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Senate Committee on Veterans' Affairs
Hearing on Veterans' Benefits Legislation
Testimony of Charles Dana Gibson
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Chairman Akaka, Ranking Member Burr, and distinguished members of this Committee, I thank you for the opportunity to testify today on S-961.

In the early fall of 1944, eight days following my 16th birthday, I was at sea, en route to Europe aboard the LT-785, a seagoing tug, owned and operated by what was commonly referred to as the Army Transport Service. We were subsequently operational off England, France, Holland, and Belgium for a period of about six months before I returned to the United States. I then sailed on a U.S. flag merchant tanker throughout the remainder of the period of hostilities. I continued sailing until 1947, later returning to sea during the Korean conflict.

I have written and published numerous histories concerning the maritime services. I am the author of a successful application in the 1980s for Army civilian seamen and another in 1991 for seamen of the U.S. Coast and Geodetic Survey to receive veterans' status under Public Law 95-202. It should be noted that I, too, would benefit financially if either S. 961 or the House companion, H.R. 23, were to become law.

As a historian whose interests and writings have centered on America's military and maritime past, I am amazed at the numbers of foundationless myths which seem to have evolved over time into alleged facts. My testimony this morning will address merchant seamen casualties (including Army Civil Service Seamen) during World War II in comparison to the casualty ratios of the Armed Forces; the issue of pay to merchant seamen aboard ships captured or destroyed in combat; background on the oceangoing merchant marine receiving veterans' status in 1988; and the participation of merchant seamen in work stoppages and strikes in the fifteen months following the end of hostilities.

Although not germane to the agenda of this hearing, I would ask the Committee to give consideration toward giving the holders of the Merchant Marine Mariners Medal the same accesses to special VA benefits that are presently available to holders of the Armed Services Purple Heart.

Casualties

Much of the argument offered in support of the bill now under consideration revolves around extravagant claims of excessive losses of merchant seamen during the War. I have performed extensive research centering on bona fide battle casualties suffered by both merchant seamen and the Army's Civil Service seamen. My eventual conclusion has been to rely for accuracy upon the published works of Captain Arthur Moore and Dr. Robert Browning, Jr. Both authors include in their works the ships and crews lost through marine casualty not directly related to direct enemy action. Over this past summer, my wife and I did a breakdown of both works in order to separate

out U. S. merchant ship losses and personnel casualties resulting solely from battle causes, i.e., enemy action. We did this in order to satisfy ourselves as to the ratio of battle deaths to total force. The analysis we performed resulted in a tally of 5,755 actual battle deaths enumerated by Captain Moore and 5,763 given by Doctor Browning -- a difference between them of only eight men. I have chosen Doctor Browning's figure on the grounds that Doctor Browning, in his capacity as Chief Historian of the U. S. Coast Guard, accessed some post operational reports which were not utilized by Captain Moore.[1] To Browning's figure of 5,763 I add the recorded battle deaths of U.S. Army Civil Service seamen which comes to 422 men - both figures taken together total 6,185. This number falls far short of the 9,300 mariners being touted by the supporters of H.R. 23 and S. 961. [2] They use this as the basis for the assertion that the merchant marine suffered the highest casualty rate of any service during World War II, equivalent to 1 in 26 killed. The claim that their casualty rate surpassed that of the Marine Corps or was greater than that of the Armed Forces combined cannot be supported. In any event, comparisons are specious given the lack of available data on the Merchant Marine.

To compare Armed Forces casualties against those of the Merchant Marine is like comparing apples against oranges. Even if one should attempt such a comparison, the calculations must be based upon total force -- NOT PEAK FORCE. Furthermore, combat-related deaths must be distinguished from deaths which were not combat-related. This is easily done for the Armed Forces, but it is far more difficult when dealing with the numbers for the Merchant Marine. There are some general figures available regarding large segments of the Merchant Marine labor force which entered oceangoing employment in World War II, but these do not add up to the full wartime force. Unknown is a sizable number representing men for which we have no ready figures--figures which could only be arrived at through an exhaustive search within the Merchant Marine personnel files that are held by the U.S. Coast Guard. This missing factor concerns those men who entered the Merchant Marine Oceangoing labor force following December 7, 1941, through means of "letters of intent to employ" written by shipping companies and/or unions and addressed to the U.S. Coast Guard which then issued the seaman's certification for one of three entry ratings, i.e., ordinary seaman, wiper, or messman. Such men did not go through the apprentice training programs that were operated by the U.S. Maritime Service and for which we do have the approximate numbers. Another factor to consider is that the Merchant Marine was a fluid industry in terms of personnel with one- and two-trippers running into the high figures.

