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| **Out of the Fog: The Sinking of the Andrea Doria, by Algot Mattsson** |
| **Author:** William R. Dorsey, III **Editor:** Gordon W. Paulsen **Source:** MLA **Date:** May 3, 2002  **A REVIEW OF THE ENGLISH TRANSLATION OF**  **ALGOT MATTSSON’S “*OUT OF THE FOG: THE SINKING***  ***OF THE ANDREA DORIA*”**  **AS EDITED BY GORDON W. PAULSEN**  **By:William R. Dorsey, III, President**  **The Maritime Law Association of the United States**  On the evening of July 25, 1956 the Italian passenger liner ANDREA  DORIA was inbound to New York, approaching the Nantucket Light Ship off  the East coast of the United States. Outbound from New York was the Swedish-  America passenger liner STOCKHOLM. Sometime between approximately  11:10 p.m. and 11:13 p.m. the two ships collided causing heavy damage to  both. Eleven hours after the collision the ANDREA DORIA sank.  The collision, which resulted in the loss of 51 dead from the Italian passenger  ship and 5 dead from the STOCKHOLM, was one of the most sensational  collision disasters of modern times and was followed by a memorable  rescue effort. Algot Mattsson’s book, “*Out of the Fog: The Sinking of the*  *Andrea Doria*” was first published in Sweden in 1986. Largely through the  efforts of Gordon Paulsen, one of the attorneys involved in the litigation that  followed the collision, the book has now been translated into English by  Professor Richard E. Fisher of the University of Lund, Sweden, and edited  by Mr. Paulsen. It will be published in the United States for the first time by  Cornell Maritime Press in the late spring or early summer of this year. It tells  the story of that collision, the horrors of its aftermath, the heroic sea rescue,  the intense public interest in the disaster, the public relation responses by the  owners of the two vessels, and the legal proceedings that followed.  The incident has been written about by others, notably Alvin Moscow in  his admirable book, “*Collision Course*,” first published in 1959. But Algot  Mattsson’s book brings a new dimension to the tale. He was information officer  for Swedish America Line, the owner of the STOCKHOLM, and was  involved in the aftermath of the collision. As such, he was “on the inside” of  the public relations battle that was being fought between his company and  Italian Line, the owner of the ANDREA DORIA, and privy to information on  the preparation and conduct of Swedish America Line’s legal case. Further,  he had special access to Johan-Ernst Carstens-Johannsen, the third mate who  was the sole officer on the bridge of the STOCKHOLM at the time of the collision.  Indeed, the book is styled as being written “With the Assistance of  Third Mate Johan-Ernst Carstens-Johannsen” and contains many of the  mate’s observations and opinions.  [13103]  The book describes in great detail the events leading up to the collision.  When the vessels first sighted each other, each of the officers on the respective  ships’ bridges came to opposite conclusions as to the developing situation.  The captain and mate on the ANDREA DORIA saw the situation developing  as a starboard to starboard passing, and eventually changed course to  port to widen this passage. On the other hand, Carstens-Johannsen, the young  third mate on the STOCKHOLM, evaluated the situation as a port to port  passing and so turned to starboard in order to widen the distance between the  two vessels. Which ship evaluated the situation correctly? Did both ships err  in their calculations? Was fog a contributing factor? What happened to the  log book of the ANDREA DORIA? Did the ANDREA DORIA lack proper  stability, either as a result of design and construction errors or improper ballasting,  or both, and did a lack of stability contribute to its sinking? Did the  officers on watch correctly appraise and consider the radar information they  received? Who was at fault, one or both ships? What percentage? Did the settlement  of the case reflect the views of the parties as to which one was  responsible for the collision or the percentage liability of each? How did the  crews of both ships respond to the catastrophe and the subsequent rescue  efforts? All of these questions, and many more, are addressed in the book.  