

New York City officials scapegoat captain in Staten Island ferry disaster

By Alan Whyte
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The captain of the Staten Island ferry that crashed into a wooden and concrete pier on the afternoon of October 15, resulting in the deaths of 10 passengers and dozens of injuries, has been vilified by New York City authorities and the media for not testifying to city and federal investigators.

While sharply denouncing the ship's captain, Michael J. Gansas, 38, city officials have shrugged off evidence of lax safety standards on the ferries that may have contributed decisively to the death toll.

The accident took place at 3:20 p.m. during a day of winds gusting to 50 mph. When the ship made impact it was torn open, creating a massive 250-foot hole and causing beams to collapse. Screaming passengers had to get past raining debris as they ran to the back of the boat or up the stairs to get to the other decks. Firefighters and rescue workers arrived immediately, digging for bodies on deck, while scuba divers plunged into the water to search for survivors.

The ferry's pilot was Assistant Capt. Richard J. Smith, 55. Following the crash, he immediately fled the scene, going to his home in Staten Island, where he locked himself in his bathroom and attempted to commit suicide by slitting his wrists and shooting himself twice in the chest with a pellet gun. His family contacted Smith's coworkers, who went to the home, kicked in the bathroom door and put him in an ambulance. As a result, he survived the suicide attempt.

City regulations require that both the captain and his assistant be in the pilothouse when the ship enters the pier. Investigators are trying to determine where the captain was before the ship crashed. It has been reported, however, that operating the ferry with only one pilot in the pilothouse was both a common and well-known practice.

Gansas, the ship's captain, has said that he tried to reach Smith by radio. When he got no response, he said, he attempted to get control of the boat himself but was unable to do so in time to prevent the collision. Gansas has told police that he saw Smith slumped over the controls.

Two witnesses have stated that they saw Smith standing erect and by himself in the pilothouse about a minute before the crash. One of the witnesses, a crewmember on a nearby tugboat, also said that Gansas ran across the top of the ferry from the rear of the boat to Smith's position after the accident.

The city's transportation commissioner, Iris Weinshall, declared that she was "disgusted" that Captain Gansas has not spoken to

National Transportation Safety Board (NTSB) investigators. Mayor Michael Bloomberg suspended Gansas without pay. He condemned the captain, commenting, "It's an outrage that somebody who can give us information ... refuses to talk." Representative Vito Fossella, a Republican who represents the area that includes the terminal and is considering a run for mayor, asserted, "We need to get tough with him fast." The congressman has called on Staten Island District Attorney William L. Murphy to empanel a grand jury and subpoena Gansas for a criminal case.

There are three ongoing investigations into the crash. One is being conducted by the NTSB and another by the New York Police Department in conjunction with the Staten Island district attorney's office to determine if they should bring criminal charges against any of the crew members. More recently, federal prosecutors in Brooklyn have announced they are initiating their own criminal probe. Charges that could be brought against crewmembers include reckless endangerment and criminally negligent homicide.

Gansas's lawyer, Catherine Foti, has filed papers in federal court in Brooklyn stating that the captain remains shaken by the accident and is suffering from "acute stress disorder." As a result, the court papers said, he is incapable of concentrating, is seeing a psychiatrist and is taking anti-anxiety medication. The lawyer has stated that an interview might be detrimental to his health, and that Gansas could give inaccurate information due to his mental state.

Considering the seriousness of possible criminal charges and the political powers arrayed against him, it is hardly surprising that Gansas is reluctant to testify without some kind of immunity from prosecution. The public statements of outrage by city officials notwithstanding, it is routine for employees involved in such accidents to avoid testifying before the NTSB if criminal charges could be pending.

A federal official, speaking on condition of anonymity, told the press that the captain has to make sure he does not make any official statements that would later be used against him in a criminal investigation. Moreover, the Staten Island district attorney has remarked that obtaining critical testimony would probably involve granting immunity from prosecution to at least one of the two captains. There are 13 other crew members, several of whom are responsible for making sure the ship docks safely.