It should not be lost in the discussion that unlike members of the Armed Forces, merchant seamen during the war could terminate their employment at the end of any voyage. Such short-term employees who entered the Merchant Marine prior to August of 1945 are not included in the peak force statistic of 250,000 - which Rear Admiral Land, the Administrator of the War Shipping Administration (WSA), gives for one point in 1945. It appears that the often quoted 1 in 26 ratio is derived at by dividing 9,300 into Admiral Land's 250,000.

A further caveat enters into the overall picture when one considers what was a back and forth flow of seamen between the Merchant Marine and the Army Transport Service. One can only guess at that cross-over in employment but probably it was not overly imbalanced.

Admiral Land's peak force figure for the Merchant Marine encompasses only oceangoing Merchant Marine personnel and does not include those Merchant Marine personnel who were employed upon the Great Lakes or other inland waters. It also does not include the shore-side cadres employed at Maritime Service training installations, nor does it include those shore-side employees of shipping companies and/or of WSA general agents. The Armed Forces counterparts to those support forces were the thousands of uniformed men and women who never left the United States but whose numbers are nevertheless included within the Armed Forces total force figures. In contrast, therefore, the "total force" figure given for the Merchant Marine represents only those personnel whose service was oceangoing and as such was within waters subject to enemy action. In light of the above, it cannot be denied that a huge disparity enters into any matrix which attempts to compare the percentage of Armed Forces combat losses against the percentage of Merchant Marine combat losses.

According to research dated August 23, 2007, and performed by Christine Scott of the Congressional Research Service (CRS), the total force number of wartime merchant mariners may exceed 400,000. In a report prepared for Congress, she brings out testimony given in 1947 by Theodore L. Kingsley, the Executive V-P of the Alumni Association of the U.S. Merchant Marine Cadet Corps who stated his estimate that 400,000 served. She also quotes a maritime industry representative, one Seth Levine, who claims that "there may have been as many as 450,000 who served in the merchant marine at one time or another during the war." Another testimony submitted by James V. McCandless, the Assistant to the Commissioner of the U.S. Maritime Administration stated, "that 400,000 seamen served in the maritime labor force between July 1941, and July 1945."

If one accepts a figure of 400,000 merchant seamen added to by my rough estimate of at least another 15,000 whose sole wartime sea service was for the Army, this total force number -- namely, 415,000 -- when computed against the total of 6,185 battle deaths resulting from my analysis of Moore's and Browning's works as well as Army records results in a ratio of 1 in 67 which falls far short of the ratios touted by advocates of S. 961. The Army and Army Air battle death ratio was 1 in 48; the Navy 1 in 113; the Marines 1 in 34. Battle deaths for the total armed services were 1 in 55.[3]

Pay Issues

Another myth underlying the case for the benefits legislation under consideration concerns the alleged callous treatment of American merchant mariners by the government during World War II. I specifically reference here the erroneous assertion that once a merchant ship was lost by enemy action or marine casualty, the pay of its crewmembers was suspended, thereby denying these crews compensation while in lifeboats or as involuntary guests of the enemy. This mythology has been accepted as fact and was cited in recent Congressional testimony before the House Committee on Veterans' Affairs.[4]

In truth, an American merchant mariner whose ship was sunk continued to accrue base wages plus any applicable Area War Bonus until such time that he was repatriated. If he had become a prisoner of the enemy (POW or Internee), his base wages continued through his tenure as a prisoner, up until the time he was repatriated.

