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28 January 1980, Blackthorn and Capricorn: Collision with History in Tampa Bay

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THE FLORIDA STATE UNIVERSITY

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28 JANUARY 1980, *BLACKTHORN* AND *CAPRICORN:*

COLLISION WITH HISTORY IN

TAMPA BAY

By

JUDY KAY NUNEZ

A Thesis submitted to the
Department of American and Florida Studies
in partial fulfillment of the
requirements for the degree of
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The Office of Graduate Studies has verified and approved the above named committee members.

This is for my father, B F Wiltshire,
and all of the others who spend their lives going to sea.

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LIST OF ABBREVIATIONS

ACE.....Army Corps of Engineers
ANT .....Aids to Navigation Team
BEACON.....Used as lighted and unlighted reference point for ships. To prevent groundings and help with alignment in channels.
BOARD .....Board of Pilot Commissioners
BM .....Boatswain's mate
BUOY.....Used as lighted and unlighted reference points for ships, to prevent groundings and help with alignment in channels. Radar-reflecting buoys give an electronically enhance radar signal.
CG.....Coast Guard
CO .....Commanding Officer
CONN.....To direct movement of vessel
CWO2.....Chief Warrant Officer 2
DBPR .....Department of Board of Professional Regulations
DC2 .....2nd Class Damage Control
DC3 .....3rd Class Damage Control
DRAFT.....The underwater vertical dimension of a vessel measured from the waterline to the lowest immersed part of the hull, usually the keel.
EM2.....2nd Class Electrician's Mate
EM3.....3rd Class Electrician's Mate
ET1.....1st Class Electronics Technician
FA .....Fireman Apprentice
GM .....Gunner's Mate
HARBOR PILOT.....A marine pilot who provides pilotage services within a port service. The term "Navy pilot" refers to an individual employed by or a member of the U.S. Navy who provides harbor pilot services for Navy ships.
HM .....Hospital Corpman
KNOT.....one nautical mile per hour (~1.15 survey miles)
LCDR .....Lieutinent Commander
MK1 .....1st Class Machinery Technician
MK2 .....2nd Class Machinery Technician
MKC.....Chief Machinery Technician
NTSB.....National Transportation Safety Board
OOD .....Officer-of-the-Deck
PORT.....Left side of ship when facing bow
QM2 .....Second Class Quartermaster
QM3 .....Third Class Quartermaster
SA .....Seaman Apprentice
SK .....Storekeeper
SS .....Steamship
SS1 .....Seaman 1
SS3 .....Seaman 3
STARBOARD .....Right side of ship when facing bow
USCG .....United States Coast Guard
USCGC.....United States Coast Guard cutter
XO.....Executive Officer

ABSTRACT

It was a quiet night as the crew of the Coast Guard cutter *Blackthorn* headed back to duty. After over three months of receiving new equipment and getting badly needed repairs, it was finally time to return her home to Galveston, Texas and regular duty.[1] At approximately 2021 e.s.t. 28 January 1980, none of her new equipment or upgrades was enough to protect her from what lay ahead. For as fate would have it, unknowingly she had spent over three months preparing for nothing more than twenty-three men and her own burial. The dawning of 28 January 1980 was significant inasmuch as it marked the sixty-fifth anniversary of the United States Coast Guard. By nightfall, however, this date would take on an additional, more somber, meaning. For during the evening hours of 28 January 1980, *Blackthorn* collided with the tanker, *Capricorn*, resulting in death of twenty-three servicemen, and this date remains the worst peacetime loss of life in Coast Guard history. The accident became the catalyst for the creation of a new school intended to prevent the recurrence of any such events. But before the Command and Operations School at the Coast Guard Academy ever accepted its first student, a lot of soul searching had to happen and some tough questions had to be answered by both the agency that patrolled the sea and the men who navigated it.

What happened? Why did it happen? Could it have been avoided? Did any good result from this disaster? For some, these questions still linger.

[1] There are several theories as to how the use of the pronoun “she” came into usage into the marine jargon. Some theorize that during the early days of sailing, every ship was always dedicated to a goddess, and as a result the ship was referred to as "she". Another theory is that the crew always thought the ship represented their mother and as a result treated it with a great deal of respect. In most Romance languages the ship is always referred to as "she" and it is quite possible that English sailors began to adopt this practice as well.

CHAPTER 1

THE COLLISION

Two Ships Passing in the Night….

Blackthorn

On 28 January 1980 in Tampa Bay, seas were calm; visibility was good. The air temperature was 61 degrees, and there was a light wind from the north. In these near-perfect conditions, it seems almost unfathomable that two large vessels could collide. But those who have not steered ships through Tampa Bay channel at night cannot possibly appreciate the difficulty. With no visible horizon for perspective, lights on the shore and on the Sunshine Skyway Bridge merge with the navigational lights on buoys, markers and other ships making the journey treacherous. Even experienced lookouts can have trouble distinguishing one light from another. Radar screens are jumbled with numerous blips or targets. It is a long channel with many turns; traffic is often heavy. Large vessels that meet in the channel must pass close to one another to keep deep water beneath them. It is very much like driving on a highway at night. One cannot see what waits around the corner or suddenly appears in the rear view mirror. And, as in the case of this serene January night, the crews of both the United States Coast Guard Cutter *Blackthorn* and the M/V *Capricorn* had less time than it took to read this paragraph to witness the fragile line between life and death.

On 28 January 1980----ironically the anniversary night of the agency charged with securing the seas, the U.S. Coast Guard, it was not the shallow channel that caused the disaster, nor the type of cargo each vessel carried. Strong currents played no role. Weather was not a factor. How then could this have happened? What caused the crew of *Capricorn* to assume safe passage? More incredibly...how could the little cutter miss seeing the huge lurking tanker?

BLACKTHORN: *Mayday, Mayday, Coast Guard group St. Petersburg, group St. Petersburg. Coast Guard Cutter Blackthorn, Cutter Blackthorn, Channel 16, over.*

GROUP ST. PETE: *Cutter Blackthorn, Coast Guard group St. Pete, over.*

BLACKTHORN: *Cutter Blackthorn, group St. Pete (pause). This is Cutter Blackthorn. Be advised we had a collision. A collision to the seaward side of the Skyway Bridge. Proximate position one alpha, Mullet Key Channel, over.*

GROUP ST. PETE: *Cutter Blackthorn, group St. Pete, roger, roger. Request to know if you are taking on any water and how bad the damage is, over.*

BLACKTHORN: *This is Blackthorn, standby; standby this channel.*

CAPRICORN: *Security, security, security. Tanker Capricorn, KIHX, west of the Skyway Bridge, just had a collision with another vessel which appears to be sinking. Security, security, security.*[1]

USCG Cutter BLACKTHORN

USCGC *Blackthorn* (WLB-391) was ready for launching on 20 July 1943.[2] Built by Marine Iron and Shipbuilding Corporation of Duluth, MN, she became one of thirty-nine *cutters* of the 180-foot class--the largest class of vessels owned by the Coast Guard at that time--built for use as World War II aids to navigational work in the Pacific Ocean.[3] *Blackthorn* joined other

[1] Transcript of Department of Transportation CG-4550 M/V *Capricorn* and *Blackthorn* 28 January 1980.
[2] USCG Cutter Files CG-4641.
[3] The U.S. Treasury Department adopted the term *cutter* from Great Britain's Royal Customs Service with the creation of what would become the Revenue Marine Service—one of the original five fingers of the Coast Guard. Since that time, no matter what the vessel type, the service has referred to its largest vessels as cutters. Today a cutter is classified as any Coast Guard vessel over 65-feet in length.

buoy tenders---another common marine term--when she was commissioned on 27 March 1944.[4] The principle function served by the fleet of buoy tenders was to service aids to navigation, but they were often used for many other purposes.[5]

During the first few months in service, *Blackthorn* was used for ice breaking on the Great Lakes.[6] In mid-1944 she was reassigned to San Pedro, California with responsibility for the waterways between the St. Lawrence River and the Panama Canal. *Blackthorn* operated out of San Pedro until December 1949.[7] Between November 1949 and July 1949, in addition to her prime responsibilities, she salvaged a naval helicopter and assisted distressed craft. *Blackthorn* was reassigned to Mobile, Alabama and transited the Panama Canal servicing aids to navigation there until 1976. *Blackthorn* searched for survivors of *Esso Greensboro*, which had collided with *Esso Suez* on 22 April 1951.[8] In August 1952 *Blackthorn* assisted in the search for survivors of a B-17 crash, and in February 1953, she searched for survivors of National Airlines flight 470.[9] Between May and June 1953 *Blackthorn* recovered the wreckage of the National Airlines plane. In April 1954 she salvaged an Air Force plane, and in May she searched for two missing naval PGF aircraft. In October 1957 she assisted her sister ship *Iris* from distress due to a damaged hull.

Blackthorn was reassigned to Galveston, Texas in 1976.[10] While in Galveston, *Blackthorn* and her crew worked to maintain aids along the Texas and west Louisiana gulf coast, and in many of the shipping channels in the surrounding area. *Blackthorn* was also used to

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[4] USCG Cutter Files CG-4641.

[5] Responsibilities that come under the auspices of the agency are varied. The Coast Guard services the aids to navigation; such as, channel markers (lights), lightships, lighthouses and other aids. The Coast Guard is the oldest continuous seagoing service and has fought in almost every war since the Constitution became the law of the land in 1789. The Coast Guard is charged with protection of the environment. Combating oil spills, enforcing game laws, and assisting in clean-up efforts come under its domain. The agency is charged with "search and rescue" responsibilities. Distressed marine vessels and recreational boaters call upon the Coast Guard for aid and assistance. The Coast Guard, along with the U.S. Customs officials, supports law enforcement efforts against illegal drug trafficking. The agency has taken a more prominent place in the present day mission of Homeland Security. In times of peace the Coast Guard operates under the Department of Transportation, serving as the nation's front-line agency for promoting laws at sea protecting coastlines and ports, and saving lives. In times of war, the Coast Guard comes under the jurisdiction of the Department of the Navy. Robert Scheina, Coast Guard Cutters & Craft, 1946-1990, 169.

[6] USCG Cutter Files CG-4641.
[7] Ibid.
[8] Ibid.
[9] Ibid.
[10] Ibid.

respond after hurricanes and storms to sweep the area and repair any damaged buoys ensuring they were still properly marking the waterways.

In addition to routine maintenance, *Blackthorn* had been the recipient of many improvements throughout her existence. In 1968 *Blackthorn'*s air conditioning system was upgraded providing her with a brand new 100-kilowatt generator.[11] In 1972 the living quarters were improved and a new lounge was added. But by 1979 advancing age and the wear and tear of her varied functions—having served the Coast Guard for over thirty-five years—had earned her the right to a complete overhaul.

The crew of 1980 was adamant about having the repairs done at the best place, and decided the most suitable place was found in the Port of Tampa Bay—the Gulf Tampa Drydock Company.[12] She was put into drydock---a spa for ships, of sorts---on 15 October 1979, to begin the painstaking process. During the months she was in drydock, the cutter had the main propulsion generators overhauled, a large section of the port shell plating replaced, and a closed sanitation system installed. With the improvements, *Blackthorn* was ready to return to her responsibilities at sea. But the three-plus months ashore had an exact opposite effect on her crew; while the cutter was upgrading, they were degrading.

Blackthorn's **Manpower**

Blackthorn's full complement consisted of fifty men---six commissioned officers and forty-four crewmen who on 28 January 1980 had one goal---getting back to sea….and home to Galveston. The Commanding Officer (CO) of the cutter was Lieutenant Commander George J. Sepel, age 34 at the time of the incident. A 1967 graduate of the U.S. Coast Guard Academy, he had taken over command on 27 July 1979 after having spent almost five years in Coast Guard shore side assignments. His previous seagoing experience included sixteen months as CO of a Coast Guard 95-foot patrol board, twenty-five months as executive officer (XO) on a Coast Guard 180-foot buoy tender similar to *Blackthorn*, and sixteen months aboard two Coast Guard high-endurance cutters.[13]

Second in command was Lieutenant David B. Crawford, Executive Officer (XO). A 1973 graduate of the Coast Guard Academy, he had been with this crew long enough to know

[11] National Transportation Safety Board , Marine Casualty Report, 3.
[12] Ibid, 9.
[13] Ibid, 12.

each man well. Prior to his two years aboard *Blackthorn*, the XO had served two years on another Coast Guard 180-foot buoy tender; one of only a few men onboard who had any experience on this size vessel.[14]

The navigator on board *Blackthorn*, CWO2 J.S. Miller, was a 1979 graduate of the Coast Guard Academy and was serving in his first seagoing service. He reported aboard *Blackthorn* on 14 July 1979.[15]

Rounding out the slate of officers was newly assigned Ensign John Ryan. A 1978 graduate from the U.S. Coast Guard Officer Candidate School in Yorktown, Virginia, he had reported to *Blackthorn* on 23 July 1979.[16] He became certified as an underway Officer-of-the Deck (OOD) in September 1979.[17] His first taste of a seagoing assignment was starting on the bridge of *Blackthorn* the night of 28 January 1980—at the age of 29.

None of the deck officers on board the cutter had previously navigated Tampa Bay before the inbound voyage to Gulf Tampa Drydock on 15 October 1979.

The remaining forty-six crewmembers ranged in age from 19 to 40. Including time aboard this cutter, forty-four percent of the crew had less than one year of shipboard experience; sixty-eight percent had less than two years; and eighty-six percent had less than five years. Seven men were sailing for the first time on the day of the accident; five of the seven went down with *Blackthorn*.

The crew settled into what would become days, weeks, and months of idleness and anxiety while anxiously anticipating the beauty that would emerge from the surgical precision of the drydock repairmen. When she entered into repair, she measured 180 feet by 37 feet and required a draft (depth of vessel below the waterline) of only 12 feet. The crew fantasized about how much better she might be after the improvements were completed. What they could never have imagined, however, was that Tampa Bay was to be her final resting place, and the drydock company was merely preparing her for burial.

Until the repairs were done, the Rodeway Inn in Tampa served as home for the landlocked crew---and the motel lounge was their hangout.[18] The crew frequented the bar every evening, which over the course of time resulted in quite an extensive number of eager females

[14] National Transportation Safety Board Marine Casualty Report, 13.
[15] Ibid.
[16] Ibid.
[17] Ibid.

drawn to both the uniform and the chance at a temporary tryst. Drinking and dancing to the music of a local country-western band would have to fill the time for the men until they could resume their journey home.

