my work with the Maritime Administration and the Academy, I have come to know and respect America's Merchant Marine and our Nation's mariners. No finer example could be given of their historical selfless service to our country than their great sacrifices during World War II.

The organization "American Merchant Marine at War" provides concise and compelling evidence of the Merchant Marine vets in World War II. It is notable that 243 American merchant mariners were killed by the Axis Powers even before the attack on Pearl Harbor in December 1941. Merchant Mariners (men and women)

were among the first prisoners of war in Europe and Asia and throughout the war, many lost their lives in prison camps. Many more suffered the brutal conditions of forced labor and enslavement in enemy concentration camps.

When World War II started, there were some 55,000 merchant mariners. With the need for thousands more mariners, the U.S. Maritime Service soon raised the ranks of mariners to more than 200,000. Proudly, the Merchant Marine was America's first racially integrated service.

During World War II—as part of their sea training experience, thousands of cadet midshipmen from the United States Merchant Marine Academy served in all maritime theaters of war aboard hundreds of merchant vessels. 142 of these cadet midshipmen were killed in battle or in battle related actions, earning Kings Point the sole right to carry a “Battle Standard” for no other Federal service academy has ever sent its cadets or midshipmen into harms way resulting in loss of life.

From the moment an American merchant ship left port in all theaters of war, it was subject to brutal attacks from the enemy. Together with their Navy guns crews, merchant mariners were assigned to battle stations on merchant vessels and fought the enemy from the sea or air. Merchant vessels actually successfully sank many enemy submarines and vessels and shot down numerous aircraft. In 1942, as a student, Cadet Midshipmen O'Hara from the U.S. Merchant Marine Academy was serving aboard the S.S. Stephen Hopkins when it was attacked by two German surface raiders. The crew of the Stephen Hopkins fought gallantly and sunk one of the raiders. Later, as the fight continued, the gun crew was killed in action. Cadet O'Hara continued to fight on and was able to fire the last five shells from his vessels guns resulting in the sinking of the second enemy ship. Sadly, he lost his life in this heroic action—but in the process, he saved many of his crew members.

Merchant Mariners losses in World War II were staggering. More than 1500 American Merchant vessels were sunk supporting the war effort. With 1 in 26 merchant mariners killed in action, the American Merchant Marine suffered a significantly higher casualty rate than any of America's services.

Consider the words of Fleet Admiral Chester Nimitz when he said: “Our Navy, our Army and the aircraft of both would have been helpless to pound the enemy into defeat overseas had it not been for the steady stream of personnel and equipment brought by the ship's of our merchant marine.”

The Commandant of the Marine Corps during the War, Lt. General Alexander A. Vandegrift, noted: “The Merchant Marine participated in every landing operation by the Marine Corps during World War II—from Guadalcanal to Iwo Jima.”

And finally, General MacArthur wrote, “With us they have shared the heaviest enemy fire. I have ordered them off their ships and into fox holes when their ships became untenable targets of attack. At our side, they have suffered in bloodshed and in death. I hold no branch of service in higher esteem.”

In 1944, the GI Bill of Rights was signed—a bill that recognized the sacrifices of the armed forces in World War II and provided lifetime benefits to help those who served during the War. Unfortunately, Merchant Mariners were not included in this legislation nor were their sacrifices recognized.

It is a curious fact that in so many battles at sea where merchant mariners fought hand in hand with their Navy gun crews assigned to their merchant vessels—only the Navy crews received recognition and benefits from the GI Bill. Merchant Mariners wounded or killed in the very same action did not even receive recognition for their same sacrifices.

When President Roosevelt signed the GI Bill, he noted—“I trust Congress will soon provide similar opportunities to members of the merchant marine who have risked their lives time and time again during the war for their country.”

In fact, a “Seaman's Bill of Rights” was introduced in 1945 and 1947. This Bill would have provided similar benefits to the GI Bill, including, various loan programs, funding for education, and disability benefits.” This legislation was never enacted.

H.R. 23 and its companion S. 961 offer America a unique opportunity to right a historical wrong—indeed to offer a “belated thank you” to those merchant mariners who served in World War II.