For those who incurred disabilities due to injury or war related illness, their War Risk Insurance would have paid $200 a month up to a total of $5,000. After that, should the disability be deemed permanent, an additional benefit would have kicked in to the amount of $100 per month up to a max of $2,500. If a crewman died as a result of enemy action, or later due to external cause while in captivity, his dependents would have received a flat sum of $5,000. The Army's Civil Service seamen were covered in case of disability or death by Federal Employees Compensation.

The undeniable fact is that merchant seamen serving aboard U.S. flag ships, whether employed by the War Shipping Administration or by private operators, were compassionately protected in the fiscal sense throughout the entirety of World War II. The agency which saw to that, as well as regulating bonuses and compensating for the loss of personal effects, was the Maritime War Emergency Board which was established in December 1941. A history of the board as well as its decisions are contained within a monograph from the U.S. Department of Labor, entitled History of the War Emergency Board. This document can be obtained through the Record Office of the U.S. Maritime Administration or from the Library of Congress. The Army's civil service seamen were covered in case of disability or death by Federal Employee Compensation.

Veterans' Status

Groups of former merchant seamen lobbying on behalf of the proposed bill have made other assertions which are radical departures from historical fact. One disseminated myth concerns the application process which resulted in the granting of veterans' status in 1988 to the oceangoing merchant mariners of World War II, 1941-1945. The proponents are not alone in their misconceptions over what was a long and involved process. Even the authors of serious writings dealing with the experiences of merchant mariners have inadvertently added to what has become a morass of error. Some of this has bordered on the ridiculous as in Peter Elphick's book Liberty...The Ships that Won the War.[5] Elphick wrote: "...merchant seamen were excluded from veterans' benefits. That remained the situation until 1986 when by order of the Supreme Court no less, and much too late for many, the U.S. government granted World War II seamen the coveted veterans' status."

Many seem to be under the false impression that the award of veterans' status in 1988 (some confuse it as being given in 1977) was by an act of Congress. Another version is that it occurred pursuant to enactment of the "Seamen's Act of 1988." There is also a belief, widely distributed to the media, that the veterans' status given to merchant seamen who served at sea between December 7, 1941 and August 15, 1945, was a "watered down" version of the benefits to which Armed Forces veterans are entitled.

The truth is that there was never any court ruling--much less one by the Supreme Court in 1986--which granted the 1988 veterans' rights to merchant seamen. Neither was there such a thing as the "Seamen's Act of 1988."

Factually, 1988 was the year that the Department of Defense (DoD) administratively approved the group known as The American Merchant Marine in Oceangoing Service During the Period of Armed Conflict, December 7, 1941 - August 15, 1945, for benefits under Title 38, U.S. Code (the laws as administered by the Department of Veterans Affairs). The enabling statute through

which DoD is authorized to grant approvals for those benefits is P.L. 95-202, Title IV §401, November 23, 1977, 91 Stat 1449, appended to Title 38 §106, U.S. Code Annotated. The applicable benefits which include medical care and compensation for service-connected disabilities, as well as benefits for the survivors of merchant mariners who lost their lives in the war, are substantial and in a considerable number of cases have rescued beneficiaries from poverty.

The language of P.L. 95-202 makes no specific reference to the Merchant Marine. Instead, it grants the Secretary of Defense authority to receive applications from any civilian group which, in a time of war, has rendered contractual, or other employment believed by the applicant to have been equivalent to "active duty" in the Armed Forces. As stated in P.L. 95-202, the Secretary of Defense is authorized to promulgate regulations by which such groups could be considered. DoD considerations are to follow the guidance of five criteria:

1. Extent to which the group acquired a military capability and was critical to a military mission;
2. The group's subjection to the discipline and control of the military;
3. Inability of group members to resign;
4. Group assignment to combat zones;
5. Group expectations that their service might be considered active military service.

For his administration of the review process, the Secretary of Defense designated the Secretary of the Air Force who in turn appointed a body of officers to be known as the Civilian/Military Service Review Board (CMSRB).