The book also relates the intense public relations battle waged by the two  owners. As significant to them as the legal proceedings was the battle for public  opinion. It was, of course, important for each of them to convince the public  that transatlantic travel on their ships was safe. Accordingly, there were  numerous press releases by each owner pointing the finger of blame at its  adversary. An interesting nuance to this scenario is revealed. Swedish America  Line developed evidence that the ANDREA DORIA did not have proper stability  at the time of its collision, not just as a result of improper ballasting, but  as a result of design and construction defects by the Italian shipbuilder. The  awkward aspect of this contention was that Swedish America Line was scheduled  to take delivery of its newest passenger liner, GRIPSHOLM, launched  some four months prior to the collision, which had been constructed by the  same Italian yard that had built ANDREA DORIA. Both the yard and Italian  Line were owned by the Italian state. Indeed, the Italian state had partially subsidized  the building of the GRIPSHOLM in order to induce Swedish America  Line to place its order with its shipyard. In any event, settlement of the case  occurred before the allegations of faulty design and construction were detailed  by Swedish America Line in the hearings. They are, however, detailed in this  book for the first time, according to the author.  Of particular interest to maritime lawyers, in addition to the question of  how the collision occurred and who was at fault, will be the insights that the  [13104]  book provides into the conduct of the litigation that followed the collision.  Both owners filed petitions for limitation or exoneration, and claims for damages  totaling some $160 million were filed on behalf of passengers and cargo  owners. While no trial was ever held because of settlement, a lengthy discovery  proceeding commenced after the collision. These discovery proceedings  were open to the public and were conducted in the manner of a trial,  being presided over by U.S. Masters appointed by Federal Judge Lawrence  Walsh to whom the case was assigned. Some 60 lawyers participated in these  proceedings representing all the various parties and claimants and as many  as 50 reporters were on hand for the media.  Initially the hearings were held in the federal courthouse but were later  moved to the New York City Lawyer’s Association building and then to the  Seamen’s Church Institute. Expected to last six weeks, the hearings went on  for four months before they were ended when settlement was reached  between the owners. Representing the owners in these proceedings were two  distinguished members of the maritime bar. Charles Haight, a past president  of The Maritime Law Association, represented Swedish America Line, and  Eugene Underwood represented Italian Line. Haight was assisted by the  young Gordon Paulsen, who also later became president of the MLA, while  Underwood was assisted by the young Ken Volk, who also was destined to  be a president of the MLA. Haight and Underwood, two of the giants of the  maritime bar at the time, were a contrast in styles. Haight was tall, courtly,  dignified and polite to a fault, while Underwood was much more theatrical  and often roughly sarcastic in his questioning of witnesses. Each was, of  course, a superb maritime attorney.  The hearings started about two months after the collision. The first witness  was Carstens-Johannsen who was on the stand for 11 trial days, most of  the time under Mr. Underwood’s scathing cross-examination. He was followed  by the ANDREA DORIA’s captain and mate and the STOCKHOLM’s  captain. The proceedings ended when the case was settled just before the  ANDREA DORIA’s engineers were scheduled to take the stand and face  interrogation on their ship’s stability.  Especially entertaining for the maritime attorney are the insights into the  contrasting courtroom styles of Messrs. Haight and Underwood, and how  they conducted the progress of the court room drama that took place under  tremendous publicity. Just as fascinating are the differing personalities of the  two ship’s captains and officers, the battle for public opinion, and the impact  the collision had on the mariners involved. Interesting details of the settlement  discussion are also disclosed, both in the main text and in an article by  [13105]  Captain Gustaf Ahrne of the Swedish Club, a major underwriter of the  STOCKHOLM, which is included as an appendix to the book.  A welcome addition to the book are the comments of editor Gordon  Paulsen who gives a legal analysis of the collision, including the applicable  law of the case, his view as to the comparative faults of the STOCKHOLM  and ANDREA DORIA, and whether or not the vessels would have been able  to limit liability under U.S. law. Of course, as noted above, Mr. Paulsen was  one of the lawyers representing Swedish America Line, but it is obvious that  he has attempted to be even handed. At any rate, the maritime lawyer reader  will enjoy critiquing Mr. Paulsen’s analysis and deciding whether or not he  agrees with his conclusions. Perhaps the future will bring a rebuttal from Mr.  Volk. Whether it does or not and despite the fact that the book is written from  the Swedish America Line point of view, the maritime lawyer reader will  have no trouble coming to his own conclusions about the many issues raised  by the collision.  All in all the book is a great read for anyone interested in drama, whether  at sea or in the courtroom, and is specially recommended to maritime  lawyers.  William R. Dorsey, III  President,  The Maritime Law Association  of the United States |