America is a nation that endeavors to thank its citizens who have been called to serve their Nation but sometimes we have made mistakes in overlooking all those who have served. Clearly without the incredible service of America's Merchant Marine and the tens of thousands of mariners who sailed into harms way to deliver the equipment and supplies that won the war, America and the world might be a very different and dark place.

Time is running short to finally thank the Merchant Mariners of World War II. Let us not squander this opportunity.

Statement of National Association for Uniformed Services

Chairman Filner, Ranking Member Buyer, and members of the Committee:

On behalf of the nationwide membership of the National Association for Uniformed Services (NAUS), I am pleased to present our views on H.R. 23, the Belated Thank You to Merchant Mariners of World War II Act of 2007. We appreciate the opportunity to submit a statement concerning one of the injustices done to a group of men—the World War II Merchant Mariners—who bravely and honorably gave wartime service to their country.

NAUS commends you for your strength of leadership in recognition of heroic service put forth during World War II by the thousands of young men who volunteered for service in the United States Merchant Marine. These forgotten heroes have struggled for more than six decades for acceptance among their military brethren and the public. And it is unthinkable that these brave men should be given a cold shoulder by the nation they proudly served.

H.R. 23, the Belated Thank You to Merchant Mariners of World War II Act of 2007, would recognize the contribution made by the men and women who served in the United States Merchant Marine in World War II between the years 1941 and 1946. It would also provide a compensation of \$1,000 per month to balance a lifetime of ineligibility for veterans' benefits and provide those few surviving World War II mariners, whose average age today is 83, the status of "veteran" under the Social Security Act to give a small enhancement of that retirement benefit.

Let us review a bit of history.

In 1936, Franklin Roosevelt, the thirty-second President of the United States, urged Congress to pass the Merchant Marine Act to man and establish a shipping capability to be used for commerce during peacetime and converted for use by the Navy during wartime or national emergency.

In a 1935 letter to Congress, Roosevelt wrote, ". . . in the event of a major war in which the United States itself might be engaged, American flag ships are obviously needed not only for naval auxiliaries, but also for the maintenance of reasonable and necessary commercial intercourse with other nations. We should remember lessons learned in the last war."

In this congressional message the President further stated, "If we are going to keep away from our shores the forces that have convulsed the Old World and now menace the New, the job will be done in large measure by the ships and the sailors of the Merchant Marine and by the working men who build the ships and supply them. If they fail, the whole effort fails. And earnest, hardworking Americans, who spend the best part of their lives providing for the security and happiness of those they love, know that precious security and happiness depend exactly on the success of that effort."

Passage of this Act proved prescient when in 1939 war broke out in Europe and American interests were threatened.

With American entrance into the war on the horizon, President Roosevelt told the American people in 1941, "Today, as never before in our history, our Merchant Marine is vital to our national welfare. I do not mean vital merely in the conventional sense that it makes an important contribution but in the stronger sense that it is a crucially decisive factor in our continued existence as a free people."

Immediately after Pearl Harbor, Merchant Marine activity was needed to carry out lend-lease to Britain, to fulfill the terms of the First Moscow Protocol, to move troops and supplies to all theaters of war, and to ship petroleum. In order to meet the worldwide needs for shipping, it became necessary to coordinate the existing private shipping facilities and to centralize Federal control over merchant shipping.

The merchant fleet helped build up in the British Isles a tremendous arsenal of supplies during 1943 and early 1944 in preparation for the invasion of Europe. Huge convoys, some with as many as 167 ships, delivered the troops and supplies in shuttle service across the Atlantic.

The invasion of Normandy on June 6, 1944, was the greatest sea-borne invasion in history. At its head were 32 American merchant ships, many of which had previously suffered severe battle damage. These 32 ships were charged with explosives and were sunk off the beachhead in order to form a breakwater for subsequent landing of supplies. Following this, 10 oceangoing tugboats, operated by the Merchant Marine, towed the famous artificial ports into position, thereby making possible the quick landing of tanks, guns, supplies, and heavy equipment necessary to hold and expand the beachhead.