Finally, after over three months, word came on 20 January 1980 that the repairs were near completion. The crew checked out of the motel and returned to the smell of salt air and fresh paint on 21 January. The next few days of preparing for departure went by quickly. The thought of being back at sea and a return to duty was electrifying. Having spent so much dead time in port, however, the *Blackthorn* crew had accumulated some rather bizarre souvenirs. Lt. Cmdr. Sepel gave permission for the strange cargo to be taken back to Galveston: five motorcycles, three motorbikes, a bicycle, a small car, and a refrigerator.[19] These items were secured to anything that would support the strain of the ship's motion in a normal setting. Permission was granted on the assumption that the cutter was taking sail for return to her home port—not for any duty stop or work assignment. Besides, there was nothing in the Coast Guard regulations prohibiting it.

28 January 1980—*Blackthorn*

Improvements or Merely Beautification?

Prior to embarking, the crew of *Blackthorn* conducted tests of radio and navigational equipment, steering gear, pilothouse controls and the ship's whistle. Each system worked flawlessly, but such was not the case earlier in the day. The crew took *Blackthorn* out for what should have been a routine two-hour sea trial, but shortly after hitting the water, she began to experience main generator problems. The men tried to make the necessary corrections, but their attempts proved futile. Discouraged, they returned *Blackthorn* to the dock and waited for a manufacturer's representative to come fix the problems. The crew, although unhappy about the delay, seemed willing to trade a couple of hours of final repairs for a smooth, safe journey back to Galveston. Unbeknownst to the crew, however, the delay would be the least of their worries.

Sunset was only seven minutes after departure, meaning a night passage of about forty-two miles to reach the Gulf of Mexico in waters strange to most of *Blackthorn*'s officers and

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[18] Nunez, Philip Oral History Interview, 9 February 1983.
[19] NTSB Marine Casualty Report, 18.

men. While it is true that the Coast Guard does not sail in daytime hours alone, one cannot help but wonder if the outcome might have been different if her orders had come earlier in the day.

On this beautiful Tampa Bay night, the three-quarter moon illuminated the silhouette of the Sunshine Skyway Bridge. *Blackthorn* was operating under moderate conditions meaning she was not "battened down."[20] Ventilators, hatches, and compartments were open or adjusted to the operating plan of CO Sepel. Her rusty on-duty crew was adjusting to duty again. Off-duty crewmen were in various modes of relaxation, such as reading, watching television, and showering. On the bridge were CO Sepel, XO Crawford, and Ensign Ryan, Officer-of-the-Deck.

At 1804 hours, *Blackthorn* departed Gulf Tampa Drydock bound for Galveston via Mobile, Alabama. The vessel was fully loaded with 51,270 gallons of water and 26,695 gallons of diesel oil.[21] CO Sepel untied his renovated vessel and took the *conn* to get a feel for the response of the ship after the generator problems had been corrected.[22] The CO observed that the USSR cruise ship *Kazakhstan* was southbound in Seddon Channel, which intersects Sparkman Channel at an acute angle (see Figure 2). Unaware that the Tampa Bay pilot, Gary Maddox, onboard the *Kazakhstan* had attempted three times to contact the cutter by radiotelephone, the CO turned the conn over to XO Lt. Crawford, as the cutter commander was satisfied his ship was responding normally. Pilot Maddox tried once more to call *Blackthorn*, this time finally getting a response. Maddox requested the cutter move out of the channel to permit the larger and faster cruise ship to pass.[23] *Blackthorn* complied and left the channel at the southern end of Cut D and reentered the channel at the northern end of Cut B after the cruise ship passed. (see Figure 2). When *Blackthorn* reentered the channel, Lt. Crawford asked Sepel if he would temporarily relieve him of the conn. The CO directed Ens. John Ryan, Officer-of-the-Deck (OOD), to take the conn. At approximately 1955, Ryan assumed duty and focused on conning *Blackthorn* under the Sunshine Skyway Bridge. The power of being in control of this machine, who after all of the repairs and upgrades was obeying every command issued by the officers, is the closest some of these men come to total domination. But at the same time that the cutter seemed to be settling in to her place on the sea, the inexperience of her crew was beginning to loom large.

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[20] USCGC 16732-01279 Marine Board of Inquiry, 14.
[21] NTSB Marine Casualty Report, 18.
[22] (to direct the movement—to pilot)
[23] USCGC Marine Report, 12.

After finishing a cup of coffee, the CO walked to the starboard wing to observe a shrimp boat. The CO then returned to the port bridge wing as the cutter passed under the bridge at 2018 slightly to the right of the center of the channel. Sepel sighted the oncoming ship for the first time less than 2,500 yards and three minutes away, and was heard to say, "Where the f___ did he come from?"[24]

[24] NTSB Marine Casualty Report, 21.

CHAPTER 2

28 January 1980

What Began as Just a Routine Day

Meanwhile onboard *Capricorn:*

The S.S. *Capricorn*, dropped anchor at about 1027 hours on 28 January, waiting for her turn to be guided in to dock to unload her cargo. Built in 1943 in Mobile by Alabama Drydock and Ship Building Company, she had been "jumboized" (rebuilt) in 1961 to accommodate larger loads.[25] Owned by Kingston Shipping Company and operated by Apex Marine Corporation of New York, she was 605-feet long by 75.3-feet wide (3 ½ times larger than *Blackthorn*).[26] When fully loaded, she required a draft of 31.6-feet—not much room for error in a shallow channel.[27] On this particular trip, she was carrying 151,611 barrels of No. 6 oil loaded in St. Croix, Virgin Islands, and was bound for the Florida Power dock at Weedon Island Station in Upper Tampa Bay.[28] The crew and ship were under the able command of George P. McShea, Jr.

McShea, age 33 in 1980, was a 1968 graduate of the U.S. Merchant Marine Academy.[29] He had sailed for two years as a third mate, over two years as a second mate, and five years as a first mate before sailing as master of the *Capricorn*. He had been given the command of the

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[25] NTSB Marine Casualty Report, 21.
[26] Ibid, 18.
[27] In its natural form, Tampa Bay is only 12 feet deep. The ports of Tampa have kept the U.S. Army Corps of Engineers busy for decades. The first authorized work commenced on 3 March 1899. A channel 27-feet deep by 300-500 feet wide was dredged from the Gulf of Mexico to Port Tampa. On 8 August 1917, the Army Corps of Engineers dredged a channel 27-feet deep by 200-500 feet wide from the Gulf of Mexico to and in Hillsborough Bay, and basins at the mouth of Hillsborough River and Ybor Estuary.

Little change occurred in the waters of Tampa until the mid-1930s when technological advances began to have an impact on the size of ships. To accommodate these large metal giants, several dredging projects were awarded to the U.S. Army Corps of Engineers from July 1930 to December 1970. During this forty-year span, Egmont Channel was dredged from 29-feet deep by 600-feet wide to 46-feet deep by 700-feet wide. Mullet Key Channel grew from 30-feet deep by 400-feet wide to 44-feet deep by 600-feet wide. The largest of these manmade carvings, the 40-mile long main shipping channel, must be continually maintained at 43-feet deep.
[28] USCGC Marine Board of Inquiry, 3.
[29] Ibid, 2.

Capricorn in January 1978.[30] All of his prior sailing experience had been on tankships as large or larger than *Capricorn*. During his seagoing experience, he had been into Tampa Bay twelve to fifteen times, eight times as commanding officer of the *Capricorn*.[31]

The first mate onboard this trip was Chief Mate John Gordon. Gordon had been sailing since 1943, and had received his first license in 1945.[32] He testified that he had sailed as third mate, second mate, first mate, and master on many ships, mainly tankships, ranging in size up to 65,000 gross tons. He had reported aboard *Capricorn* as first mate in June 1979.

The remaining crew of the *Capricorn* consisted of nine licensed officers and twenty-three unlicensed merchant seamen.

At 1846 hours, *Capricorn*'s turn to move inbound had come. The crew lifted anchor and proceeded at twelve knots (approximately fourteen miles per hour) into Egmont Channel. At precisely the same time, the pilot whose turn was next on the board at the Egmont Key pilot station was assigned to the *Capricorn.* The pilot hopped onto a pilot boat to be taxied to meet up with the ship. The precision and skill necessary for a small pilot boat to draw up next to a ship this large—without being caught up in the ship's wake---takes awe inspiring timing from both the boatman and the pilot. The pilot, who for no reason other than his was the name next in line for an inbound ship this night, was Harry Eugene (Gene) Knight, a 38 year old, six-year veteran of the Tampa Bay Pilots association, who had been going to sea since the age of twenty.[33]

Knight held both a federal Coast Guard license and a state license commissioned by the State of Florida. He also held a U.S. Merchant Marine officer's license as Master of Coastwise towing vessels of not over 750 gross tons, which was further endorsed to allow him to act as a first-class pilot of steam and motor vessels of any gross tons upon Tampa Bay, the Lower Mississippi River, and the Houston Ship Channel. He estimated that in his six years in Tampa Bay, he had piloted over 1,000 vessels comparable in size to the *Capricorn* into and out of Tampa Bay, and had piloted the *Capricorn* on two previous occasions, most recently in October 1979.[34]

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[30] USCGC Marine Board of Inquiry, 2.
[31] Ibid.
[32] Ibid,4.
[33] Ibid.
[34] Ibid, 3.

According to his testimony, Knight climbed the pilot ladder and took over the conn at 1911.[35] Under his guidance, the *Capricorn* began what should have been a routine journey to unload her cargo. Knight increased the speed to 78 RPM (13.8 knots), and advised Captain McShea that the Cut A Channel range front light (LLNR 1048) was extinguished. Aids to navigation come under the auspices of the Coast Guard, and Knight knew it had been reported.

About 2000 hours Knight called the Tampa Bay pilot station on Egmont Key to report his position. Pilots keep track of each other's whereabouts, but there is no similar accounting for operators of tugs, shrimp boats, pleasure boaters---or cutters like the *Blackthorn*. Preparing for this trip, Knight was told by the pilot station dispatcher that he would encounter an outbound vessel, the Russian cruise ship *Kazakhstan*, piloted by his colleague, Gary Maddox.[36] This relay of information was not troublesome for Knight, but was the type of information routinely transmitted to the pilots for aiding safe transit.

Following the same rules of the road like automobiles, ships stay to the right in their own lane. Regardless of the size of these two passing vessels, both pilots had logged many hours of navigation in this channel, and were confident that if each obeyed the rules of safe passage, they would maneuver their metal giants with precision that would give the appearance of routine---much like two tractor trailer drivers headed in opposite directions pass on any given evening. And---far more important---they knew about each other. As with the truck drivers, however, the potential for danger is always there right around the next curve.

Knight, following standard operating procedure, immediately after boarding the ship, informed McShea that they would be meeting the Russian cruise ship, and possibly one other outbound vessel, the *Brave Eagle*. At this time, Knight looked to the northeast and sighted a brightly lit vessel seven to eight miles up the bay—the *Kazakhstan*. As the vessels closed, Knight and the pilot aboard the Russian cruise ship exchanged a one-blast whistle signal confirming the port-to-port (left-to-left) meeting agreement.

At 2017 hours, unaware of each other, *Blackthorn* and *Capricorn* were only about four minutes apart in an area called the "combat zone," a precarious point in the crowded channel, seven-tenths of a nautical mile near the Sunshine Skyway Bridge. The zone is caused by a 19-degree turn located dangerously close to the bridge. Seconds later, they started racing towards

[35] USCSC Marine Board of Inquiry, 3.
[36] Ibid, 12.

each other at a combined speed of about twenty-five knots (approximately twenty-nine miles per hour). But until the cutter came out from under the bridge, no one on *Capricorn* could see her, and those on the bridge of *Blackthorn* did not immediately see the tanker.[37]

At 2018 hours the vessels were less than 2,500 yards and 3 minutes apart. After a hurried exchange of attempts to find out proper communication with the tanker, the OOD stated that during this time he heard a garbled reply over the radiotelephone to the effect, "Just came out of anchorage, and I won't be in your way," and assumed that a port-to-port meeting agreement had been established with the *Capricorn*.[38]

At 2019 Knight looked forward to check the Mullet Key range lights when he noticed the lights of another outbound vessel in Cut A Channel west of the Sunshine Skyway Bridge. He attempted to contact the outbound vessel on the radio. When Knight first sighted the cutter, the two vessels were about 1,200 yards and two minutes away from collision. Knight anticipated a normal port-to-port meeting with the cutter and expected that it would make its turn into Mullet Key Channel before *Capricorn* would have to begin its turn into Cut A. He estimated the ships would pass at the extreme eastern end of Mullet Key Channel. When no response was received to the second radio transmission, Knight and McShea became concerned that a critical situation was developing. Knight realized that the outbound vessel had progressed along its track line to a point where it was crossing mid-channel and infringing upon the *Capricorn*'s side of the channel. Knight concluded that it was no longer possible for the ships to pass port-to-port. He further concluded that the other vessel would maintain its course, cross the bow of *Capricorn*, and go unobstructed out of the channel.

The vessels were now less than 400 yards and 30 seconds apart. At this critical point, McShea under testimony said to pilot Knight, "What's that guy trying to prove?"[39]

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[37] The lone *Blackthorn* lookout was 23-year old Mark Gatz. According the testimony, Gatz became aware of another ship astern, the 87-foot shrimper *Bayou.* He was so aware that he "became engrossed with it," investigators would eventually conclude. The youthful Coast Guardsman admitted that he saw no vessel ahead as *Blackthorn* closed on the bridge. USCSC Marine Board of Inquiry, 16.
[38] Marine Board of Inquiry, 17.
[39] Tampa Tribune, 12 February 1980.

Power of Three Minutes

Precious seconds were lost trying to decide which way the cutter wanted to go. Knight twice radioed her, but there was no response. When it appeared she was not going to turn, Knight ordered a slight left turn, then hard left rudder, sounding two whistles for an unusual starboard-to-starboard (right-to-right) passing. But his maneuver was not working. At 2021 Knight quickly ordered the four-blast danger signal—the most paralyzing sound a seaman can hear---and stopped *Capricorn*'s engine.

Back aboard *Blackthorn*, Ryan had the conn when she slipped under the bridge while CO Sepel retreated into the pilothouse to refresh his memory on the Mullet Key Channel. Scanning it on the radar, he saw much more than he expected. There on the screen was a huge contact, and the astonished Sepel said to himself, "That guy's going to run down the buoy on the north (wrong) side."[40] In the moonlight, Sepel could see her ominous bulk all too clearly. "That guy just kept turning to port, kept turning...turning. I could see a tremendous bow wake...it was like he was pushing a wall of snow," he testified.[41] He recalled seeing the port anchor of the tanker, heard the four-whistle blast, and braced himself for what was coming next. CO Sepel immediately yelled, "Sound the collision alarm!"

