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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 ANDREADORIA was inbound to New York, approaching the Nantucket Light Ship offthe East coast of the United States. Outbound from New York was the Swedish-America passenger liner STOCKHOLM. Sometime between approximately11:10 p.m. and 11:13 p.m. the two ships collided causing heavy damage toboth. Eleven hours after the collision the ANDREA DORIA sank.The collision, which resulted in the loss of 51 dead from the Italian passengership and 5 dead from the STOCKHOLM, was one of the most sensationalcollision disasters of modern times and was followed by a memorablerescue effort. Algot Mattsson’s book, “*Out of the Fog: The Sinking of the**Andrea Doria*” was first published in Sweden in 1986. Largely through theefforts of Gordon Paulsen, one of the attorneys involved in the litigation thatfollowed the collision, the book has now been translated into English byProfessor Richard E. Fisher of the University of Lund, Sweden, and editedby Mr. Paulsen. It will be published in the United States for the first time byCornell Maritime Press in the late spring or early summer of this year. It tellsthe 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 theowners of the two vessels, and the legal proceedings that followed.The incident has been written about by others, notably Alvin Moscow inhis admirable book, “*Collision Course*,” first published in 1959. But AlgotMattsson’s book brings a new dimension to the tale. He was information officerfor Swedish America Line, the owner of the STOCKHOLM, and wasinvolved in the aftermath of the collision. As such, he was “on the inside” ofthe public relations battle that was being fought between his company andItalian Line, the owner of the ANDREA DORIA, and privy to information onthe preparation and conduct of Swedish America Line’s legal case. Further,he had special access to Johan-Ernst Carstens-Johannsen, the third mate whowas 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 ofThird Mate Johan-Ernst Carstens-Johannsen” and contains many of themate’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 respectiveships’ bridges came to opposite conclusions as to the developing situation.The captain and mate on the ANDREA DORIA saw the situation developingas a starboard to starboard passing, and eventually changed course toport to widen this passage. On the other hand, Carstens-Johannsen, the youngthird mate on the STOCKHOLM, evaluated the situation as a port to portpassing and so turned to starboard in order to widen the distance between thetwo vessels. Which ship evaluated the situation correctly? Did both ships errin their calculations? Was fog a contributing factor? What happened to thelog book of the ANDREA DORIA? Did the ANDREA DORIA lack properstability, 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 theofficers on watch correctly appraise and consider the radar information theyreceived? Who was at fault, one or both ships? What percentage? Did the settlementof the case reflect the views of the parties as to which one wasresponsible for the collision or the percentage liability of each? How did thecrews of both ships respond to the catastrophe and the subsequent rescueefforts? All of these questions, and many more, are addressed in the book.The book also relates the intense public relations battle waged by the twoowners. As significant to them as the legal proceedings was the battle for publicopinion. It was, of course, important for each of them to convince the publicthat transatlantic travel on their ships was safe. Accordingly, there werenumerous press releases by each owner pointing the finger of blame at itsadversary. An interesting nuance to this scenario is revealed. Swedish AmericaLine developed evidence that the ANDREA DORIA did not have proper stabilityat the time of its collision, not just as a result of improper ballasting, butas a result of design and construction defects by the Italian shipbuilder. Theawkward aspect of this contention was that Swedish America Line was scheduledto take delivery of its newest passenger liner, GRIPSHOLM, launchedsome four months prior to the collision, which had been constructed by thesame Italian yard that had built ANDREA DORIA. Both the yard and ItalianLine were owned by the Italian state. Indeed, the Italian state had partially subsidizedthe building of the GRIPSHOLM in order to induce Swedish AmericaLine to place its order with its shipyard. In any event, settlement of the caseoccurred before the allegations of faulty design and construction were detailedby Swedish America Line in the hearings. They are, however, detailed in thisbook for the first time, according to the author.Of particular interest to maritime lawyers, in addition to the question ofhow 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 damagestotaling some $160 million were filed on behalf of passengers and cargoowners. While no trial was ever held because of settlement, a lengthy discoveryproceeding commenced after the collision. These discovery proceedingswere open to the public and were conducted in the manner of a trial,being presided over by U.S. Masters appointed by Federal Judge LawrenceWalsh to whom the case was assigned. Some 60 lawyers participated in theseproceedings representing all the various parties and claimants and as manyas 50 reporters were on hand for the media.Initially the hearings were held in the federal courthouse but were latermoved to the New York City Lawyer’s Association building and then to theSeamen’s Church Institute. Expected to last six weeks, the hearings went onfor four months before they were ended when settlement was reachedbetween the owners. Representing the owners in these proceedings were twodistinguished members of the maritime bar. Charles Haight, a past presidentof The Maritime Law Association, represented Swedish America Line, andEugene Underwood represented Italian Line. Haight was assisted by theyoung Gordon Paulsen, who also later became president of the MLA, whileUnderwood was assisted by the young Ken Volk, who also was destined tobe a president of the MLA. Haight and Underwood, two of the giants of themaritime bar at the time, were a contrast in styles. Haight was tall, courtly,dignified and polite to a fault, while Underwood was much more theatricaland often roughly sarcastic in his questioning of witnesses. Each was, ofcourse, a superb maritime attorney.The hearings started about two months after the collision. The first witnesswas Carstens-Johannsen who was on the stand for 11 trial days, most ofthe time under Mr. Underwood’s scathing cross-examination. He was followedby the ANDREA DORIA’s captain and mate and the STOCKHOLM’scaptain. The proceedings ended when the case was settled just before theANDREA DORIA’s engineers were scheduled to take the stand and faceinterrogation on their ship’s stability.Especially entertaining for the maritime attorney are the insights into thecontrasting courtroom styles of Messrs. Haight and Underwood, and howthey conducted the progress of the court room drama that took place undertremendous publicity. Just as fascinating are the differing personalities of thetwo ship’s captains and officers, the battle for public opinion, and the impactthe collision had on the mariners involved. Interesting details of the settlementdiscussion 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 theSTOCKHOLM, which is included as an appendix to the book.A welcome addition to the book are the comments of editor GordonPaulsen who gives a legal analysis of the collision, including the applicablelaw of the case, his view as to the comparative faults of the STOCKHOLMand ANDREA DORIA, and whether or not the vessels would have been ableto limit liability under U.S. law. Of course, as noted above, Mr. Paulsen wasone of the lawyers representing Swedish America Line, but it is obvious thathe has attempted to be even handed. At any rate, the maritime lawyer readerwill enjoy critiquing Mr. Paulsen’s analysis and deciding whether or not heagrees 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 fromthe Swedish America Line point of view, the maritime lawyer reader willhave no trouble coming to his own conclusions about the many issues raisedby the collision.All in all the book is a great read for anyone interested in drama, whetherat sea or in the courtroom, and is specially recommended to maritimelawyers.William R. Dorsey, IIIPresident,The Maritime Law Associationof the United States |