Under the Merchant Marine Act and in a 5-year period from 1941 to 1946, America built nearly 3,000 Liberty Ships—emergency steel cargo vessels with a cargo capacity of approximately 10,000 dead-weight tons each—and the number of mariners grew from 55,000 to between 215,000 and 250,000 mariners and seamen.

In effect, these men and their ships were responsible for transporting the vast majority of overseas military cargo, including military and civilian personnel and supplies, to war zone destinations.

Many of these mariners were recruited specifically to staff ships under the control and direction of the United States Government to assist the World War II effort. These seamen were subject to government control; their vessels were controlled by the government under the authority of the War Shipping Administration and, like other branches of military service, they traveled under sealed orders and were subject to the Code of Military Justice.

Some volunteers joined the Merchant Marine because minor physical problems, such as poor eyesight, made them ineligible for regular service in the Army, Navy, or Marine Corps. Others were encouraged by military recruiters to volunteer for service in the Merchant Marine because the special skills offered by these volunteers could best be put to use for our country by service in the Merchant Marine. Most important, all were motivated by their deep love of country and personal sense of patriotism to contribute to the war effort.

The wartime movement of supplies and the troops was much more than a simple ocean cruise. It was hard work and dangerous.

Members of the Merchant Marine served on ships that engaged the enemy, lost their ships because of enemy action, were physically wounded or disabled as a result of enemy action, became prisoners of war, and served in combat and war zones under threat of attack by enemy air or submarine.

And a cadre of American merchant seamen participated in a number of perilous World War II invasions, including the invasions of Normandy, Sicily and the Philippines.

As members of the Committee know, the Atlantic Ocean was alive with German submarines at the start of the war, traveling in "wolf packs," ready to sink transport of critical supplies of oil, raw materials and food to England and Russia.

Early in the war, German U-boats sank two of every 12 ships that left U.S. ports. In 1942, losses to the merchant fleet equaled 39 percent of new ship construction in that year. With more successful counter to enemy submarines, this ratio was reduced to 11 percent in 1943, to less than 8 percent in 1944, and to only 4 percent in 1945.

During the war period, it is reported that more than 8,000 merchant seamen lost their lives or were declared missing in action, and an additional 609 merchant seamen became prisoners of war. An estimated 731 vessels were sunk with another 40 ships and crews lost without a trace.

At the conclusion of the war, Merchant Marine vessels played another important role returning home the huge number of armed personnel from overseas. Over 3,500,000 men were brought home from overseas areas. And after the war ended, they carried food and medicine to millions of the world's starving people.

Regarding the service of the Merchant Marine, Gen. Dwight D. Eisenhower, on National Maritime Day, 1945, said, "The officers and men of the Merchant Marine, by their devotion to duty in the face of enemy action, as well as natural dangers of the sea, have brought us the tools to finish the job. Their contribution to final victory will be long remembered."

And in the Pacific theatre, Gen. Douglas MacArthur said, "I wish to commend to you the valor of the merchant seamen participating with us in the liberation of the Philippines. With us they have shared the heaviest enemy fire. On this island I have ordered them off their ships and into foxholes when their ships became untenable targets of attack. At our side they have suffered in bloodshed and in death. The caliber of efficiency and the courage they displayed in their part of the invasion of the Philippines marked their conduct throughout the entire campaign in the southwest Pacific area. They have contributed tremendously to our success. I hold no branch in higher esteem than the Merchant Marine services."

Mr. Chairman, the National Association for Uniformed Services believes that it is now time for the United States to recognize properly these individuals for their exceptional contribution and strength of effort. They helped preserve the freedoms we enjoy today.

We ask Congress to support those now almost-ancient mariners whose heroic contribution as members of the ocean-going Merchant Mariners struggled to help secure the American victory in World War II. On behalf of a grateful nation, we urge you to extend these benefits to those once young men who went to sea as crewmembers of the Merchant Marine during World War II.