About five to ten seconds after the "stop" order was issued, *Capricorn* and *Blackthorn* collided nearly head-on. *Blackthorn* scraped down the port side of *Capricorn*. Pilot Knight knew that his vessel was in Cut A Channel at this time, but did not know precisely where in the channel. Knight estimated that *Capricorn* was about a quarter of a mile west of the Sunshine Skyway Bridge. He did not attempt to stop her from her turn to port---he said, because he was concerned about the possibility of colliding with the bridge.

Then, above the screeching noise of metal crunching and rumbling—like the sound of warring grizzlies--there was the horrible, rattling roar of *Capricorn*'s anchor chain running free. Like a giant claw, *Capricorn*'s 13,500-pound anchor slashed into *Blackthorn*'s side, above the

[40] NTSB Marine Casualty Report, 17.
[41] Ibid.

waterline.[42] None of her recent repairs had prepared her for anything like this. The drag of the anchor and the weight of the chain were too much for the aging cutter. She started into a port roll. Sepel stopped the engine, and for a moment he thought *Blackthorn* would steady herself, but the roll started again. Sepel knew she was going over.[43]

Bruce Lafond had been taking a shower onboard the cutter at the time of the collision. He said to another crewman, "You'd better get the anchor out of the shower before you take a shower."[44] It had wedged four feet inside the hull. Lafond's body was recovered later in the shower.

Onboard the cutter, there was confusion and panic. Some of *Blackthorn*'s rookie crewmen ran to a bulletin board to see where they were supposed to be stationed in the event of an emergency. Never having been apprised, it was a bit late to ascertain this information now because this was not a drill. Other frightened crewmen scrambled to get topside where life jackets were stowed in lockers. Sepel, certain now that *Blackthorn* was going over, gave the "Abandon ship!" order, but few who had been below and had already reported to collision stations could have heard him.[45] Listing more and more, creaking, moaning, and trying with all her might to counter the tug of the anchor, *Blackthorn* was powerless to resist the mighty weight. She could no longer fight….took a final roll and capsized, bottom up.

Crewmen who had gathered on the mess deck mistakenly fled to the engine room, seeking a way out. It was pitch dark. The ship's emergency lighting had failed. It was a picture of utter chaos onboard the sinking *Blackthorn*. Fifteen crewmen were trapped on the mess deck when the cutter capsized. One crewman forced open the starboard watertight door at the forward end of the mess deck as the cutter rolled over, and he and two other crewmen escaped. A few seconds later, when the cutter had completely capsized, but was still afloat, another crewman found the escape hatch from the engineroom, which was now overhead, and yelled, "I have found a way out."[46] Another crewman tried to stop his shipmates from going through the hatch. He was successful in convincing two men that this was not an avenue for escape. The three crewmen attempted to swim out the starboard watertight door to safety, while the other crewmen

[42] USCGC Marine Board of Inquiry, 16.
[43] Ibid, 17.
[44] Ibid, 19.
[45] Ibid.,18.

climbed up into the engineroom through the engineroom hatch. Only one of the three crewmen who used the starboard door was successful in his efforts to escape the sinking hull. Of the thirteen bodies found after *Blackthorn* was raised, eleven were in the engineroom.[47]

Before the cutter capsized, two crewmen tried to free the inflated liferaft on the fantail, but were not successful. Two liferafts, including the one that worked, were an obsolete model over twenty-five years old. The rafts were designed to be released automatically from a sinking ship, and as they pulled free, to inflate automatically from CO_2 cylinders, however, one of the two old rafts had no cylinders. These rafts would not pass one of the Coast Guard's own inspections of a civilian ship. Another new raft had "BAD" painted on its case as it not only lacked a cylinder---it was slashed. A fourth raft was found during the salvage attempt, unfired because the line that pulls the pins was never attached to the ship, allowing the bundled raft to drift free and sink without inflating. The fifth liferaft had been accidentally inflated in drydock, was tied down on the cutter's rear deck, and went down with the ship.

One crewman opened the starboard lifejacket locker and started throwing lifejackets in the water. As the cutter rolled over, the rest of the lifejackets floated out. Many survivors testified that they did not know where the lifejackets were kept on the *Blackthorn*, and few knew how to launch the liferafts.[48]

Several survivors testified that they did not think the Coast Guard had given them adequate water-survival training.[49] Once in the water, crewmen used floating planks, rolled up lifejackets, and the wooden watchstander's shack, which had been lashed on the fantail for flotation until rescued.

Rescue scuba divers arrived at the collision point from Eckerd College, and other volunteer diving groups, but their attempts were hampered by strong currents. Coast Guard cutters, such as *Vise*, *White*, and *Sumac* responded immediately. Helicopters from the U.S. Air Force and the U.S. Army provided assistance in rescue attempts. Other units included the Pinellas County Sheriff's Office, St. Petersburg Police Department, Florida Marine Patrol, Florida Highway Patrol, Tampa Police Department, Tampa Fire Department, Palmetto Police Department, Tampa Bay pilot boats, commercial shrimp boats, and individual volunteers.

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[46] NTSB Marine Casualty Report, 18.
[47] Ibid, 23.
[48] Ibid, 24.
[49] Ibid, 58.

The shrimper *Bayou*, one of the vessels to arrive immediately became a rescue vessel for the Coast Guardsmen who found themselves hurled into the sea. Under testimony, three of *Bayou*'s crewmen testified that they overhead some of the survivors were extremely upset that someone failed to steer their buoy tender clear of the huge tanker. The rescuers also heard one survivor say in a pitiful attempt at defense, "I had seen the ship and was watching it close in. I was waiting for an order to turn and the order never came." The search for survivors was suspended at 1650 hours on 30 January 1980.

Pilots---a Little Known Power

Huge cargo carriers are designed to transport materials around the world from where they are to where they need to be, but the main motivation is to make money for the ship's owners. Every minute they are not moving is money lost. To cut idle time to a minimum, ship owners and ship captains do many maneuvers bordering on dangerous. The first is the practice of not stopping the ship to take on the pilot. The boatman steers the pilot boat alongside the moving freighter and the pilot grabs the rope ladder hanging over the side to climb onto the deck of the ship. It is a tricky feat in any circumstance, and it is also performed regardless of the weather conditions. If the pilot slips or the rope ladder breaks, the pilot could fall between the two craft and be crushed. It has happened to Tampa Bay pilots before; one lost a leg and another is paralyzed.

In 1980 the Tampa Bay Pilots association had eighteen full-time, fully licensed pilots plus six deputy pilots in varying levels of training. The fully commissioned pilots were divided into two groups of nine. Each group worked three weeks "on"---three weeks "off," as they called it. While the nine pilots in the first group, of which Knight was a member, were "on" they had to be ready to board a ship twenty-four hours a day, seven days a week, regardless of the weather or how fatigued they might be. When a pilot's turn came up, the pilot was required to navigate a ship out of dock, under the Skyway Bridge, and safely out to sea. Once this was accomplished, a boatman would pick the pilot up from the moving ship and take the pilot to Egmont Key, where each pilot could catch up on some sleep in his simple island hut. The pilot then, as in Knight's case this particular evening, would wait until his turn to guide a ship coming inbound to dock. After successfully docking the ship, the pilot would return to his home to wait

for the next call. Each one-way trip averages over six hours to complete. Each pilot in Tampa handles approximately 220 ship movements a year.

Tampa Bay pilots are responsible for all of the shipping that is either departing from or embarking at twelve docks-- each having multiple berths, for a total of 99 potential berthing sites.[50] In 1980 Tampa Bay had a daily average of ten ships sailing into or out of one of the channels.[51] Mechanical breakdowns, delays in loading or unloading, and other unforeseen factors resulted in days of either no ship traffic or days necessitating a pilot to disembark from one ship to get immediately onto another.

Pilots never plan on being home for a holiday, or a birthday should it fall during their "on" time. Pilots do not call in sick and must be able to mount a moving ship ladder with one hand while carrying a handbag filled with radio equipment, papers, and nowadays a laptop computer. Pilots must also be capable of withstanding harsh criticism for their large salaries. In 1980 a full pilot's annual income was nearly $80,000.[52] Pilotage fees are set by the Board of Pilot Commissioners based on the tonnage in each port in Florida. At the time of this collision, the pilotage fee for chartering a ship the size of the *Capricorn* was almost $1,000 an hour.

Comparisons in duties and salary of a harbor pilot have been made to an airline pilot, who is also licensed and responsible for lives and cargo, but there are significant differences. The airline pilot's expertise is the handling of the plane---not a particular section of the sky. The ship pilot's expertise is in the local body of water---not the particular ship. The airline pilot relies on the guidance of the air traffic controller to ensure safety in taking off, flying, and

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[50] Tampa Port Authority , www.tampaport.com.

[51] Tampa Bay is the largest open-water estuary in Florida encompassing nearly 400 square miles and bordering three counties – Hillsborough, Manatee and Pinellas. More than 100 tributaries flow into Tampa Bay, including dozens of brackish-water creeks and four major rivers—the Hillsborough, Alafia, Manatee and Little Manatee.

The shipping industry has remained a vital part of the economy of Tampa Bay for more than 120 years. Vessels enter and leave the port around the clock, seven days a week, carrying more than 50 million tons of cargo each year. Products like steel, petroleum, vehicles, limestone, citrus concentrate, fertilizer, containerized cargo, scrap metal, and poultry regularly arrive and depart from the port, pumping $13 billion into the local economy. The expert handling, as substantiated in casualty reports, of large volumes of varied cargo has made the Port of Tampa the largest port by tonnage in the state of Florida. In fact, Tampa handles almost as much cargo as Florida's thirteen other deepwater seaports combined. More than 4 billion gallons of oil, fertilizer components and other hazardous materials pass through Tampa Bay each year on ships as large as 48,000 tons. The average ship that enters Tampa Bay is longer than two football fields. Although traveling vast oceans may seem quite easy for these massive giants, maneuvering through a shallow harbor is tricky. Some of the vessels carrying hazardous products clear the bottom of Tampa Bay by as little as four feet find themselves restricted to channels as narrow as 200-feet wide. Most require a mile or more to come to a complete stop. The Port of Tampa consistently ranks among the nation's ten largest in terms of trade activity, ranking seventh in total tonnage handled and third in tonnage of foreign export. Tampa Bay Pilot Association, www.tbpa.com.

[52] Tampa Tribune, 3 March 1980, personal knowledge.

landing. Harbor pilots are their own individual *sea* traffic controllers; they handle the docking, turning, and maneuvering of a ship while maintaining radio contact with other ship traffic, and monitoring the winds, current, and weather. They know how fast a ship can safely sail. They know when and where the channel bends, and they know how deep and, in this case, how wide the Cut A Channel is.

Incandescent Power

Five days before the collision, the Aids to Navigation Team (ANT) at the U.S. Coast Guard Base St. Petersburg, was notified by a Tampa Bay pilot that the front range light of the Cut A range was extinguished.[53] The ANT notified the Seventh Coast Guard District Office in Venice, Florida and requested that a local "Notice to Mariners" be broadcast to inform the maritime community of the outage.[54] On the following morning, ANT personnel were dispatched from St. Petersburg to service the Cut A Front Range light. Upon arriving at the light, ANT personnel found that it was functioning properly. They relayed this information to Base St. Petersburg and were instructed to check the rear range light. Upon checking the rear range light, ANT personnel found it to be extinguished because of a faulty flasher mechanism. Since they did not have the proper replacement flasher mechanism with them, they installed a temporary flasher mechanism, which gave the light a quick-flashing characteristic. The "Notice to Mariners" was canceled, but no new broadcast was made to inform mariners of the change in characteristic of the rear range light.[55]

The day before the collision, a Tampa Bay pilot reported the rear light of the Cut A range extinguished. The ANT relayed this information to its district office, and the appropriate "Notice to Mariners" was issued. On the morning of the collision, 28 January, ANT personnel were dispatched to check the light. They found it operating, but with the wrong flasher mechanism. After the proper flasher mechanism was installed, the light functioned properly, and the "Notice to Mariners" was canceled. The ANT personnel did not check the other Cut A range light at this time. However, on the evening of the accident, the Cut A Channel's front range light was observed to be extinguished by Tampa Bay pilots and by Ens. Ryan, the OOD of the *Blackthorn*.[56]

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[53] NTSB Marine Casualty Report, 15.
[54] Ibid.
[55] Ibid.
[56] Tampa Tribune, 28 February 1980.

CHAPTER 3
POWER STRUGGLE

The common perception of a pilot---if it exists at all---is of an individual who boards a ship from a pilot boat at sea to bring it safely into port. While there are many pilots that fit this image, pilotage is far more complicated.

Since the early days of marine navigation, vessels entering or leaving port, or navigating other hazardous waters, have been guided by pilots who possess a thorough knowledge of local currents, tides, rocks, shoals, weather, and other conditions. The skill and expertise of the pilot are vitally important for the safe passage of vessels, for the safety of lives and cargo, and as a means to protect the port and the marine environment. A pilot serves as an expert advisor to the vessel, and performs navigation and piloting functions. The pilot determines when and where to turn, as well as when and how to execute the necessary maneuvers.

A pilot provides expert knowledge about ship behavior; local operating conditions; limitations of other traffic; and local procedures in the pilotage area for which the pilot is licensed. The pilot is expected to integrate local knowledge with operational information to affect a safe passage. However, by tradition, admiralty law, and legal precedent, the master (captain) always remains in command and is ultimately responsible for the safe navigation of the vessel, including the actions of the pilot.

Much of the history of pilotage regulation in the United States has been framed by a tug-of-war for jurisdiction between federal and state agencies. The Constitution grants to the Congress authority to regulate all pilotage but leaves the states free to regulate any pilotage matters not covered by federal law. From the first Congress in 1789 until the mid-1800s, Congress did not use its authority, and the states regulated all pilotage, as they had done since colonial times.[57] In the mid-1800s, after the introduction of steam vessels, Congress began to

[57] Minding the Helm, 72.

play a role in pilotage regulation, requiring coastal steam vessels, engaged in domestic trade, to use federal pilots. This legislation effectively limited state authority to pilotage not covered by federal law, that is, to ships engaged in foreign trade, both foreign-flag and U.S.-flag vessels sailing "on registry." This struggle over jurisdiction between the federal government (acting through a federal agency, now the Coast Guard) and the states has continued ever since for the 4,500 pilots licensed with a Federal First Class Pilot's License and the sixty-two state pilot organizations.[58]

Operation, maintenance, and regulation of the marine nagivation and piloting system in the United States, loosely defined as waterway management, is the responsibility of a variety of organizations, each with differing objectives, operating authorities, and resources. There is no single manager or overall authority in the United States that integrates all of the elements of the marine navigation and piloting system. Responsibility for coordinating or controlling vessel operations, scheduling, and navigation support activities is distributed among various parties, including the U.S. Army Corps of Engineers, port authorities, marine pilots, marine exchanges, port and pilot commissions, private companies, and the U.S. Coast Guard.

