

**INTERNATIONAL LONGSHORE AND WAREHOUSE UNION
LOCAL #19, SEATTLE, WASHINGTON**

**VICE PRESIDENT DEL BATES
STATEMENT ON SEAPORT SECURITY
(Attributed to James Spinosa's report to the Subcommittee
on Coast Guard and Maritime Transportation)**

As Vice President of the International Longshore and Warehouse Union, Local #19, representing working men and women in the Port of Seattle, I am pleased to submit these comments regarding the security of our Port.

The members of the ILWU are committed to making our port and surrounding areas safe, secure and free of criminal or terrorist activities. Just as important, we are absolutely committed to insulating the security of our workforce as well as the community where we live and interact. This is especially so since ILWU members face direct risk to their personal safety and livelihood from such criminal and terrorist acts simply by virtue of the jobs we do and the areas where we work.

Following the horrendous terrorist attacks of September 11, our port went on immediate security alert. The Longshore Union has held joint meetings with the Coast Guard and all of our maritime employers to discuss the threats we now face and the actions we must take. The Port and Maritime Security Act (S.1214) initially focused on criminal activities rather than national security and terrorism. The need to secure our port from the threats of international terrorism now is at the top of our security agenda. There are substantial areas of omission in S.1214 that need to be rectified to truly enhance our nation's seaport security. The U.S. Coast Guard has basically been a waterside enforcement agency within the federal government. To be perfectly clear, understand that landside enforcement is a different matter altogether. In Seattle, as in other major American ports, including those with ILWU jurisdiction, landside security enforcement has been a function of the local port and terminal operators.

In the goal of maintaining secure seaports, to treat a longshore worker as security risks is both contrary to the facts and detrimental to the goal. Longshore workers are not the problem but rather are a critical part of the solution for keeping our ports safe and secure from crime and terrorism. It is the well-established longshore workforce that knows how things work best in the ports and, perhaps most importantly, knows who belongs where in the marine terminals. It is ILWU members who are best able to and often detect and report suspicious and unusual activity in the ports. The government should, therefore, enlist us as partners rather than as suspects in the effort to secure our ports.

The ILWU opposes background checks on our workers. During the investigation of the Interagency

Commission on Seaport Security (the Graham Commission) the ILWU challenged the Commission to prove their assertion that internal conspiracies are a problem at many of our nation's ports. They were asked for an example of an internal conspiracy to commit crimes involving ILWU longshore workers. They could not produce one example of ILWU workers at our nation's ports involved in criminal conspiracies. Not one. In fact, the only involvement our members have with serious criminal activity is reporting to authorities suspicious activities and cargo. In testimony before the Senate Commerce, Science and Transportation Committee, the ILWU pointed out that the actions of one longshore worker at the Port of Tacoma led to the largest cocaine seizure in that Port's history. In times of war, the ILWU members have delivered on their promise to load military cargo in the safest, most efficient way possible.

It is also critical that the government in response the new terrorism threats against our country, does not set policy which harms the productivity of our commercial seaports. Excessive or imprudent regulations that fail to account for the true realities of port operations will only result in further damage to the national and world economies. We must not, through rash government regulations, accomplish the very result our enemies seek and we are trying to avoid – the disabling of waterfront commerce.

Accompanying this statement is a detailed proposal from the ILWU International Officers designed to pinpoint critical security – sensitive areas with specific delineations between landside and waterside operations. The proposals are designed to increase and improve port security protections in an economically feasible way.

WATERSIDE SECURITY ISSUES

* ***MATCH PERSONNEL WITH PROVIDED DOCUMENTS*** – Legislation should require crew and passenger lists including names, addresses, passports, and mariner documents be matched up in person with the documents submitted. When the Immigration Naturalization Service (INS) is given the documentation, they merely go through the documents without requiring the individual's presence to insure he or she is who the documents say they are.

* ***IMPLEMENTATION OF INTEGRATED SYSTEMS*** – Implementation of integrated systems allowing Customs to inspect and/or review manifests containing identification of shipper, port of origin, and cargo shipped prior to vessel entering American waters.

* ***ADVANCE SECURITY CLEARANCES OF VESSELS*** – The legislation should require advance security clearance requirements for all vessels, their owners, operators and crew before entering a

U.S. port. Presently, these vessels operate under secrecy and without regulations by the scheme of flying the flag of a country (flag of convenience) that lacks any meaningful regulations and scrutiny. The London Times reported that the terrorist group Al Qaida operates flags of convenience vessels.