We note that Canada recently approved a tax-free compensation package for its Merchant Navy veterans and surviving spouses. Our northern neighbor provides between \$5,000 and \$24,000 in lump-sum payments to eligible Canadian mariners who served during the First and Second World Wars and the Korean war.

Mr. Chairman, we thank you and the members of this Committee for the progress you are making, and we look forward to working with you to ensure that a grateful nation will protect, strengthen, and improve veterans' benefits and services.

Again, NAUS appreciates the opportunity to present a statement on this matter.

**Statement of the Honorable E. Benjamin Nelson
a United States Senator from the State of Nebraska**

Mr. Chairman, I would like to thank you for this hearing on the "Belated Thank You to the Merchant Marines of World War II Act of 2007"—S. 961.

I would also like to recognize your tireless efforts, Mr. Chairman, on behalf of the Merchant Mariners to provide them with the recognition and benefits they clearly earned and deserve.

I am honored today to also be testifying with a true American patriot, and fellow Cornhusker, Mr. Bert Young, a veteran of the Merchant Mariners. Without Mr. Young's efforts, there would be no bill to compensate the selfless sacrifice and service of the Merchant Mariners.

Mr. Chairman, and members of the Committee, as you well know, World War II United States Merchant Mariners bravely served alongside America's military. Inspired by patriotism, despite the harshest of battle conditions, and at great risk to their personal safety, the Merchant Mariners proudly dedicated themselves to supporting the missions and completing their duty to our country, without fanfare. These brave men volunteered for an essential effort during a time of war, which eventually would help lead to victory. Unfortunately, for over 40 years, our Nation has refused to acknowledge their contributions and sacrifices.

World War II Merchant Mariners suffered a higher casualty rate than any of the branches of service while they delivered troops, tanks, food, airplanes, fuel and other necessary supplies to every theater of the war. Soldiers on the frontlines would not have been able to complete their missions if the Merchant Mariners hadn't braved dangerous waters and delivered the means to do so. The Merchant Mariners provided critical logistical support to the war effort and have been recognized in the *Oxford Companion to World War II* as one of the most significant contributions made by any nation to victory in World War II.

The United States would not have won the war without the United States Merchant Mariners. Period.

During every invasion from Normandy to Okinawa, they were there. In the most dangerous of waters, in the face of threats and attacks from submarines, mines, armed raiders, destroyers, aircraft, and the elements, the Merchant Mariners were there.

Though the numbers of the Merchant Mariners were small, their risk of dying during service was extremely high. Enemy forces sank over 800 Merchant Mariner ships between 1941 and 1944 alone. About 9,300 Mariners were killed, 11,000 were wounded, and 663 were taken prisoner.

At the end of the war, one out of every 26 Merchant Mariners serving aboard merchant ships in World War II died in the line of duty, the highest casualty rate of any branch of the service.

Merchant Mariners casualties were kept secret during the War to keep information about their success from the enemy and to attract and keep mariners at sea. Unfortunately, to this day, 60 years after the end of World War II, the Merchant Marine remains the forgotten service.

Despite their service in support of the war effort, this country has dealt this class of World War II veterans a great disservice. They were denied benefits under the 1945 GI Bill of Rights—benefits granted to all those who equally admirably served in the Army, Navy, Marine Corps, Air Force or Coast Guard. Only the US Merchant Marine was excluded.

Yet as these images illustrate, Merchant Mariners were recruited much like other branches of service and were regarded as vital service members to the war effort. One recruitment poster calls on mariners to "Man the Victory Fleet." Another with a mariner behind the stern says, "Let's Finish the Job." And the last in capital letters asks mariners to be a ship's OFFICER in the US Merchant Marine.

Upon signing the GI Bill on June 22, 1944, President Franklin D. Roosevelt said, "I trust Congress will soon provide similar opportunities to members of the Merchant Marine who have risked their lives time and time again during war for the welfare of their country."

In 1988, the Merchant Mariners did finally receive a “watered down bill of rights.” But some portions of the GI Bill have never been made available to veterans of the Merchant Marine.