If a pilot is operating under a federal license:

It is the Coast Guard who is required by law to ensure that federal pilots have and maintain adequate knowledge and experience for the waters and vessels on which they are authorized to serve. Under the federal pilotage system, the Coast Guard can revoke or suspend a pilot's license if the pilot violates any law intended to promote marine safety or to protect navigable waters, commits an act of misconduct or negligence, or becomes incompetent. Such action may be taken, however, only if the pilot is acting under the authority of the *federal* license. That is, the Coast Guard may not revoke or suspend any license of a pilot who is guilty of faulty work while piloting a vessel in foreign trade under the authority of a *state* license. The

[58] The first federal licensing of mariners was required by the Act of 1852, which authorized the Steamboat Inspection Service to issue licenses to engineers and pilots of steamers carrying passengers. Licensing has been refined and expanded throughout the decades to include masters and chief mates plus others in positions of responsibility on board all types of ships. Licensing and certifying of U.S. maritime personnel is another of the safety functions of the agency. This would include those nameless, faceless mariners onboard the *Capricorn.*

courts defined the limits of the Coast Guard's jurisdiction in these matters in 1974.[59] Following a grounding attributed to a vessel's state-licensed pilot, the Coast Guard took action against the pilot's federal license, claiming jurisdiction because the federal license was required by the state as a prerequisite for service as a state-licensed pilot. The Coast Guard action was overturned on the grounds that the pilot was serving under the terms of his state license at the time of the grounding, and there was no requirement for federal pilotage.[60] While pilots must be qualified for the service they provide, so too must those who oversee pilotage (federal or state), to ensure that a sufficient expertise is available for setting pilotage program requirements and effectively administering them. The Coast Guard provides administrative and operational oversight because of the agency's major port and navigation safety responsibilities. There are no national or international standards for the qualifications of pilotage administrators. Prior to *Blackthorn* and *Capricorn*, there were no systems in place to provide their agency's personnel the sufficient expertise necessary to set qualifications for pilotage.

The Coast Guard's multimission responsibilities provide for extensive regulatory authority. The Coast Guard enforces regulations related to port safety and security, in the process taking actions that directly affect marine navigation and piloting, as well as marine environmental protection. The agency has limited capability to build hands-on experience in the piloting of commercial vessels. The Coast Guard operates few vessels that closely resemble commercial vessels in handling characteristics.

If a pilot is operating under a state license:

State licensed pilots are licensed by coastal states or local pilotage commissions or boards provided for in state legislation. State pilotage system authorities may discipline a pilot by assessing fines, suspending or revoking the pilot's license, lowering the pilot's grade, placing the pilot on probation, or other measures.

Although it is far more difficult to qualify for a state license, the National Transportation Safety Board has recommended that the federal pilot's license be established as superior to state

[59] Minding the Helm,271.
[60] Ibid.

pilot's licenses so that Coast Guard discipline could be applied to all pilots, regardless of what licenses they operate under. This policy has never been introduced.[61]

Super Powers

Substantial increases in operating costs in the 1970s motivated shipping companies to adopt more efficient operating practices. Crew sizes were reduced significantly from 40 to 30 in the 1960s and 1970s in the United States. At the same time, vessel size was increasing and shipboard systems were becoming more complex.

Considerable changes have also taken place in the size and structure of marine traffic. Between 1960 and 1980, the number of tankers doubled, and their tonnage increased sevenfold.[62] New types of ships evolved, such as liquefied gas and car carriers. With each major development in hull form and superstructure configurations came different maneuvering difficulties. Economic pressures on the captain, the authoritarian social structure, the structure of the marine industry and marine insurance, and the difficulties of national and international regulation all combine to make accidents highly probable and almost unavoidable.

In general, however, the marine accident record indicates that the marine navigation and piloting system is a safe system. Particular credit is due the independent marine pilots who play a distinct role in providing expert navigation and piloting services for vessel masters and bridge teams unfamiliar with local ports.[63]

Despite the considerable care and sound judgment exercised by the many reputable mariners and operating companies, a substantial number of marine accidents occur nationwide. Most are neither newsworthy nor catastrophic. But a select few have been sufficient to erode public confidence in the safety performance of the industry at large and in navigation and piloting practices, such as the *Exxon Valdez* in 1989. Many accidents occurred during moderate or better weather.[64]

Pilots are considered a self-employed profession. Although organized in a pilot association, a 1906 U.S. Supreme Court decision ruled that a pilot association cannot be held liable for the negligence of one of its members during the provision of pilotage services.

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[61] Minding the Helm, 384.
[62] Ibid.
[63] Ibid, 388.
[64] Ibid, 286.

State of Florida

Under state law, candidates for a deputy pilot position must have two years of sea service in the last five years to be eligible for the initial certification examination. Passing candidates are issued a 9-month temporary deputy certificate for a designated port. The state Board of Pilot Commissioners evaluates the deputy's performance for suitability to continue training and makes a recommendation to the state Department of Professional Regulation. Given a favorable recommendation, the deputy receives a 2-year certificate, which may be renewed as necessary. To obtain a full pilot license, a deputy must obtain a federal pilot's license, complete the board-approved training program developed by the local pilot's association, and pass an additional exam. The law sets parameters for training: the deputy must serve at least ninety days as an observer trainee and must submit to the board a written report for each trip accompanying a state pilot. The deputy gains experience in stages, serving vessels of increasing length and draft, with each request for an increase submitted to the board. Active pilots must attend a board-approved seminar for continuing education.[65]

In Tampa Bay the deputy-pilot training program consists of nine levels defined by gradually increasing vessel-size limits. Level 1 is the observer trainee stage, during which a candidate obtains a federal pilot's license and then may pilot vessels under supervision. At Level 2, the candidate may pilot vessels with a draft limitation of 21 feet and length limit of 500 feet. By Level 9, the draft limit is increased to 37 feet. Candidates must train for at least 90 days at each level and must obtain the recommendation of all tutor pilots to complete that level. Before requesting board approval to advance, a deputy must handle at least two vessels of the next level under the supervision of a state-licensed pilot and must receive that pilot's recommendation.[66]

The Tampa Bay Pilots association was established in 1886 and began operating on Egmont Key in 1926.[67] Coast Guard personnel were assigned to Egmont Key in 1939 to maintain the lighthouse and to provide radio service to aids of navigation. Although both of these organizations share space on the island, there is no interaction between members of the two groups unless absolutely necessary. Coast Guardsmen earn about one-fourth the salary that a pilot earns. The pilots, based on personal knowledge, view the cadets as inept seamen. The very

[65] Tampa Bay Pilot Association www.tbpa.com.
[66] Ibid.
[67] Ibid.

idea that someone, who has never even navigated a tanker in the crooks and bends of the local channels, might sit in judgment is ludicrous in the eyes of experienced fully licensed and saltwater-tested harbor pilots. The Coast Guard cannot understand how someone with that experience and expertise----and high pay---could complain about anything.

In addition to the federal regulations governing the use of a pilot, in Tampa Bay pilotage is compulsory for all vessels arriving for the first time and whenever tugboats are used. It is important to note, however, that vessels owned by the United States government are exempt from the requirements to carry a pilot while entering or leaving Tampa Bay. It is, notwithstanding that exemption, of interest that all U.S. Navy vessels entering Tampa Bay insist on using the services of a local pilot. The Coast Guard does not use the service--claiming the cost of hiring a pilot is too high. The lives of twenty-three cutter personnel may have paid for this economic decision.

Struggle for Jurisdiction

Every foreign-flag vessel and every U.S.-flag vessel engaged in international trade moving in the waters of a state is required to use the services of a state-licensed pilot. Each U.S.-flag vessel, engaged in domestic trade, is required by federal law to use a pilot with a *federal* license issued by the U.S. Coast Guard. But when the federal government owns one of the vessels, jurisdiction becomes murkier than Tampa Bay.

While Tampa Bay could not possibly know what tragedy awaited it four months after the *Blackthorn/Capricorn* collision, the Coast Guard once again found itself again dealing with past demons.[68] The January 1980 collision in Tampa Bay bore some unfortunate similarities to the cutter *Cuyahoga*'s accident with the *Santa Cruz II* in Chesapeake Bay only fifteen months earlier. Some of the parallels of the incidents are noteworthy:

- A large merchant ship sliced the side of a Coast Guard cutter, sending it to the bottom of an inland waterway.
- The cutters sank quickly: *Blackthorn* in four minutes, *Cuyahoga* in two minutes, and most of the dead seamen were trapped below decks.
- The ships collided at night in calm, clear weather without traces of fog.

[68] Baltimore The Evening Sun, 30 January 1980.

- The cutters were old vessels; the *Blackthorn* was 36 years old, the *Cuyahoga* was 51.[69]

Immediately after each collision, the National Transportation Safety Board began their probe, but in each case the Coast Guard argued the jurisdiction was theirs. To quell the power struggle, in both cases, a USCG Marine Board of Investigation was convened concurrently with the NTSB hearings, but in both cases, jurisdiction was questionable as the pilots were operating under their state-issued license. The *Santa Cruz II* was a foreign-flag vessel. Although the *Capricorn* was of U.S.-flag registry, she was transporting oil from St. Croix at the time of the incident. The Coast Guard insisted a board of inquiry was justifiable due to the loss of life—not because the victims were members of the agency, but because of one of the responsibilities of the Coast Guard, that being, search and rescue.

The NTSB countered with a stern reminder that the Coast Guard had ignored some of the conclusions and recommendations drawn from the *Cuyahoga* incident. One entry of the NTSB report on the USCGC *Cuyahoga* and the M/V *Santa Cruz II* of 1978 states, " Selection for command of a Coast Guard cutter is based on appropriate prior experience. The evaluation is made by the Office of Personnel, which considers rank, career pattern, *recency of service*, and performance remarks."[70]

In 1942 the Coast Guard, at the request of the Navy Department, conducted an analysis of pilotage in the United States that included a comparison of state and federal pilots and piloting practices. This study found both strengths and weaknesses in the state pilot systems. Strengths noted were the ability to withstand the test of time, and that they have been maintained at a generally high standard. Weaknesses cited included lack of uniformity, weak leadership in some ports, failure of some states to make pilotage compulsory in certain dangerous waters, and the use of a rotary system, that being, the practice of designating a pilot for a particularly difficult job because it is his turn, rather than because he is the best qualified pilot available. The rotary system was in use in 1942---as it is today. The most glaring weaknesses concluded by this study of the federal pilot system is the practice of renewing pilot licenses, or piloting endorsements on

[69] NTSB Marine Casualty Report, *Cuyahoga*, 38..
[70] Ibid.

officers' licenses, every five years, regardless of the length of time the applicant has been away from the pilotage waters in question.

CHAPTER 4

THE INVESTIGATION BEGINS

National Transportation Safety Board

Civilians Investigate

The National Transportation Safety Board, reiterating recommendations they had issued from the 13-month earlier *Cuyahoga* incident, argued that recency of service had again been ignored in selecting the commanding officer of the *Blackthorn*. The NTSB remained steadfast in concluding that an officer, who had been ashore for as long as the CO of the *Blackthorn,* should not have been chosen for command without first having been assigned to a comprehensive refresher course. The course, according to the NTSB, at the very least should include instruction from a commanding officer of a Coast Guard cutter similar to the cutter to which he was being assigned.[71] During the almost five years ashore since Sepel had last been assigned to a ship, the CO of the *Blackthorn* underwent no such refresher training. As far as his testimony indicated, the only professional training that he had completed was a Rules of the Road correspondence course, which he actually finished *after* assuming command of the *Blackthorn*.

The NTSB further believed that the method used by the Coast Guard to license merchant marine officers is much more objective and comprehensive than that used to establish the seagoing qualifications of its own officers. If the Coast Guard must question its own grasp of the rules of the road, it becomes clear that some of the professionalism expected of seamen is not fully observed by those who do the judging.

The NTSB probable cause, as determined by James B. King, Chairman, Francis H. McAdams, member, Patricia A. Goldman, member, G.H. Patrick Bursley, member reads:

The National Transportation Safety Board determined that the probable cause of this accident was the failure of the *Blackthorn* to keep on the proper side of the channel when

[71] NTSB Marine Casualty Report, 58.

meeting another vessel in a bend because the commanding officer failed to adequately supervise the actions of an inexperienced officer-of-the-deck.[72] Contributing to the accident was the failure of the commanding officer of the *Blackthorn* and the pilot of *Capricorn* to establish a passing agreement using bridge-to-bridge radiotelephone or whistle signals and the failure of the commanding officer to remain aware of all traffic in the channel. Contributing to the high loss of life was the sudden capsizing of *Blackthorn* due to the *Capricorn*'s anchor getting caught in the cutter's shell plating.

A summary of conclusions of NTSB report MAR-80-14, adopted 28 August 1980 include:

- The *Blackthorn*, a relatively small, shallow-draft, maneuverable vessel, could have maneuvered at the edge of the channel or outside of the channel and kept out of the way of the *Capricorn*, a large deep-draft, less maneuverable vessel, which was restricted to the channel.
- The CO was not aware of the inbound *Capricorn* until seconds before the collision, although he was on the *Blackthorn*'s bridge and ultimately in charge of its navigation.
- The CO's lack of recent seagoing experience and unfamiliarity with Tampa Bay made his decision to sail at night imprudent.
- The Coast Guard's system for selecting officers for assignment as commanding officer and for qualifying officers to take charge of a deck watch is not adequate.
- The crew of the *Blackthorn* was not adequately trained in locating lifejackets, using liferafts and water survival techniques.
- The accident might have been avoided if a pilot had been employed aboard the *Blackthorn*.
- The intersection of four channels at buoy 2A in Tampa Bay poses an unnecessary hazard to navigation.
- This accident may have been avoided if ships in Tampa Bay were prohibited from passing in bends.
- The Coast Guard's use of Mark 3 liferafts is unsafe and should be discontinued immediately.
- The location of liferaft stowage on the *Blackthorn* did not render the liferafts ready for launching in an emergency.
- The failure of the emergency lighting system hindered the escape of crewmen from the

[72] NTSB marine Casualty Report, 57.

