

February 3, 2007

Chief U.S. District Judge Callie Granade
US. District Court
Southern District of Alabama
113 St. Joseph Street
Mobile, Alabama 36602

Re: Capt. Wolfgang Schröder

Dear Judge Granade:

I am Fr. Sinclair Oubre, J.C.L., a Catholic priest of the Diocese of Beaumont, Texas, and the president of the Catholic maritime ministry organization the Apostleship of the Sea of the United States of America (AOS-USA).

We have followed the case of Capt. Wolfgang Schröder and the *M/V Zim Mexico III*. Our prayers and condolences go out to the family of Mr. Shawn Jacobs. In any industrial accident, the victims of the tragedy will need the support and prayers of their religious community and the larger social community for many years to come. The hope of AOS-USA is that temporal support pledged by the vessel's owner, Rickmers Reederei, will be able to financially support Mr. Jacobs' family as they struggle to recover.

Living in Port Arthur, Texas, I live 70 miles from Texas City, Texas. The recent explosion at the British Petroleum refinery, and the subsequent findings of negligence raises grave concerns on the part of the members of AOS-USA regarding equal justice.

As the Associated Press reported, "British oil company BP failed to emphasize safety at its U.S. refineries before the 2005 Texas City explosion that killed 15, according to a report released Tuesday by an independent panel led by former U.S. Secretary of State James A. Baker III."

The report notes that the BP explosion was caused by a corporate climate that intentionally circumvented safety policies. This is only the latest in a long history of U.S. industrial accidents that have killed workers, and left families devastated. However, in none of these cases, and no matter how many lives were lost, did either the plant manager, who has immediate oversight over the facility, or the corporate officers, who have final authority over investment, maintenance and safety, find themselves facing criminal charges and potential prison sentences.

In addition, in the twenty-five years that I have been active in the maritime industry, as both a merchant mariner and as a Catholic priest, I have never before heard of a ship officer being charged under this section of the U.S. Code.

On February 21, 2004, the *M/V Zim Mexico III* was involved in another collision in the Mississippi with the workboat *M/V Lee III*. At that time, Capt. Schröder was not the master of the vessel. In the course of the collision, the workboat capsized, and all five crewmembers were killed including the mate, Mr. Daniel Lopez of my hometown of Port Arthur, Texas. In spite of the five deaths, no charges have ever been brought against the captain of the *Zim Mexico III*.

As the accompanying resolution of AOS-USA outlines, we are very concerned about the disturbing trend to criminalize maritime officers for incidents that on shore would be considered civil matters, and handled in that forum.

The actions of the country of Spain in regards to the breaking up and sinking of the *M/V Prestige* is a case in point. After refusing to offer the ship refuge, forcing it out to sea with the use of its navy, the Spanish government then arrested Capt. Apostolus Mangouras for the environmental devastation that was caused by their decisions.

Though we will be joining with the Council of American Master Mariners and other maritime organizations in asking Congress to amend Title 18, Part I, Chapter 51, Section 1115, we join our voices with others, and ask that you limit the sentence that you will impose on Capt. Schröder to the time that he has already served.

Sincerely yours in Christ,

Fr. Sinclair Oubre, J.C.L.
President