LANDSIDE SECURITY ISSUES

***CONTAINER SECURITY SEALS** – Like luggage on airplanes, the containers on vessels and in port facilities need to be subjected to security screening to protect U.S. seaports and international maritime commerce. Obviously, it is both impractical and cost prohibitive to inspect every one of tens of thousands of containers that flow in and out of our ports each day. Proposed legislation should at least mandate that port workers who receive containers **inspect the integrity of the outside seal** on each container. Seal inspection must be done to insure that the seal number matches up with the consignee who was the last person who sealed that container up and is responsible for the cargo therein. To insure port security, this is one the “primary” actions that must be undertaken. *This act must mandate that the integrity of the seals be checked and rechecked against terminal documentation to insure the origins of that cargo.* A broken seal would alert the port facility that the container has been tampered with and that it needs to be carefully inspected before entering a facility or being placed on a vessel, and should be immediately earmarked to Customs for inspection. A systematic check of container seals provides authorities with a record as to the parties responsible for placing the seal on any container that may be the means of terrorist act.

***EMPTY CONTAINERS** – One of the most overlooked of potential security risks to terminals, ships, and port infrastructure is the proper handling of empty containers. On any given day as much as forty percent of cargo delivered into any facility is comprised of empty containers. A physical inspection of these containers is vital for a number of reasons; 1) Terminal safety – knowing that in almost all port facilities empty containers are very rarely inspected, the potential for placement for some kind of explosive device is something that must be considered and planned for, 2) Vessel Safety or remote site endangerment – the concept where an uninspected empty container containing an explosive device would be loaded onto a vessel for detonation. In many ports throughout the world the inspection of empty containers is a requirement, for exactly many of reasons that were outlined! What would happen if a terrorist cell in a foreign country for example were to take an empty container, place an explosive device inside, then load it up and ship it for detonation elsewhere? For years, inspection of empty containers was regularly done in America’s largest seaports; however this procedure was abandoned some years ago. Once again, if we truly are desirous of creating safe and secure seaports then the return to these inspections is a must.

***NON-INSPECTION OF TRUCKERS** - The primary threat to American seaports is the ability of

truckers gain access to dockside marine containers terminals with “carte blanche” accessibility. **THE MAJORITY OF ALL TRUCKERS ENTERING MARINE FACILITIES IN AMERICA’S LARGEST PORTS DO SO WITHOUT HAVING TO EXHIBIT ANY KIND OF IDENTIFICATION WHATSOEVER.** Prior to the terrorist attacks in New York and Washington D.C., there was no requirement for truckers to produce any identification upon entrance to marine terminal facilities. However, even following the attack, only two marine container facilities now demand I.D. upon entrance through marine terminal gates, but there is still no match-up of photo I.D. with the truckers themselves because they only have to produce the driver’s license number for entrance. The truckers entering these marine facilities have virtually unobstructed access to the entire facility, enabling them to place anything, anywhere, at anytime.

**THE FAILURE TO PROVIDE SECURE CARGO HANDLING AREAS* – In many ports throughout the world, the local workforces take the cargo (now in steel cargo shipping containers almost all the time) and place them in secured “holding” areas, many times located next to marine facility entrance gates, awaiting truckers who are allowed only in these secured areas to pick upon containers, usually on an appointment basis. This is an excellent concept that has resulted from years of experience realizing that the best way to secure your facility is only allow those on the terminal that have immediate business needs. They then realized that to allow trucker’s unlimited “carte blanche” access to all areas of the facilities was a dramatic error as it compounded the problems of security and congestion. What followed was the establishment of secure “holding” for cargo retrieval.

**UTILIZATION OF EXISTING SECURITY PERSONNEL* – Minimum manning standards and uniform training procedures must be adopted for the existing professional security personnel to meet the growing security needs of our ports.

The above outlined points are a collection of the most critical procedures that must take place if we are to safeguard our American seaports. We have worked within these ports every day for many years and our experience enables us the opportunity to share with you, some of the protocols and procedures in a marine environment.

I appreciate the opportunity to submit comments for the record on behalf of the International Longshore and Warehouse Union Local #19 and I am prepared to answer any questions. I look forward to the opportunity to work with you as we solve the problems of reviewing security issues so that commerce within our nation’s seaports may continue uninterrupted in a manner prosperous, safe and secure for many years to come.

Thank you.

Del Bates
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ILWU Local #19