Blackthorn.[73]

Based on a report submitted by the NTSB, on 26 September 1980, the Department of Professional Regulation (DPR) recommended that Pilot Knight be declared as "slightly negligent" in his handling of the *Capricorn,* however, a three-member panel of state pilot commissioners, James Phillips, a pilot from Jacksonville, Lucille Churchill of Gulfport, and Julian Fernandez, a pilot from Miami, disagreed.[74]

The Tampa maritime community grumbled about delays in clearing the channel due to the collision. Traffic had been restricted almost continuously since the accident, and large ships, those that required a draft of more than 28 feet of water, were not allowed to move through the port. "There's widespread disaffection with the Coast Guard," said Steve Richard, a sulfur terminal manager. "If it had been someone else's ship that had sunk, the Coast Guard would have beaten on them to get it up. I know they have trouble, but I don't know how many millions of dollars this is costing the port and shippers."[75]

[73] NTSB Marine Casualty Report, 60.
[74] The Board of Pilot Commisioners has never disciplined a member in its entire history. They investigated 239 cases from 1974-1980 and never punished a pilot for wrongdoing.
[75] Tampa Tribune, February 8, 1980.

CHAPTER 5
COAST GUARD MARINE BOARD OF INVESTIGATION

The Military's Turn

From 31 January 1980 to 1 May 1980, a separate inquiry into the collision was also held in Tampa before agency personnel and Patricia Goldman, a member of the NTSB panel.[76] Though the conclusion was reached on 1 May 1980, the case was sealed on 15 January 1981, and not declassified until 15 January 1991.[77] This investigative board arrived at a slightly different conclusion; ***both*** ships were at fault in the Coast Guard's worst peacetime accident. In addition, the report recommended the consideration of disciplinary action against officers Sepel and Ryan of the Coast Guard, pilot Knight, and shipmaster McShea.

Rear Adm. Norman C. Venzke of St. Louis headed the Coast Guard Marine Board of Investigation. During the first two weeks of the hearing, Lt. Comdr. Sepel sat and listened as witness after witness described the horrific events of that historic evening. He fought back emotion turning to his wife for a comforting hand or hug. But on the fourth day of riveting testimony, he could hold back no longer. Sepel broke down and cried as Robert J. Fitzgibbon, a cook on the *Capricorn*, described the screams of the doomed seamen. "It was very dark," he said. "You couldn't see the people in the water. But you could hear them screaming for help."[78]

Finally, on the ninth day of the hearing, it was Lt. Cmdr. Sepel's turn to take the stand. The long anticipated day had finally arrived, and the national media was electrified at the possible headlines his testimony should bring, but the energy was soon deflated. On the advice of his attorney, Sepel invoked the protection against self-incrimination under Article 31 of the United States Code of Military Justice and gave only his name and rank. Sepel's refusal to testify came just minutes after Venzke warned lawyers that if any of their clients invoked the

[76] USCGC Marine Board of Inquiry, 2.
[77] Ibid, 22.

right not to answer questions, they might not have a chance to return to the stand. Venzke also stated that once the board had completed its task of determining "the how and why the collision occurred," the hearings would end.[79] "At such time when I have found what caused the accident, I am going to terminate the calling of witnesses. I'm not telling anyone how to do his job, and I'm not threatening anyone."[80]

The attorney representing the owner of *Capricorn* filed an injunction in federal court to disqualify the Coast Guard from investigating one of its own. As long as the injunction remained active, there would be hope for the *Blackthorn* officers to clear their names. Furthermore, with the NTSB's assignment of culpability squarely on the shoulders of the commanding officer, Sepel was faced with the possibility of criminal charges. After hours of deliberation with his attorney, Lt. Cmdr. Sepel agreed to testify if the injunction were lifted. *Capricorn*'s owners agreed.

Sepel spent five full days on the witness stand. The Commanding Officer of *Blackthorn* testified that while he was aware he had the authority to hire a pilot if he wanted one, he did not know how to go about arranging to hire one.[81] He further stated that he never pursued the procedure to hire a pilot because, "I have been in and out of several strange ports with *Blackthorn* and I felt our navigation team was sufficient to safely navigate the area."[82]

Testimony of the other officers during the Coast Guard Board of inquiry helped to fill in the gaps of the evening of 28 January. The words heard by Lt. David B. Crawford, the *Blackthorn*'s XO, "coming out of anchorage, won't be in your way," the report said, were overheard by the *Blackthorn*'s captain Sepel. Meanwhile, the buoy tender's officer-of-the-deck, Ens. John Ryan, assumed the port-to-port passage had been arranged and ordered a turn from the 500-foot wide Cut A Channel into the 600-foot wide Mullet Key Channel. Unfortunately, however, the transmission picked up by *Blackthorn* was made by a tugboat with a high-powered transmitter to the Soviet cruise liner, *Kazakhstan*.[83]

Also cited in the trial report as contributing factors in the collision were the failure of

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[78] Tampa Tribune 4 April, 1980.
[79] St. Petersburg Times , 6 February 1980.
[80] Ibid.
[81] USCGC Marine Board of Inquiry, 42.
[82] Ibid.
[83] NTSB Marine Casualty Report, 22.

Sepel to keep fully aware of the situation and to "effectively supervise his relatively inexperienced conning officer (Ryan);" Ens. Ryan's incomplete understanding of the use of whistle signals and the distinctions between inland and international rules of the road; Mr. Knight's "deliberate delay and subsequent failure" to signal with the *Capricorn*'s whistle; *Capricorn*'s master George P. McShea, Jr.'s failure to sound the danger signal and reduce headway after seeing that Mr. Knight had failed to do so; Capt. McShea's failure to post a properly instructed lookout on the bow; and the fact that the *Kazakhstan* kept the *Blackthorn* and *Capricorn* from sighting each other earlier than they did.[84] In a statement issued to the Evening Independent on 26 September 1980, Ryan rebutted the NTSB's claim that he should not have been allowed to assume command of the vessel's course in a waterway in which he was not familiar, saying, "(the) NTSB was not familiar with the rules governing ships on inland waterways." Unfortunately, Ryan had just testified in February that he interpreted a whistle blast from *Capricorn* as meaning that the ships would pass to each other's left (port). He further testified that he did not signal to keep ship-to-ship communications to a minimum.[85] Ryan further testified that he did not consider sounding whistle signals after the XO had made the passing agreement with *Capricorn* because the sounding of whistle signals would have been *confusing*!

Adm. John B. Hayes, the Coast Guard commandant, accepted most of the report concurring with a majority of the board's findings and recommendations. Admiral Hayes amended the report slightly, thus invoking two immediate recommendations; the establishment of a rules of the road examination for Coast Guard officers-of-the-deck, and increased emphasis on survival swimming in Coast Guard basic training.[86] Hayes also introduced three more recommendations for review: (1) the study of navigational aids and marine traffic flow in Tampa Bay, (2) review of policies concerning inflatable liferafts, (3) and the policy of not letting Coast Guard vessels sail unless personnel aboard have proved their proficiency at all-hands emergency drill.[87]

Rear Adm. Paul Yost, commander of the New Orleans-based Eighth Coast Guard District was now given the task of determining whether action should be taken against Sepel and Ryan.

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[84] USCGC Marine Board of Inquiry, 42.
[85] Ibid, 43.
[86] Commandant's Action, USCGC Marine Board of Inquiry, 29 December 1980.
[87] Ibid.

Based on the conclusions of the hearing, an investigation of possible grounds for court-martial was necessary.

Furthermore, an officer from the Marine Safety Office at Tampa was assigned to determine whether there were grounds for the Coast Guard to take administrative action against Capt. McShea and Knight. The Coast Guard, the board believed, could recommend revoking their licenses—or could they?

Even after an exhaustive probing into the collision by not one, but two panels of experienced investigators, the question of jurisdiction remained one of the biggest bones of contention. In the report NTSB-MAR-80-14, the Marine Accident Report, states, "The pilot of the *Capricorn* had a Coast Guard license and was commissioned by the State of Florida as a Tampa Bay pilot. At the time of the accident he was operating under the authority of his *State* pilot's commission."[88] Finding of fact 2 in the Marine Board of Investigation conducted by the Coast Guard concurred with the NTSB's position, but in his amendment to the agency's report, Commandant Hayes disagreed with the type of license Knight was piloting under. Hayes based his argument on the fact that the *Capricorn*, although engaged in international trade, was owned and operated by U.S. companies.

Even pilot Knight's own attorney, William R. Dorsey, III of the firm Wagner, Cunningham, Vaughan and Genders of Tampa, rode this licensing issue like a seesaw; flipping from one side to the other depending on which benefited his client more. Replying to the amended USCG report, Dorsey submitted a letter to Admiral Hayes on 30 January 1980 objecting to the double investigation.[89] He suggested that the Coast Guard's emotional state—due to the loss of the lives of their own guardsmen--rendered the agency potentially prejudiced in the finding of fault. Specific *Blackthorn* survivors, in Dorsey's opinion, could be called as witnesses, but the Coast Guard should not be allowed to sit as jury, witness, and judge. Dorsey insisted that only the NTSB should be allowed to investigate this incident because, after all, pilot Knight was operating under his *state* license and the Coast Guard had no governing authority. But when the recommendation by the NTSB Marine Board was issued referring pilot Knight over for investigation by the Florida Department of Professional Regulations and the state Board of Pilot Commissioners, Dorsey objected. This time he questioned whether the state had any

[88] NTSB Marine Casualty Report, 12.
[89] Dorsey correspondence 30 January 1980.

jurisdiction to consider action against Knight, because, after all, he was operating under his *federal* license at the time of the collision.[90] Dorsey, it appeared, was either confused or hoped to win his case by confusing others.

Regardless of the jurisdiction controversy, the civilians of the National Transportation Safety Board and the Coast Guard officers of the Marine Board of Investigation arrived at identical conclusions concerning the major contributions to the collision on that calm January night. The only conclusion the two investigative panels disagreed on was one point---but that was a big one---the matter of blame.

The two boards agreed on *where* and *when* the Coast Guard cutter and tanker collided in a channel junction west of the Sunshine Skyway Bridge. They agreed that the tanker's pilot, Gene Knight, did not see *Blackthorn* until less than three minutes before the collision---most likely because of the well-lit Russian cruise ship, *Kazahkstan* that was passing between the tanker and buoy tender. They agreed that the crew of the cutter did not see the tanker until even later.

They agreed mostly on who did what, and who failed to do what, in the minutes before the collision. They agreed that the snagging of the outbound cutter on the inbound tanker's anchor turned a maritime fender-bender into a deadly capsize.

What they differed on after forty-two days of joint hearings was how to apportion blame for the accident that took the lives of those twenty-three *Blackthorn* crewmembers—all because of something called a *widener*.

The civilian NTSB concluded that the cutter must bear all the significant blame for the collision. The Coast Guard Marine Board, concluded that the 180-foot cutter must be held to blame for careless navigation, and a host of other no-no's; such as, inadequate liferafts, but added that the tanker must share the blame. The conclusion drawn from the Coast Guard's investigative panel stated that the primary factor for the collision was the failure of the two vessels to keep far enough apart---due to the fact that the men in charge of each ship failed to use whistle signals to let the other vessel know what it planned to do.[91]

The safety board, citing inattention and incompetence on the part of the cutter's captain Sepel, and the junior officer, Ryan, directing *Blackthorn*, asserted that the smaller vessel strayed

[90] Dorsey correspondence.
[91] NTSB Marine Casualty Report, 22.

into the tanker's side of the channel. But the marine board cited both vessels with failure of keeping well to the right side of the channel. How could even this be an issue open for debate?

Both panels concluded that the collision occurred at an 18-degree bend at the intersection of Mullet Key and Cut A Channels. But unbeknownst to anyone onboard the cutter, the north end of this particular intersection had been whittled to provide an extra 100-feet of clearance, called a *widener*. The NTSB included the widener in determining the width of the channel; the Marine Board did not. With the widener included, *Capricorn* would have been in proper position but *Blackthorn* would have been at mid-point. If the widener is not included, both vessels would have been crowding the center of the channel and both would be to blame. (It is of interest to note that there is no mention of the widener in the Marine Board report.) The Coast Guard relied completely on the debris field to determine where the collision occurred. Rear Adm. Norman Venzke explained the omission in the report by stating, "They (the Safety Board) say where the center of the channel is. We say we don't know."[92] However, contained in the pages of conclusions Marine Board are found these startling words, "*Blackthorn*, after sighting *Capricorn*, continued on (its) track….and failed to use Cut "A" widener in order to provide additional sea room for the inbound vessel. This served to confuse *Capricorn* as to *Blackthorn*'s intentions in the absence of radio or whistle communications."[93] The Marine Report further states, "*Capricorn*, after sighting *Blackthorn*, continued inbound without changing course or speed. She commenced her turn (from Mullet Key Channel into Cut "A") from a position slightly left of the Mullet Key Channel range line into Cut "A" Channel shortly before collision. This turn, without an outbound vessel meeting in the bend, could be considered the normal turn which would be made by an inbound deep draft vessel."[94]

While it may be possible to reconstruct an accident between a truck and a car by studying the skid marks, strewn bumpers and miscellaneous car parts, the debris field does not define the width of the highway. Imagine how much more difficult it would be for vehicles to pass safely if it were not for the marking of a painted centerline. Ships do not have this type of navigational aid. The issue in this collision was not if each vessel was in proper positioning in the channel, but just where the center of the channel was.