No education benefits were available to Merchant Mariners. No low-interest home loans. No lifetime compensation for war-related injuries and disabilities. No use of VA hospitals. No priority for local, state, and Federal jobs. No Social Security credit for wartime service.

While it is impossible to make up for over 40 years of unpaid benefits, I am proposing a bill that will acknowledge the service of the veterans of the Merchant Marine and offer some compensation for their service in World War II.

S. 961, the Belated Thank You to the Merchant Mariners of World War II Act of 2007, would pay each eligible veteran or their widow, a monthly benefit of \$1000, tax free. Their average age is 83. Many have outlived their savings. This bill would provide a small amount of compensation for those who risked their lives to contribute to our success in World War II, only to be forgotten. I urge my colleagues to join with me in cosponsoring this bill.

There is overwhelming, bipartisan support for this bill. At last count, the bill had 14 cosponsors. The version of this bill which I introduced during the 109th Congress had 41 cosponsors in the Senate. Chairman Filner’s version of the bill, H.R. 23, currently has 96 co-sponsors. During the last Congress, his bill had 269 co-sponsors.

Those that fought and lived during World War II have been duly labeled as the “Greatest Generation.” The 230,000 strong force of Merchant Mariners are surely part of the Greatest Generation and we owe them a tremendous debt. For the 9,500 still living, we can never make up for years lost, but we can address the injustice by recognizing their contributions and by passing S. 961 this year.

**Statement of Daniel Horodysky, Chief Executive Officer
U.S. Maritime Service Veterans**

My name is Daniel Horodysky. I am the chief executive officer of the U.S. Maritime Service Veterans. The U.S. Maritime Service (USMS) was the official U.S. Government training organization of the U.S. Merchant Marine (USMM) under the Merchant Marine Act 1936. **The U.S. Maritime Service is the Unknown Service.**

Training began in 1938 much before World War II started. It was because of the wisdom of President Franklin D. Roosevelt based on his experience in World War I when he was Assistant U.S. Navy Secretary in charge of convoys to Britain, and the growing threat of Germany under Hitler in the 1930’s. If it were not for FDR’s preparation we may not be having this Hearing.

The most important battle of WWII was the Battle of the Atlantic. If that were lost Hitler may have been successful in the planned invasion of Great Britain, the British and its Commonwealth countries’ Navies would have been neutralized **AND** there would have been no D-Day!

The winners and losers of the Battle of the Atlantic were the mariners of the U.S. Merchant Marine and Merchant Navies of Great Britain, Canada, Australia, and many others. These brave mariners kept going despite the tremendous losses of personnel, vessels, and cargoes—www.usmm.org/casualty.html—Think about that.

The USMS and the USMM were the **ONLY** integrated WWII Armed Forces! Word went out in African-American communities that young men, as myself, were lured into the USMS and USMM by the patriotic spirit pounded out by radio, newspaper ads, recruiting buses, posters such as Join the Fighting Merchant Marine, and by word of mouth. There were 37 USMS recruiting stations. However, in addition, all the U.S. Navy (USN) and U.S. Coast Guard (USCG) recruiting sent innocent, gullible young men to the USMS, telling them to take that training and that their service was needed in the USMM. Many thousands took that advice. See www.usmm.org/usms.html and www.usmm.org/training.html USN and USCG officers and men trained us in apprentice and advanced positions, gunnery, etc. A USN Captain was the Superintendent of the huge Sheepshead Bay, N.Y. Training Station. We marched and drilled in uniforms as in any USN or USCG training station.

Little did we realize at the time that we were deceived, lied to, and screwed by the government!

We have been and may still be defeated again by our insidious enemy—**IGNORANCE.**

U.S. Merchant Marine Academy Alumni Foundation
Kings Point, NY, 11024
May 8, 2007

Hon. Robert Filner Chairman
Veterans' Affairs Committee
United States House of Representatives
335 Cannon HOB
Washington, DC 20515

Dear Mr. Chairman:

On behalf of the more than 20,000 alumni of the United States Merchant Marine Academy (sometimes referred to as Kings Point), I would like to thank you for your introduction of and strong support for H.R. 23, the "Belated Thank You to the Merchant Mariners of World War II Act of 2007." As we have since you first introduced similar legislation several years ago, the U.S. Merchant Marine Academy Alumni Foundation strongly supports this legislation and would ask for its timely passage in the Congress.

