

# Jones Act Critics Care More About Personal Profit Than Protecting Our Country

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It's not often that you find someone like me (a plaintiffs lawyer who regularly sues marine companies on behalf of injured maritime workers) agreeing with anything coming from those companies. But when it comes to attacks on the Jones Act and shadowy corporate groups spreading false propaganda with the sole aim of increasing their own profits, we both find ourselves aligned in support of the Jones Act.

The Jones Act has two main purposes. The first purpose is to promote a robust American merchant fleet by promoting U.S. shipping interests at home and abroad. Without the Jones Act, all commercial ships would be manned by foreign workers forced to labor under terrifically dangerous conditions for pay that is so insignificant it is (or should be) morally repugnant to any advanced nation, including our own. Without the Jones Act, our harbors would be crawling with unknown foreign workers, some of whom may wish our country ill.

Historically, critics claim that the Jones Act adds additional costs to U.S. shipping and merchandise. That's because the critics don't care one whit about anything but money and profit.

Oil companies, or the shadowy PACs they use to hide their involvement, make up the most powerful critics. Recently one critic described the act as "the epitome of an outdated protectionist measure," that "drives up shipping costs," "stifles competition," and "hampers energy production by making it more difficult and costly for U.S. producers to send crude oil to refineries."

These interest groups don't care about the safety and security of our country or the men and women who work in our maritime fleet. If they did, they would recognize that getting rid of the Jones Act would eviscerate the United States' maritime industry. The industry would cease to exist, and it would be replaced by low-skilled unscreened foreign labor and foreign shipping companies with different priorities than ensuring the United States has a vibrant merchant marine industry.

Currently, there are more than 75,000 employees in the United States that work directly for the maritime industry. That includes crews, shipbuilders, maintenance workers, and the men and women who repair the vessels. If we consider indirect employment—all of those companies in other industries that sell goods and services to Jones Act companies, and the induced employment—all of those industries that sell products or services to the people earning (and spending) a paycheck from either direct or indirect employment, we can easily estimate the number to be more than 500,000 jobs that are impacted by the Jones Act in the United States today.

Direct economic activity, indirect economic activity and induced economic activity from the Jones Act

fleet accounted for \$35.5 billion to the gross national product in 2009. Think about that: \$35.5 billion. It accounted for \$11.4 billion in tax dollars to federal, state and local governments in that same year. What if we reduced those dollar amounts by 70 percent essentially overnight? Where would that leave us as a nation? Foreign vessels aren't taxed, so that money will have to come from somewhere. The bottom line here is that by maintaining control of these assets and the infrastructure that goes along with it—we maintain our economic security as a nation.

Even more important, if we open our ports to foreign-flagged vessels, we basically open our country's borders wide to any terrorist who wants to enter. We would be putting 600-foot vessels, full of petroleum or other dangerous cargoes, into our largest port cities with no regulation at all. It makes us vulnerable to crew that have not passed background checks and other licensing requirements and that have no vested interest in the safety of our citizens.

We are all aware of the rules and regulations imposed post-9/11 on the commercial airline industry, and even us as passengers after those events. All of which are designed to maintain the safety of our citizens and our air space. To put it into perspective, at the end of 2011 there were 7,185 commercial airliners registered in the United States according to the FAA. There are currently more than 40,000 vessels in the Jones Act fleet, and we need to protect our waterways and our port cities. It does not make sense in this day and age to reduce the regulations we have already in place doing just that, protecting the ports and our citizens. We should be looking to Americans to ensure the safety of our coastlines.

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There are usually no international guidelines—if there are, they aren't as strict as U.S. guidelines;

There is no guarantee for a well-maintained ship;

There are no safety regulations enforced during construction; and

Untrained or under-trained crew members being paid extremely low wages with often inhumane working conditions or schedules.

Further, we've needed our merchant marine fleet historically in times of war or national emergency. If the U.S. military tried to maintain 40,000 vessels—all remaining dormant in times of peace—the cost would be astronomical. Having the ability to call upon the Jones Act fleet during times of war has not only proven effective, it is a fiscally sound alternative for the nation. For example; The SS Northern Lights made 25 voyages and 49 port calls to the Iraqi war zone in 1990. During the Gulf War, 95 percent of the equipment, supplies and fuel was carried by sea and of that—80 percent of it was carried by U.S. flagged ships. Literally thousands of merchant mariners we called upon to assist the government.

Without the workers in the shipyards during times of peace, we will not have the resources to mobilize them and react accordingly to repair, construct or convert vessels during war times. This also goes to say that the companies that supply parts for them won't be as readily available either. With these resources gone, or severely diminished, where do we go? Do we look at contracting this work through the Department of Defense? How will that cost impact your business and the American people?

Recognizing the benefits of the act helps us understand the staying power of the Jones Act. But the act has not gone unchallenged, including notable challenges in recent years. Sen. John McCain tried to have the Jones Act repealed entirely in 2006, and has tried to repeal parts of the act twice since that time.

Most recently, he sought an exception to its requirement that Jones Act vessels used be built in the United States. Last year, an Alabama congressman introduced legislation to deride the act. Although these recent efforts have failed, the political climate in Washington remains unsettled and lend that anything is possible.

So if you see complaints about the Jones Act from politicians or their financial backers, you can rest assured that the debate isn't really about whether the Jones Act itself is good for our country or not. It clearly is. The debate is really about whether we put the profit interests of politically active global

corporations with no interest whatsoever in the security and safety of our country, or whether we put the safety and security of our country ahead of the profit interests of global corporate interests.

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