Knight was piloting *Capricorn* using one centerline, while those conning *Blackthorn*

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[92] Tampa Tribune , 6 May 1980.
[93] USCGC Marine Board of Inquiry, 47.
[94] Ibid.

were using another. Knight was using a different range line of Cut A Channel, one that included the widener. The centerline of most of the channels in Tampa Bay is indicated by a terrestrial range.[95] A terrestrial range is composed of two widely spaced structures fixed to the ground in line with the center of a channel. These structures are lighted so that they may be used at night and usually display distinctive, highly visible daymarks for daytime use. Whenever a mariner views the ranges to be in alignment, he knows that he is in the middle of the channel, except where a widener may have been cut to one side of the channel.[96]

The terrestrial range for Cut A Channel is composed of two lights. The central spans of the Sunshine Skyway Bridge pass over Cut A Channel. Red lights, indicating the channel edges, and a central green light, indicating the center of the channel, are mounted on the underside of these sections of the bridge. Pilot Knight stated that since the Cut A front range light was extinguished, he would have used these lights as reference points in making a turn from Mullet Key Channel.[97] The dependence on navigational aids, such as the buoy light, made headlines with the filing of a lawsuit by the owners and managers of the *Capricorn*. The lawsuit claimed that the forward range light in the channel entering Tampa Bay ---that light that was out at the time of the accident---was partially to blame for the collision. A spokesman for the Coast Guard in St. Petersburg admitted the light was out, but said, "They wouldn't use that light for navigation anyway."[98] But a spokesman for the pilots said the absence of the light "definitely" could have affected navigation in the channel. The suit claims "In spite of the fact that the light had been previously reported to the U.S. Coast Guard as extinguished on Jan. 27, 1980, the light was permitted to remain extinguished."[99]

On the day of the incident, the Army Corps of Engineers was in the process of completing one of the dredging jobs in Tampa Bay. Plans were such that when the project was completed, ACE was to move the buoys to mark the new channel extremities affected by the widener. Until the buoys were moved, however, local pilots knew to make the adjustments

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[95] NTSB Marine Board of Inquiry, 47.
[96] Mullet Kay Channel intersects with Cut A Channel about seven-tenths nautical miles southwest of the Sunshine Skyway Bridge, which connects St. Petersburg with Palmetto, Florida. This intersection is also the place where the Southwest Channel and the Intracoastal Waterway join the main shipping channel. A widener was dredged at the intersection to provide more room for outbound vessels to negotiate the 18-degree turn between Cut A Channel and Mullet Key Channel. For mariners familiar with the intricacies of Tampa Bay, this widener was much appreciated. Those not having this knowledge would prove devastating.
[97] USCGC Marine Board of Inquiry, 31.
[98] Ibid.
[99] St. Petersburg Times , 4 April 1980.

manually.

Why did *Blackthorn* not know about the widener? Perhaps the reason the cutter's officers did not use the widener as part of the defense, was because, in fact, that with or without the inclusion of the widener for determining the centerline, *Blackthorn* was not in proper position in the channel. Furthermore, only with the exclusion of the widener---or ignoring it completely, as in the case of the Marine Board---did the position of the *Capricorn* make her equally culpable. This collision illustrates the need for a judicial or nautical decision to determine how wideners or other navigational variants along the sides of a customary or identified channel affect the mid-channel.

Admiral Venzke held a news conference on 14 January 1981 marking the end of the twelve-week inquiry by the USCG Marine Board. When asked if he was confident of the board's findings, he said, "I'm so confident it's embarrassing. By George, the Marine Board of Investigation found out what happened. If you really want to know what happened that night, the good Lord is the only one who really knows. I'm not being sacrilegious, but the next best answer is in here," he said while tapping the fifty-three page report.[100]

Perhaps the Coast Guard Marine Board of Inquiry feared that in order to defend its own, the agency would have to take a long, hard look in the mirror. In spite of the shared assessment of blame and insinuation made by the Coast Guard that *Capricorn* actually strayed into *Blackthorn*'s lane, in October 1980 the federal government recommended court-martials for both Lt. Cmdr. Sepel and Lt. Ryan.[101]

The final decision to court-martial Sepel and/or Ryan rested with Rear Admiral Paul Yost---under advisement from a U.S. Coast Guard investigator---in this case, Capt. Delmar Smith, commander of the Coast Guard's Eighth District--the region that included Galveston.[102] Capt. Smith concluded that Lt. Ryan should not be held at fault because he was being supervised by the ship's executive officer during the time Ryan was giving steering orders to the ship's helmsman.[103]

Smith further suggested that Sepel should be court-martialed only if it could be proven the cutter was on the wrong side of the Tampa Bay shipping channel. Sepel was ordered to face

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[100] St. Petersburg Times ,19 March 1980.
[101] Ryan had been promoted to the rank of Lieutenant during the ten months since the collision.
[102] St. Petersburg Times, 19 March 1980.
[103] Ibid.

a court-martial eight days before the first anniversary of the sinking of the *Blackthorn*. Rear Adm Paul A. Yost, commander of the Eighth Coast Guard District in New Orleans, ordered Sepel to face a general court-martial saying, "There is no presumption of guilt. This is the opportunity for a fine officer to defend his action."[104]

The charges brought against Sepel included the failure to be aware of other ships in time to prevent risk of collision; failure to sound proper whistle signals; failure to keep his vessel to the right of the shipping channel; dereliction in the performance of his duty by failing to ensure a sufficient number of liferafts on board before leaving port; and failure to properly supervise *Blackthorn*'s officer-of-the-deck, Lt. Ryan.[105] If found guilty, the general court-martial--the military law's highest form of trial—could carry a maximum sentence of between two and eight years of hard labor and a dishonorable discharge for Sepel if convicted.

Ryan, on the other hand, faced a *no judicial* punishment called an Admiral's Mast, a less serious proceeding than a general court-martial.[106] If convicted in the Admiral's Mast proceeding, Ryan would face punishment ranging from sixty days restriction on the St. Petersburg Coast Guard Base and loss of pay, to a written or verbal reprimand. After hearing from Coast Guard prosecutors and his own legal officer that there was not enough evidence to convict Sepel of criminal charges, Yost's decision to court-martial Sepel was averted and reduced to an Admiral's Mast instead.

Lt. Cmdr. George James Sepel was given a letter of admonition on 18 March 1981 by his commanding officer at a 55-minute Admiral's Mast.[107] The letter, a permanent entry in his military record, concluded that proper care was not taken in checking the movement of other ships, and he was lax in the supervision of his fellow officers and crew. It was the lightest punishment possible for the career officer. Lt. Ryan received a similar letter.

Lessons Unheeded

The conclusions of the *Santa Cruz II* and the U.S. Coast Guard cutter *Cuyahoga* also have remarkable parallels with the incident in Tampa Bay. An NTSB investigation found the cutter completely at fault, and exonerated the pilot and master of the ship. However, a Marine

[104] St. Petersburg Times, 12 January 1981.
[105] USCGC Marine Board of Inquiry, 49.
[106] Ibid.
[107] Ibid.

Board ran a concurrent investigation with similar, subtle differences--- that is, that both vessels were at fault.

As early as 1972, the National Transportation Safety Board expressed concerns that the original designs of the operating environment (shipping channels) were not keeping up with the technological advances and economic demands. A passage of this report reads, "Progressive changes in the marine industry have triggered the introduction of new methods and equipment to assist mariners in safely navigating ships. The sheer number of vessels has increased significantly and the size of vessels has increased sharply. The speeds of vessels have increased, and have reduced reaction times in dangerous situations. The higher speeds, in combination with improved loading and offloading capabilities, have reduced turnaround and transit times, which allow a vessel to complete a greater number of voyages within a specified time frame. In the marine transportation field, the risk levels have risen during the past 10 years and probably will continue to rise in the future if no action is initiated to curb or reduce the causes of this rise."[108]

[108] Minding the Helm , 186.

CHAPTER 6
THE AFTERMATH

Powerful Lessons Learned

Although the catalyst was a tragic one, the collision has resulted in the taking of some positive steps for both sides of the involved jurisdiction opponents. The *Blackthorn* incident ended the thinking behind the Coast Guard's unofficial motto, "You have to go out, but you don't have to come back."[109] According to Commander Eric Shaw, chief of the Command and Operations School at the Coast Guard Academy in New London, Connecticut, today's motto is more like, "You have to go out, but does it have to be now?"[110]

The *Blackthorn* incident provided the catalyst for the establishment of the Command and Operation School at the Academy.[111] This special school is specifically designed to prevent tragedies like the *Blackthorn*.[112] Commanding officers are now required to formally assess the risk of different scenarios, such as, embarking at night in unfamiliar waters. Since the *Blackthorn* incident, every Coast Guard officer who will be directly responsible for the navigation of a ship must attend for two weeks. All who attend will be trained on emergency maneuvers and proper usage of equipment aboard their vessels. As reported on their website, the Command and Operations School was established as the Prospective Commanding Officer/Prospective Executive Office (PCO/PXO) School in 1986. It further states, "The sinking of the cutters *Cuyahoga* and *Blackthorn* highlighted the need for a course that refreshed the collision avoidance and damage control skills of the senior leadership aboard cutters prior to assuming their duties."[113] The school provides several tools to help commanding officers to determine potential risks associated with the responsibility of the authority over a crew, such as navigating an unfamiliar port at night. Safety has become the primary focus.

All of the students attending the Command and Operations School have received orders

[109] United States Coast Guard www.uscg.org
[110] Coast Guard Academy, cga.edu/lcd/commandandoperationsschool/
[111] Ibid.
[112] Ibid.
[113] Ibid.

as Commanding Officer, Officer in Charge, Executive Officer or Executive Petty Officer of a cutter. The majority of these individuals are returning to sea assignments after an extended time ashore. Instructors use lectures, discussions and a visual simulator to facilitate a learning environment that will better prepare officers for the risks of returning to sea. Some of the topics addressed within the curriculum are collision avoidance, team coordination training, legal issues, navigation standards, Rules of the Road decision making, shipboard stability, shiphandling, command philosophy, and CO/XO relations.

Although records indicate the *Blackthorn* crew had far exceeded all requirements for conducting drills, the Coast Guard recognized that the timing of drills was as important as the frequency. Requirements were altered to reflect the need for training after extended port calls and when large segments of the crew are new to the ship.

Since this incident, all Coast Guard recruits are required to be able to swim one hundred meters. Prior to this tragedy, the requirement was fifty yards. All recruits now receive instruction in "drown proofing." It is unbelievable that it took this collision to force compliance with a skill that would seem a basic requirement necessary for personnel responsible for saving lives at sea!

The Search for Peace

Sepel stayed in the Coast Guard for eight years after the accident, and was promoted once, to the rank of commander. He could have been promoted again to captain, but was not because of the *Blackthorn*. He never returned to sea. He retired in 1988 after 21 years of service. Sepel currently lives in Juneau, Alaska, and works as a marine surveyor, inspecting boats for seaworthiness and compliance with safety regulations.[114] He refuses to be interviewed.

Two miles north of where the collision occurred, on a manicured plot next to the water at a rest stop on the north side of the Sunshine Skyway Bridge in St. Petersburg, stands the USCGC *Blackthorn* Memorial. The memorial was dedicated 28 January 1981. The Florida Legislature named the wayside parks at each end of the bridge, "Blackthorn Memorial Park" in June 1981. Twenty-three names, birthdays and hometowns are etched in a slab of polished granite. It is one of two official memorials dedicated to the lost crew; the other is at the Coast Guard Group Galveston, Texas. At the Galveston memorial, a permanently lit buoy displays a

[114] St. Petersburg Times, January 28, 2000.

commemorative plaque. The names of the deceased follow the inscription: "May She Watch Forever In Memory Of These Lost Shipmates." There is an annual memorial service at each of the sites.

In 1982 officials raised the rusting *Blackthorn* and towed it out into the Gulf to become part of the Pinellas County Artificial Reef Program. The cost of salvaging *Blackthorn* was estimated at $1 million.

According to an interview granted to the St. Petersburg Times, former skipper Sepel said he has been contacted "from time to time" about attending a *Blackthorn* memorial service. But for one reason or another, he has not made the trip. "In the winter my son and I have a snowplowing business, and we stay pretty busy," he said.[115] He did make one visit to the *Blackthorn* Memorial, though---a private one.

"I had come to Florida for a boat show in Fort Lauderdale, and I thought I should visit. My wife and I went, just the two of us. We didn't tell anyone we were coming." They stood there for 10 to 15 minutes saying little, he said. "It was difficult, " he said, "very emotional."[116]

Lt. Ryan works out of the Coast Guard station in St. Petersburg. Tampa Bay pilot Harry Eugene (Gene) Knight continues--without incident--to guide ships in and out of Tampa Bay. George McShea, Jr. is currently a pilot with the Long Beach Pilot Association in California.

The Brave and Bizarre

On 16 September 2000, a posthumous ceremony was held for the family of Seaman Apprentice William R. Flores, Fort Worth, to award the Coast Guard's highest service medal.[117] After the ships collided, Flores and another crewmember threw lifejackets to their shipmates who had jumped into the water. Later, when his companion abandoned ship as *Blackthorn* began to submerge, Flores---who was less than a year out of boot camp--remained behind and used his own belt to strap open the lifejacket locker door, allowing additional lifejackets to float to the surface.[118] Even after most crewmembers abandoned ship, the 19-year old Flores remained aboard to assist trapped shipmates and to comfort those who were injured and disoriented. The Coast Guard's recognition of Flores' heroism comes after his surviving shipmates and several

[115] St. Peterburg Times, 28 January, 2000.
[116] Ibid.
[117] USCG Historian's Office, 20 September 1980.
[118] Ibid.

retired Coast Guardsmen reviewed the records of the collision and realized that his actions had not been formally honored.[119]

The current Commandant of the Coast Guard, Admiral James M. Loy, was the former commander of the cutter *Valiant*, which was docked beside *Blackthorn* in Texas before the sinking. Loy said several months after the disaster his ship was in heavy fog in Mobile, Alabama. Mobile was similar to Tampa, he said, with a narrow channel cutting through the bay.

The *Valiant*'s radar showed a large ship approaching, but the thick white cloak of fog made visibility nil. "When a ship nears, you feel its presence before you see it, " Loy told the crowd at the twentieth annual memorial service on 28 January 2000---the eighty-fifth anniversary of the U.S. Coast Guard.[120] The prow of the ship appeared out of the mist and as it passed close to the cutter, Loy could read the letters of the name as they came into sight, one by one…"C-A-P-R-I-C-O-R-N," he said, the scars of the collision with the *Blackthorn* remained permanently etched in the metal.[121]

Lingering Questions

Even though twenty-three years have passed since this tragedy, some observations remain as fresh as the Tampa seabreezes.

- ***If only*** Sepel had ordered a pilot onboard *Blackthorn.*
- ***If only*** *Kazakhstan* had not insisted on sailing flooded with an unusual number of lights, she might not have obscured the vision of inexperienced lookouts.
- ***If only*** Sepel had used his time in port preparing his crew for sea.
- ***If only*** Ensign Ryan had not assumed Crawford had radioed the approaching vessel.
- ***If only*** the doors of *Blackthorn* had not been tethered with motorcycles, etc. in the walkways.
- ***If only*** *Blackthorn* had been better prepared for disaster with liferafts, and the storage of vests, instead of renovations.
- ***If only*** someone onboard *Blackthorn* had known of and used the widener for locating the center of Cut A Channel.
- ***If only*** the impact had occurred at any other contact point, the anchor may not have become engaged resulting the *Blackthorn*'s sinking.