To date, a total of ninety-eight civilian groups have made application to CMSRB. Of these, over seventy-six have been formally reviewed. Twenty-one primary groups (later added to by a number of subgroups for a total of 33 groups) have been recommended for approval and were subsequently approved by the designated Undersecretary of the Air Force. These groups include the Women's Auxiliary Service Pilots (WASPs), the Flying Tigers of the China Theater, Civilian Airline Pilots Who flew cargo over "The Hump" in the China/Burma Theater, and the Civilian Defenders of Wake Island, among others. Of the group applications that were turned down (disapproved) prior to 1987, seven--including two of my early-on authorship--were for World War II seamen. During that same period, two World War II seamen groups were approved: the Henry Keswick Crew on Corregidor and the U.S. Merchant Seamen who served on Blockships in Support of Operation Mulberry.

On January 19, 1988, the Undersecretary of the Air Force approved CMSRB's recommendations. This approval, as is the case of all past CMSRB approvals, enables members of the Oceangoing Merchant Marine and the Army Transport Service, later Transportation Corps, Water Division -- that is those who served between December 1941 and August 1945 to apply individually to the particular branch of the Armed Service with which the group had been allied for the issuing of Armed Forces discharges. For merchant mariners, the discharges were to be issued by the Coast Guard; for my group, the Army mariners, by the Army. I have been told that according to Coast Guard records since 1988 over 98,000 World War II Merchant Mariners have been provided with discharge documents (DD-214s). I have no information at hand as to the number of Army

seamen who have received DD-214s. Upon receipt of the discharges, the holders became eligible to receive full entitlements currently allowed under Title 38, U.S. Code.

In the 1990s, a bill referred to as the "Veterans' Enhancement Act" was passed by both the House and the Senate and signed into law. It gave limited benefits under Title 38 (burial rights) to those who had Merchant Marine service during the period between August 15, 1945 through December 31, 1946. That entitlement is far less than the full benefits afforded the seamen who served during the period of armed conflict, December 7, 1941 - August 15, 1945. To my knowledge the "Veterans' Enhancement Act" is the only federal legislation in our country's history that has granted any veterans benefits, albeit in this case restricted ones, to members of a civilian group for their employment outside of a period of actual armed conflict.

Labor Relationship

Another issue that should be understood when considering the proposed legislation is the labor relationship the merchant seaman had with the War Shipping Administration. A pamphlet provided by the WSA during the war entitled "How to Get Your Bearings - An Information Pamphlet for Prospective Merchant Sailors," answered the question of whether or not merchant seamen were entitled to all the benefits of the members of the Armed Forces. The pamphlet says, "No, a merchant seaman is engaged in a civilian capacity on a volunteer contractual basis, even though his employer, in some instances may be the United States." Merchant seamen and the Army's Civil Service seamen had a much different relationship with the U.S. government than those who either enlisted or were conscripted into the armed services. In my own experience, I never recall anybody during the war, either Army seaman or merchant seaman, who believed that he, was a part of the armed services.

The proposed legislation provides benefits to Merchant Mariners who served beyond the end of the war and would include Merchant Mariners who entered the maritime services after August 16, 1945 but before December 30, 1946 - who do not have veterans' status. My personal knowledge is that CMSRB gave considerable thought to August 15, 1945 as the legitimate termination date for veterans' status under the criteria established by P.L. 95-202 as well as by the recognized understanding of the term combatant under the interpretations of international law. Additionally, it should also be noted that, according to the Department of Commerce literature in the post-war 1945 to 1946 period, the maritime seamen's unions and its members participated in four labor strikes and work stoppages. During the war, the maritime unions had entered into a no-strike agreement with the WSA. But after V-J Day the agreement ended. These strikes and work stoppages encompassed a period in excess of ten weeks and involved thousands of merchant marine officers and seamen, including myself - all of whom would be covered by the presently written S. 961.

I hope that this information has been helpful to the Committee. As a World War II seaman who saw wartime service in both the Army Transport Service and the Merchant Marine, I am very proud of my service and the significant contribution we made to the war effort. But, as a maritime historian, I think it important that the Committee have an accurate understanding of the facts.