Captain Gansas is a 13-year veteran with an excellent record. In 1991, he helped rescue a passenger who jumped overboard, later receiving a letter of commendation for his actions. In 1999 he

helped rescue three people who were in a sailboat that had capsized. Tests conducted on Mr. Gansas have determined that there were no alcohol or illegal drugs in his body at the time of the recent accident.

A spokesperson for the NTSB has said the agency is examining all possible causes of the disaster, including human performance, operational issues, mechanical difficulties and weather. A number of experts have stated that high winds could have been a factor in driving the ship off course.

The investigation thus far indicates that it is possible that Assistant Captain Smith, who was piloting the boat, blacked out during the trip either due to high blood pressure or from the effects of medication he took for the condition. Such medications can cause a drop of blood pressure resulting in a temporary loss of consciousness. As he was being taken to the hospital, Smith told a police officer in the ambulance that he had taken his medication that morning.

All Staten Island ferry pilots are certified by the U.S. Coast Guard and undergo periodic drug and alcohol tests, as well as physical exams. In 1998, the Coast Guard issued a series of guidelines for doctors examining boat pilots, including specific blood pressure levels that are considered too high for operational safety.

Assistant Captain Smith has had an excellent operating record throughout his 18-year career. He received outstanding grades on his job evaluations and was awarded two accommodations for actions taken on two separate occasions when the ships he was operating experienced mechanical failures. He had been promoted to provisional captain, but this May requested a return to his lower rank, which made it easier for him to work the hours he preferred.

Smith currently remains in the hospital and his lawyer, Alan Abramson, has said that he is unable to testify.

The ferryboat that crashed October 15 is the *Andrew J. Barberi*, a diesel-powered 3,335-ton, 310-foot vessel that has been in service since 1981 and can carry as many as 6,000 people. At the time of the accident, it was carrying about 1,500 people, which is normal for that time of day.

The ship was moving about 17 to 20 miles per hour during its 25-minute voyage from Manhattan to Staten Island. It apparently never went faster nor did it slow down before impact. The boat has no speedometers and pilots must judge the speed. New York ferries are also not equipped with any kind of emergency shut-off mechanism. They also lack an airplane-type black box or a video monitoring system.

Ferries have been shuttling people on the 6.2-mile trip between Manhattan and Staten Island since 1713. The service has been operated by the city since 1901 and currently carries about 65,000 passengers a day on five boats. The ferry has not had a major accident for almost a century, and has long been regarded as one of the safest ways to travel in the New York area.

However, two investigative reports in the *New York Times*, including an analysis of Coast Guard safety records for the last 25 years obtained through the Freedom of Information Act, have revealed some longstanding problems in the operation of the New York ferries.

While New York ferries lack speedometers, by contrast the ferry

system in Washington State—the only system larger than New York's—has a satellite navigation device that determines the speed of the boats. The Washington State service also keeps track of the number of passengers on each boat and provides regular announcements regarding emergency procedures. New York ferries do neither. Last year, New York shut down an inspection team whose job included guaranteeing that employees followed safety rules.

The *Times* reported that, following an accident in 1998, the Coast Guard issued a report recommending that a public address system be put in place to warn passengers if it were anticipated that the boat would hit the pier too hard, causing a bad jolt. The report also stated that city rules requiring the captain to be in the pilothouse during docking were not being followed and recommended that they be enforced. These recommendations were ignored.

A few years earlier the Coast Guard had issued a report warning that allowing passengers to crowd at the front of the boat as it approached the pier posed a danger and strongly recommended that measures be taken to prevent this. The city apparently did nothing. The 10 people who died, as well as the most seriously injured, all appeared to all have been in the front of the ferry when it crashed two weeks ago.

Despite Commissioner Weinshall's statements that the city's Transportation Department adhered very strictly to safety procedures, it appears that management continuously ignored Coast Guard safety recommendations that, if followed, could have prevented the tragedy that took place October 15.

Overwhelming media and official attention has been focused on the actions of the two captains involved in the accident, while the city government's disregard of recommendations to enhance safety has been largely ignored. Under these conditions, the vilification of these two men by top city officials strongly suggests an attempt to scapegoat them for an accident that exposed systemic problems in the operation of the Staten Island ferry.

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