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[119] U.S. Coast Guard News, Media Advisory, September 16, 2000.
[120] Tampa Tribune, 29 January, 2000.

But the biggest ***if only*** of all was…….what if *Blackthorn* had not suffered generator troubles a few hours before the collision. "We were forced to drop anchor in the bay because we weren't getting enough power in our generators," Seaman Apprentice Mark Gatz told the board of inquiry.[122] Gatz, on lookout duty at the time of the crash, said the *Blackthorn* crew spent about ninety minutes trying to fix the generator on the cutter. However, he said the crew could not repair it out in the bay, and returned to Tampa where engineers worked on the problem. The problem was not explained further but apparently was solved to the satisfaction of the ship's officer because about 1730 they announced that *Blackthorn* would ship out for its Galveston, Texas, port at 1800 hours.[123] If only they had sailed a few hours earlier—or not at all.

On May 14, 1997 the U.S. Coast Guard buoy tender *Cowslip* and the Panamanian container ship *Ever Grade* collided in the Columbia River near Astoria, Oregon. Citing similar collisions in the NTSB report, such as the 1978 collision of the Greek bulk carrier *Irene S. Lemos* with the Panamanian bulk carrier *Maritime Justice* near New Orleans, Louisiana; the 1979 collision of the tank ship *Marine Duval* with the tank ship *Mobil Vigilant* near Beaumont, Texas; and the 1980 collision of the U.S. Coast Guard cutter *Blackthorn* with the U.S. tank ship *Capricorn* near Tampa, Florida, it was noted that in each of these accidents, the attempt to meet or overtake in a bend was a causal factor.[124] As a result of these investigations, the Safety Board issued a series of safety recommendations to the American Pilots' Association, individual pilot associations, and the U.S. Coast Guard, asking these organizations to either urge or require mariners to take action that would prevent deep draft vessels from attempting to pass one another in channel bands.[125] To date, none of the recommendations have been implemented as proposed.

Rear Adm. Norman C. Venzke of the Coast Guard acknowledged one year after the *Blackthorn* incident that criticism of the Coast Guard for investigating marine casualties in which one of its own ships is involved—as is required by law—may have merit. In 1981 the commandant of the service reviewed that procedure and decided it was appropriate as stands.

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[121] Ibid.
[122] USCG Marine Board of Inquiry, 23.
[123] Ibid 14.
[124] Minding the Helm , 366.

What about the *Capricorn?*

The collision caused an estimated $600,000 in damages to *Capricorn*. She was refloated the day after the collision and taken to a Jacksonville drydock company for repairs. Her flag was classified with the American Bureau of Shipping (ABS), and insured through Lloyd's Register of Lloyd's of London, admiralty (incident number 800407).[126] ABS reported upon the damages to the vessel in two reports dated 30 January 1980. The vessel continued to operate following the repairs, which were completed on 7 February1980, for at least one more year. This information is known because an annual survey was carried out by *Capricorn*'s owners in December 1980 as required by ABS.[127] There is, however, a gaping hole of over three years in which her activity is unknown. Until 1984 her activity remains a mystery even after extensive investigation. Nothing appears on the vessel until a recorded transfer of ownership from Apex Marine to Shyeh Shens Fuat Steel & Iron Works Co. Ltd. Located in Taiwan in May 1984.[128] She may or may not have sailed for the Taiwanese company for the next few months, and was broken up for scrap in September 1984 allegedly due to hard financial times as a result of the oil embargo.[129]

Database records of Lloyd's Register should contain a history of the owner and manager for every vessel, but none is available on *Capricorn*. Mr. John Freeman of Lloyd's referred to this discovery---or rather lack of discovery—as "curioser and curioser."[130] He indicated that an attempt at a blackout by the owners had been invoked. Further research into the Maritime History Archive, which holds within its domain crew lists for all vessels insured by Lloyd's Register may have helped to fill in the gaps, but the records up to 1989 have been destroyed.[131]

Kingston Shipping Company, the original owner of the *Capricorn*, no longer exists. Apex Marine Ship Management Company continues to operate out of New York. Repeated attempts at getting Apex Marine to provide any answers have not proven successful.

Return to Sea Power

The tragedy of this collision has not tainted the call to sea for man or machine. The shipping industry continues to be a multi-billion dollar business for Tampa Bay. The local pilot

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[125] Minding the Helm , 369.Ibid.
[126] Lloyd's Registry correspondence 03 May 2003.
[127] Ibid.
[128] Ibid.
[129] Ibid.
[130] Ibid.

association currently has forty full pilots (one female) plus eight deputy pilots. Considering the amount of cargo that enters and leaves completely without notice by most of the local residents, Tampa Bay's pilots have a remarkable safety record. They currently rank seventh in the country for reportable-incidents, but the waters in which they navigate present some of the more difficult challenges.[132] But even while this incident was under investigation, two additional reported incidents occurred.

- 5 February 1980: The 600-foot M/V *Thalisinni Manna* while inbound to the R.S. Joseph docks in Tampa struck the southbound bridge of the Sunshine Skyway.[133] Traffic was temporarily halted while Florida Department of Transportation inspectors surveyed the extent of damage.
- 16 February 1980: *Joanna Ban*, Liberian registry freighter, 700-foot motor vessel struck the southwest support of the Sunshine Skyway Bridge while inbound to Tampa.[134] Southbound traffic on the bridge was stopped awaiting arrival of engineers from the Department of Transportation. The vessel was grounded and refloated by tugs to proceed to Tampa Barge Services for necessary repairs. Reports stated that several large chunks of concrete were knocked out of the bridge supports. The Tampa Bay pilot on this freighter was John Lerro. The Association did not discipline him, but the Coast Guard temporarily suspended his license.

In 1989 the U.S. Coast Guard, taking *Blackthorn* and *Capricorn* into advisement, issued a summary known as the "Bauman Report."[135] The study group consisted of three officers recalled from retired status and two Coast Guard civil service employees from Coast Guard Headquarters. Based on this finding, it was determined that due to the additional hazard to ports, facilities, and the environment that are posed by tank vessels simply by nature of the cargo carried, the study group recommended that self-propelled tank vessels over fifty meters (164 feet) in length shall be required to carry a pilot when underway in pilotage waters—including Coast Guard vessels. It has yet to be put into practice.

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[131] Lloyd's correspondence.
[132] Minding the Helm, 313.
[133] Marine Board of Investigation—Daily Summary, Day 6, February 6, 1980.
[134] Marine Board of Investigation---Daily Summary, February 16, 1980.
[135] USCG cutter files CG-4641.

For a few months following January 1980, times were calm in Tampa Bay. But just as the *Blackthorn* incident brought back bad memories for the Coast Guard of the *Cuyahoga* incident that had happened thirteen months, before, the Tampa Bay Pilots had no way of knowing what lay ahead. For in 1980, only four months after this collision, another ship sailing under Liberian registry, *Summit Venture*, piloted by John Lerro (the same pilot who had nudged the bridge just three months earlier), was trapped in a sudden, blinding rainsquall, causing her to crash into the Sunshine Skyway Bridge. Thirty-five people plunged to their death. The National Transportation Safety Board rushed back. The Coast Guard did, too. Lerro was navigating solely under his state license, as the vessel was registered under a foreign flag. How could jurisdiction be in question this time?

The bridge, according to the Coast Guard, as being part of the federal highway system, gave them the right to conduct a separate investigation. Professional jealousy loomed again.

Knight, Sepel, the survivors, and families will never forget the historic night of 28 January 1980. At the Coast Guard's St. Petersburg Bayboro Harbor, the hardworking cutter *Vise* keeps a stack of papers inside a plastic binder to this day.[136] Usually found on the mess deck where the crew eats, relaxes and reads, this binder holds both of the official investigations into *Blackthorn'*s sinking by the Marine Board and NTSB. Randy Maxson, skipper of *Vise,* has made the report required reading for every new member of the crew. "It's so they can better appreciate why we run drills, why we prepare the way we do to sail in these busy waters."[137] The crew of *Vise* as well as other units from the agency annually hold a ceremony to honor the dead crewmembers. Among other duties, the *Vise* services aids to navigation in Tampa Bay, such as replacing the light in buoy 2A.

[136] St. Petersburg Times, January 28, 2000.
[137] Ibid.

CONCLUSION

Complications surrounding the matter of jurisdiction continue to prevent marine safety from being firmly addressed. When a shipping accident occurs, the potential for agency involvement is cumbersome, as illustrated in the *Blackthorn/Capricorn* incident. Over ten different agencies ranging from the National Transportation Safety Board to insurance companies to local law enforcement agencies were involved in the investigation with minor preventive measures introduced as a result. While the Coast Guard should be commended for the creation of the refresher training curriculum at the academy, one cannot help but wonder if it regrettably took the loss of life of some of their own before the need to make Coast Guardsmen seaworthy became apparent.

Economic factors so often seem to be the propulsion behind human decisions and risk taking. Laws are created frequently as a result of the need to take some decision-making away from human freethinking. But laws must be enforced. When harbor pilots are operating in a system that encompasses both their state-operating and federal-operating license, who trumps whom? When a marine accident results in private damage to a dock or cargo or the ship, not much attention is paid to it. But should the marine accident include loss of life or environmental damage, all eyes are riveted on the pilot and master of the ship. *How did this happen? Why did this happen? Why don't they have their licenses revoked?* But sometimes, it seems, as in this incident…..the very people who sit as judge, jury and enforcer caused the accident.

Credit must be given to those men and women who traverse the seas every day and night without incident. Considering the amount and different types of cargo, sizes of crews, unpredictable weather, and potential for human error, the shipping industry holds the safest record for non-incident transport. Maritime law has not changed much in the last few decades because of this. But problems still remain in the turbulent waters known as jurisdiction. Posturing for power and authority has always been, and will probably always remain a bone of contention between military and civilian, federal and state agencies, pilots and the Coast Guard.

When my phone rang on the evening of 28 January 1980, I immediately detected fear in the voice of the Tampa Bay Pilot Association dispatcher. Anytime my father, B F Wiltshire, the manager of the pilots during this time, was out of town, he would leave my phone number in case of an emergency. We never really thought there would actually be one. Every summer and school holiday I rode ships with my father, and stayed—sometimes alone—on Egmont Key. My father and I attended both hearings; the National Transportation Safety Board and the Coast Guard Marine Board of Inquiry, and followed along in the newspapers. Had I not been at the hearings myself, I would have come away from the news reporting with completely different takes on the trials. I witnessed the convoluted jurisdiction issues firsthand. I heard how testimony could be delivered with subtle nuances that would completely change the meaning. I witnessed cooperation on the part of the civilian crew involved with *Capricorn*, but little on the part of the *Blackthorn* crew. I do not mean to infer that they were laying blame elsewhere, only that they felt the process should only be done in a military court---not in front of civilians. Funny, this is precisely the point that Knight, McShea, and others had about the Coast Guard's inability to investigate their own. Having logged countless hours onboard ships, and knowing the potential for danger, I remain fascinated with the expertise and skill demonstrated every day by men and women who sail the seas. When M/V *Summit Venture* struck the Sunshine Skyway Bridge on 9 May 1980, I again received the first call. I begged my father never to leave town again. I am convinced the jurisdictional nightmare created by individual states, the federal government, domestic and foreign trade vessels, and private shipping companies must be addressed. If a plane crashes, there is only one governing authority, the Federal Aviation Administration, who sits as the ultimate governing authority. It does not matter what state the plane crashed in or what license the pilot was using. Any scenario presented by a marine accident has dizzying possibilities.

While researching this paper, attempts to get interviews from XO Sepel, Lt. Ryan, or other members of the *Blackthorn* crew proved unsuccessful. Tampa Bay pilot Knight was willing to speak to me about the collision—as a friend—but declined a formal interview. George McShea, master of *Capricorn,* also declined.

Correspondence from Lloyd' Register representatives have indicated an attempt will be made to pursue information that should help fill the gaps in the whereabouts of *Capricorn* after the collision. There is nothing official to report at this time. Permission must be granted by ship

owners before more information can be provided to the public. Kingston Shipping Company, however, is out of business. Apex Marine, *Capricorn*'s operating company, has yet to respond to my letter (Figure 9) requesting assistance in soliciting any information leading to her ultimate fate.

I remain grateful to the fact that the owner of *Blackthorn*, the federal government, has not only remained in business, but must comply with information requests due to the Freedom of Information Act. Although this case has been declassified, it is difficult to tell if the crewmembers' resistance to talk is due to pressure from above, or perhaps they still have difficultly reliving three unforgettable minutes. At least *Blackthorn* rests in peace.

As stated by the philosopher George Santayana, "Those who do not learn from history are doomed to repeat it." Until specific delineation of duties is made clear, the seas will remain rough. 15 October 2003 a Staten Island ferry crashed into a pier killing ten people. Immediately the National Transportation Safety Board and Coast Guard arrived---each claiming authority. Federal prosecutors are currently considering bringing the pilot up on charges of "being a seaman by whose midconduct a person died"----a little known ten-year old maritime law. Here we go again…..