The courage and commitment to duty displayed by Merchant Mariners during World War II frequently goes unrecognized. These brave men risked life and limb constantly to ensure that critical war supplies reached their destination. In fulfilling their duty, Merchant Mariners took casualties at a rate second only to the U.S. Marine Corps in numbers. They braved German and Japanese submarines, aircraft and other hazards to ensure that critical supply lines remained open.

This bravery is not simply of historical interest to the U.S. Merchant Marine Academy and to all Kings Pointers. All of our wartime graduates braved the hazards as part of their academy training and 142 undergraduates were killed during war serving their country.

We as Kings Pointers believe that this Nation is long overdue in recognizing the importance and the role that these brave men played in our Nation's victory over tyranny. The provisions of H.R. 23 are a small price for this Nation to pay to say thank you to these brave men who gave so much for all of us. Therefore, we would hope that with your support, an early mark-up could be scheduled that will lead to passage of H.R. 23 at the earliest possible opportunity.

Respectfully,

Eugene F. McCormick
President and Chief Executive Officer

POST-HEARING QUESTIONS AND RESPONSES FOR THE RECORD

Questions from Hon. Bob Filner, Chairman, Committee on Veterans' Affairs, to Hon. R. James Nicholson, Secretary, U.S. Department of Veterans Affairs

Committee on Veterans' Affairs
Washington, DC
April 30, 2007

Honorable R. James Nicholson
Secretary
U.S. Department of Veterans Affairs
Washington, DC 20420

Dear Mr. Secretary:

In reference to our Full Committee hearing on H.R. 23, the *Belated Thank You to the Merchant Mariners of WWII Act of 2007* on April 18, 2007, I would appreciate it if you could answer the enclosed hearing questions by the close of business on June 8, 2007.

In an effort to reduce printing costs, the Committee on Veterans' Affairs, in cooperation with the Joint Committee on Printing, is implementing some formatting changes for materials for all Full Committee and subcommittee hearings. Therefore, it would be appreciated if you could provide your answers consecutively on letter size paper, single-spaced. In addition, please restate the question in its entirety before the answer.

Sincerely,

BOB FILNER
Chairman

Question 1: The Deputy Director of Education Service in VBA has stated that, "no social program did more positive for the future of this country than the original GI Bill—it really placed people in a position where they could become significant contributing members of society." (MOAA Today's Officer, April 2007.) Please provide the valuation of the GI Bill to the participating service Member if used to its full potential, listing the value of each benefit component separately.

Response: The World War II era GI Bill granted individuals a monthly subsistence allowance with additional allowances for dependents. Limits were set on the combined VA subsistence allowance and earnings of single individuals.

VA paid a maximum of \$500 a year for tuition, books, fees, and other training costs. If an individual elected to have VA pay more than \$500, the entitlement charge was 1 day for each \$2.10 paid. Individuals were entitled to up to 48 months of education benefits for a maximum of \$2,000.

Question 2: Please provide the number of remaining veterans for each of the groups receiving conferred veteran status pursuant to P.L. 95-202/38 C.F.R. 3.7(x). If the precise remaining number is unavailable, please provide an estimate of the original number of these individuals (for each group) that was deemed to have participated in active military service.

Response: This information is not available from VA. There are currently 33 groups identified under 38 C.F.R. 3.7(x) as having performed active military service. VA confirms veteran status for individuals from these groups if they apply for VA benefits, but VA does not maintain statistics on the various organizations in which they served.

Question 3: VA suggests that this bill would create \$234.1 million of additional benefit cost in the first fiscal year and an additional benefit cost of \$1.4 billion over 10 years.

- a. What was the number of beneficiaries used to calculate these estimates?
- b. Please provide individual figures for WWII merchant mariners and surviving spouses.
- c. Please explain your methodology to arrive at these figures.