APPENDIX A
FIGURES

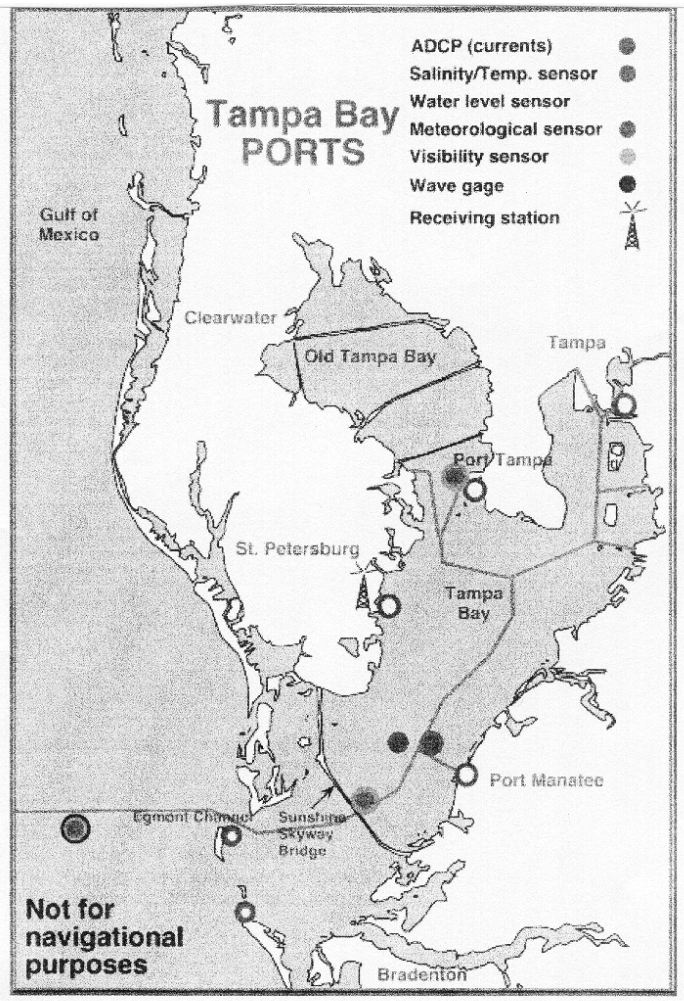

Figure 1 Tampa Bay Ports
NOA Mapfinder

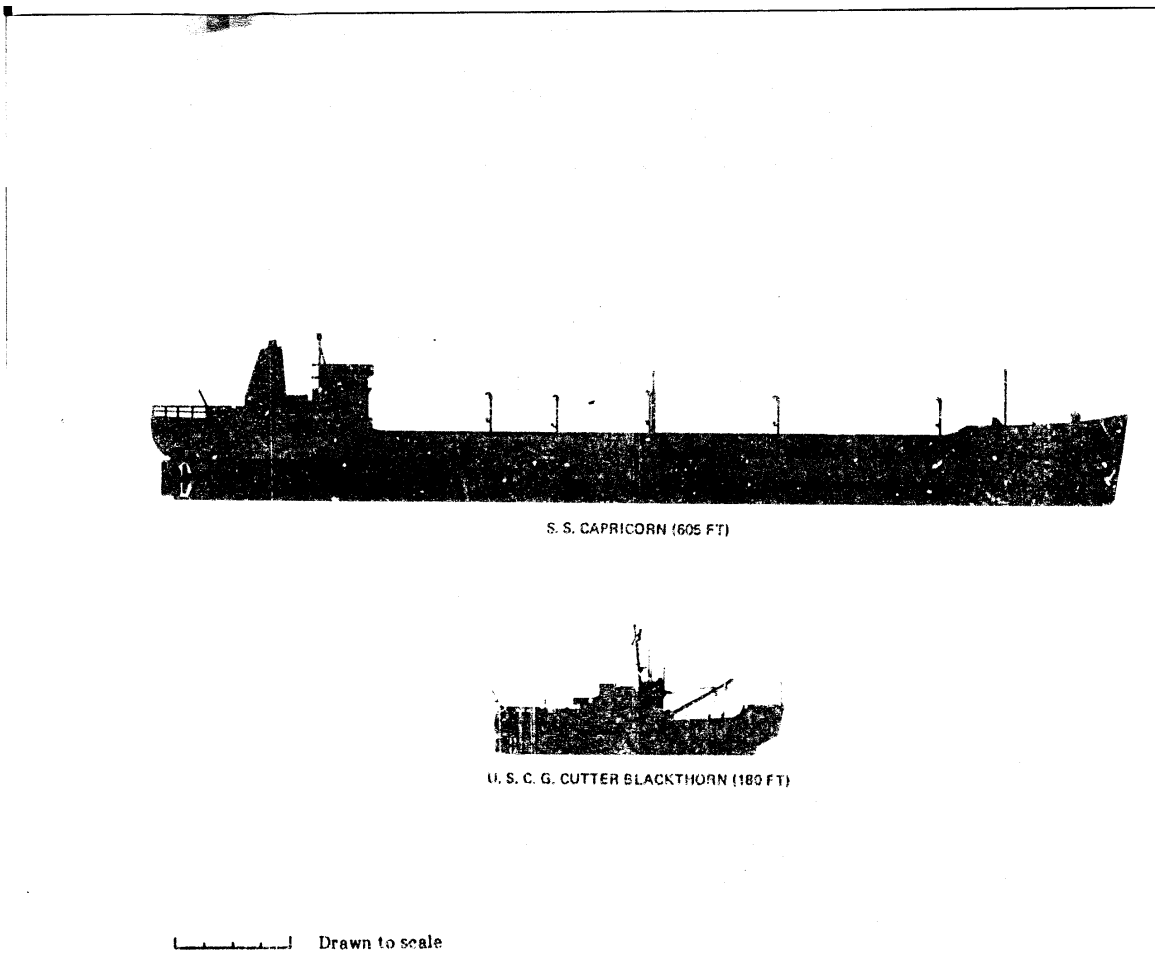

Figure 2—Relative size of *Blackthorn* to *Capricorn*
National Transportation Safety Board Marine Inquiry

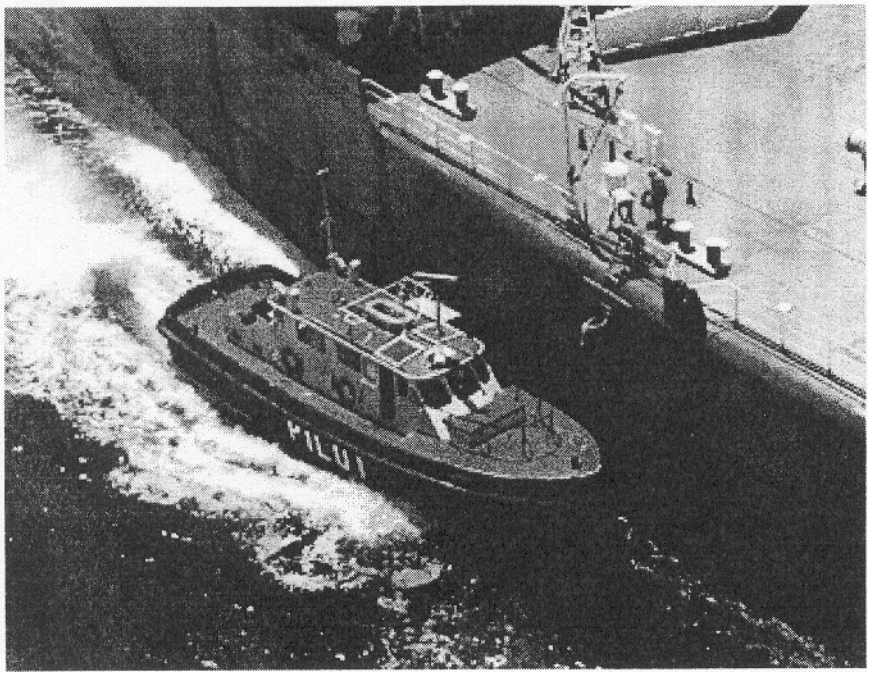

Figure 3—Pilot Mounting Ship from Tampa Bay Pilot Boat
Tampa Bay Pilot Association web-site

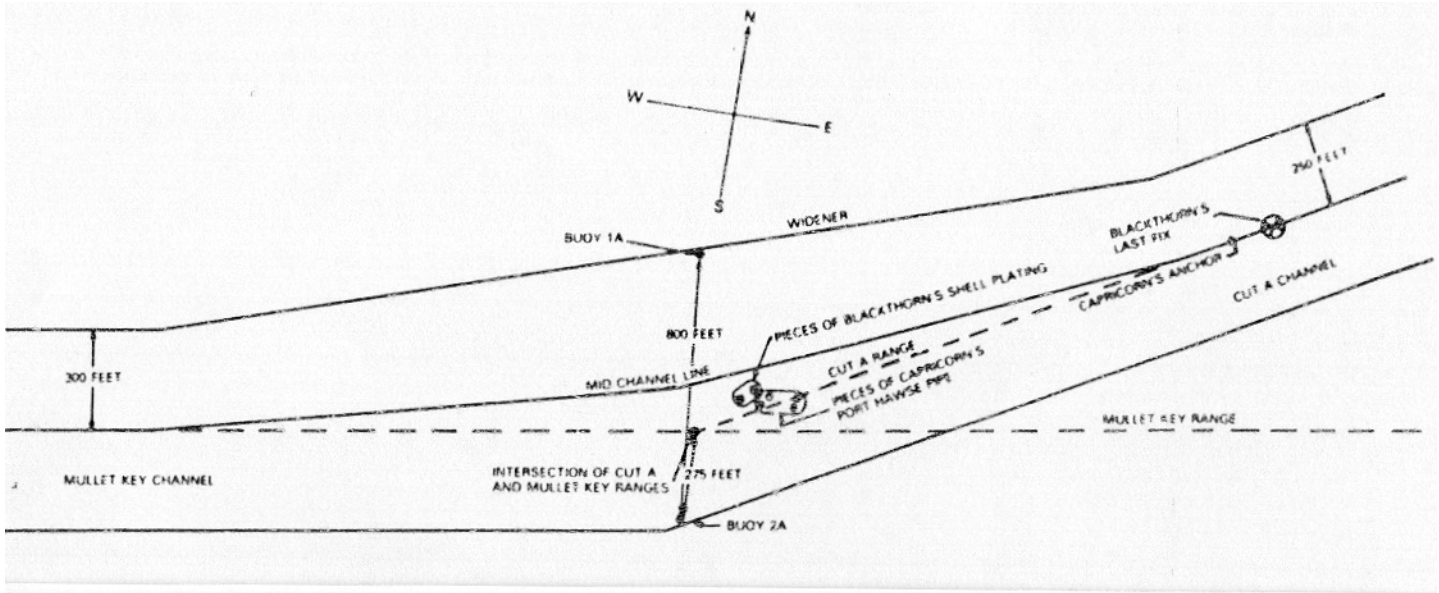

Figure 4—Cut 'A' Channel
USCG Marine Board of Inquiry

Figure 5—USCG Cutter *Blackthorn*

Figure 6—Damage to *Blackthorn*

Figure 7—M/V Tanker *Capricorn*

Figure 8—Damage to *Capricorn*

June 3,2003

APEX MARINE SHIP MANAGEMENT CO., LLC Attention: Bob Kunkel! Bill Madsen 140 Franklin Street
New York, NY 10013

Dear Sirs:

I am in the final stages of a Master's thesis project covering the collision of the US Coast Guard cutter *Blackthorn* and the tanker *Capricorn* on 28 January 1980 in Tampa Bay. While I have been able to obtain reams of information on the cutter and what her final resting place was, I have been unable to do the same for the tanker. As the operator of this vessel at the time of the incident, I am writing to see if I may be able to obtain information that would cover what happened to the *Capricorn* after the collision. I was given your address by American Bureau of Shipping.

While I know some general information, such as, she went to a dry-dock company in Jacksonville, Florida (how long?) for repairs (-$600,000 estimated damages). I know she was sold for scrap in May 1984.

What I do not know is why she was scrapped? Were the damages more than originally estimated? Did she continue to operate successfully after the incident? On the day of the collision, was she detained by weather or anything that would have put her at the place in time? Does the ship log still exist?

I can assure you that my thesis is intended to give much needed (and completely overlooked) respect for the operation of such metal marvels. I am not reporting this to be critical of any of the crewmembers on either vessel. I feel happy to be able to give the *Blackthorn* the closure and final respect she deserves, and am only hoping to be able to do the same for the *Capricorn.*

If there is a charge for this type of service or research, I am happy to cover the cost. (Of course, as a student, my offerings are not as large as one might hope---especially me!) Please feel free to contact me at my work number (850) 644-5548 or via e-mail at *jnunez@mailer.fsu.edu.* Thank you in advance for your time and trouble. You will be proud of the project, I promise.

Sincerely,

Judy Nunez

CAPRICORN Official Number 243804 Built 1943 Mobile, AL

Figure 9---Letter to Apex Marine

DECEASED CREWMEMBERS OF THE COAST GUARD CUTTER *BLACKTHORN*

SS 1 Subrina I. A vila
SNGM Randolph B. Barnaby
MK2 Richard D. Boone
SA Warren R. Brewer
QM2 Gary W. Crumley
DC2 Daniel M. Estrada
EM2 Thomas R. Faulkner
SA William R. Flores
SS3 Donald R. Frank
DC3 Lawrence D. Frye
QM3 Richard W. Gauld
SA Charles D. Hall
SA Glen E. Harrison
MKI Bruce M. Lafond
FA Michael K. Luke
MKI Danny R. Maxcy
SA John E. Prosko
SA George Ravolos Jr.
ETI Jerome F. ResslerCWO2 Jack J. Roberts
ENS Frank J. Sarna
EM3 E.F. Sindelar III
MKC Luther D. Stidhem

Figure 10—Deceased crewmembers of *Blackthorn*

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Hackensack Record
Ketchikan Daily
Long Beach Press Telegram
Mamaroneck Daily Times
New Rochelle Standard-Star
New York Daily News
New York Journal of Commerce
New York Times
Oakland Tribune
Pasadena Star News
Philadelphia Evening Bulletin
Philadelphia Inquirer
Philadelphia Sunday Bulletin
Roanoke Times & World-News
San Diego Vista Press
Sarasota Herald-Tribune
St. Petersburg Times
St. Petersburg Evening Independent
Tampa Tribune
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Exhibit 137 Statement taken by LCDR G.D. Davis of SS3 David Marak.

Exhibit 149 Statement taken by LCDR G.D. Davis of BMC R.D. Robinson.

Exhibit 166 Statement taken by LCDR G.D. Davis of Stephen Overby.

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BIOGRAPHICAL SKETCH

Judy K. Nunez was born in Port Arthur, Texas. The mother of four children, she has two sisters who also received their degrees from Florida State University. She is currently the Director of Student Services for the School of Theatre at Florida State University where she is known lovingly as "mom."

W O R K H I S T O R Y

Director of Student Services, School of Theatre, Florida State University 1997- present
Communications/Crime Scene Photographer, Monticello Police Department 1995-1999
Admissions/Registration Officer, Department of Sociology, Florida State University 1994- 1997
Engineering Specialist, Florida Power Corporation 1991- 1994
Front Office Manager, St. Pete Pelicans Baseball Team 1989- 1991

E D U C A T I O N

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Bachelor of Art Degree, Anthropology, Florida State University, 1999
BIS Certificate, University of South Florida, 1991

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- SUS Employee Grant-in-Aid, recipient, 1998-1999
- Seminole Award, Leadership Awards Night, 2001
- Florida State University Advising Award, 2002