Response: In 1941, there were 55,000 merchant mariners with the average age of 35. However, by 2008, this group would have an average age of 102. With mor-

tality rates from the Centers for Disease Control and Prevention (CDC) applied, we estimated that no one from this population would be alive to receive this benefit. In 1945, there was a second population of 160,000 additional merchant mariners with the average age of 25. Mortality rates from CDC were applied to estimate the remaining population of merchant mariners. We then assumed 50 percent of this population or 13,620 persons in 2008 would apply for the new benefit of \$1,000 per month.

In order to calculate the number of spouses who would be eligible for the benefit, we assumed 50 percent of the eligible mariners were married. We assume 50 percent of this population would apply. We also assumed the spouse was the same age as the veteran and similarly applied standard mortality rates to estimate the number of eligible spouses of veterans who have already died, as well as the number of spouses from prospective mariner deaths. Due to the age of the merchant mariners from 1941, and the age of their spouses, we assumed that this first group would not have surviving spouses alive to receive benefits. We also assumed that there are no children eligible for the new benefit due to age. The surviving spouse caseload, calculated to be 5,890 in 2008, was totaled and then multiplied by \$12,000 for each year to estimate the total cost of the benefit. We assume an effective date of October 1, 2007.

Question 4: Many of the witnesses during the hearing testified that merchant mariners were subject to the Military Justice System and indicated that at least 80 were court-martialed. In previous statements before this Committee, VA contradicts this fact.

- a. What was your source of data for your agency's views of November 28, 2005, that merchant mariners "were not subject to the military justice system"?
- b. Please confirm whether merchant mariners were subject to the Military Justice System.

Response: Merchant mariners generally are not within the classes of persons identified in 10 U.S.C. § 802 as being subject to the Uniform Code of Military Justice (UCMJ). However, 10 U.S.C. § 802(a)(10) provides that the UCMJ applies "[I]n time of declared war or a contingency operation," to "persons serving with or accompanying an armed force in the field." Pursuant to that provision, the Department of Defense has acknowledged that "[t]hose who were serving with the U.S. Armed Forces [in time of war] may have been treated as if they were military and subjected to court-martial jurisdiction to maintain discipline." 32 C.F.R. § 47.4(b)(1)(v). Accordingly, it appears that some merchant mariners may have been subject to the UCMJ to the extent they were serving with or accompanying an armed force in the field during time of war.

Question 5: In your testimony you explain that, "H.R. 23 would create what is essentially a service pension. . . ."

- a. Please indicate what veterans' benefits pursuant to the GI Bill of 1944 that veterans of WWII were/are entitled to receive and on what basis.

Response: Regarding education benefits, an individual must have served at least 90 days on active duty (or less if discharged for a service incurred disability) between September 16, 1940, and July 25, 1947. An individual was entitled to 1 year of full-time training plus periods equal to the time on active duty, up to a maximum of 48 months. The delimiting date was 9 years after the end of the war, July 25, 1947, or 9 years after release from World War II active duty, whichever was earlier. Individuals must have entered training by the later of 4 years after discharge or July 25, 1951, and completed training by July 25, 1956, the final cutoff date (except that individuals who first enlisted or re-enlisted for active duty entered between October 6, 1945, and October 6, 1946, were given 9 years following discharge there from to complete training).

- b. Please indicate what veterans' benefits the merchant mariners of WWII were/are eligible to receive and on what basis.

Response: Merchant Mariners of WWII were granted veteran status in 1988 when the Secretary of Defense certified that Merchant Mariner service in the ocean-going service between December 7, 1941, and August 15, 1945, constituted active military service for VA benefit purposes. However, Merchant Mariners were not entitled to GI Bill benefits based on World War II service because the delimiting date for using such benefits was July 25, 1956.

c. Please provide a valuation estimate of the difference in benefits received between these two groups.

Response: VA does not have information available to calculate the total amount of GI Bill or other benefits paid to veterans of World War II between 1945 and 1988.

