

Written Statement  
On behalf of The International Cruise Victims Association  
Submitted to the U.S. House Subcommittee on Coast Guard and Maritime  
Transportation  
Rep. Sean Patrick Maloney, Chair  
November 14, 2019

Thank you Chairman Maloney and Chairman DeFazio, and thank you Ranking Members Bob Gibbs and Sam Graves. Thank you also to all distinguished members of this committee for allowing us to submit this statement.

As long-time volunteer members of the victims advocacy organization known around the world as the International Cruise Victims Association (ICV), we are grateful for the opportunity to submit this statement on behalf of all those who have experienced trauma, tragedy or victimization while onboard a cruise ship. And we especially submit this in the memory of all those whom we have loved and lost while on what they hoped and dreamed would be their vacation of a lifetime.

In 2006 four families, each having lost loved ones while on cruise vacations, banded together. With a common and dedicated goal to improve safety and increase the rights of cruise ship passengers the International Cruise Victims Association (ICV) was formed. Today, that grass-roots organization with its modest beginning has become the major voice for victims of crime at sea around the world. With an all-volunteer, unpaid staff and a history of highlighting the need for legislative action, increased passenger protection, and public awareness, ICV's membership has grown to include several hundred members in over 25 countries around the world.

In 2010, ICV's efforts were rewarded when Congress passed the historic Cruise Vessel Security and Safety Act (CVSSA), which was first introduced in the House by Representatives Doris Matsui and Judge Ted Poe. Such bi-partisan support was subsequently echoed in the Senate when Senator John Kerry introduced the companion bill which passed unanimously. With the passing of that bill, our nation saw for the first time, a dedication and commitment to the safety and security of millions of vulnerable cruise ship passengers. However, despite this carefully crafted bill, safety and health incidents continue to happen on cruise ships. An appalling percentage of crimes are going unreported, and cruise ship compliance is uncertain. These concerns, together with tremendous advances in technology (marine and otherwise), stand to open the door for the strengthening, improving, and updating of the measures previously signed into law almost ten years ago.

As cruise ships increase in size, so does the cruise ship industry's stream of revenue creating an environment where industry profit and its marketing emphasis on fun might be on the upswing but concern over people and safety has a lot of catching up to do. Circumstances and incidents, some of which we will highlight here in this statement, have exposed the fact that even with the CVSSA in place, cruise passengers remain vulnerable. In truth, the calculated disregard for passenger safety makes a mockery of the cruise lines' all-too-frequent public declaration that "passenger safety is our number one priority." The inherent dangers that still exist for Americans who are considering a cruise vacation compel us to press forward with renewed commitment to stronger language that not only reinforces the CVSSA but adds additional protections as well.

As a victims' advocacy organization, we hear tragic, heartbreaking stories nearly every week. What makes this unique is the fact that the stories aren't coming from police logs, or the newspaper headlines. Instead, they are coming from people who were taking the vacation of a life time until quite suddenly, when they least expected it, something went terribly wrong.

We are always touched and amazed by the members of ICV who have been courageous and determined enough to share their stories, even the families of minors who have been affected, so that the real truth behind the cruise industry's glamorous ads and the constant claims that safety is their number one concern might be uncovered. Again and again, since 2006, we have gathered all the courage anyone could muster to walk the halls of Congress equipped only with our tragic stories in an effort to gain support for legislation. Many times we have been uplifted by members and their staff who, though shocked and saddened, have encouraged us by telling us to go back and tell our grassroots organization that we are doing the right thing by coming to Washington—that in America, this is how things get done.

Still, as we have traveled and lectured around the world, we find that one of the most commonly asked questions we receive is, "What could possibly go wrong on a cruise?" So, today we submit to you a few abbreviated stories from some of our victims, each representing a different scenario of what could and does go wrong in hopes that it presents a clearer picture of how powerful they are to hear, yet difficult to tell and relive over and over again.

In 2004, a 43 year old divorced mother of one, and daughter of Ken, one of the original four ICV founders, decides to take a cruise vacation to Alaska while her teen-aged daughter is visiting her father in England. After two days onboard, her cabin steward notices that her room

has not been disturbed or slept in and reports his concern to his staff supervisor who downplays the situation as a possible ship-board romance. When her room remains the same for several more days, the steward again goes to his supervisor to report her as missing. The supervisor tells him to “forget it.” But when there was no sign of the woman by the time the voyage was to end, the steward asked his boss what he should do with her personal items. He was told to put them in a bag and lock them in a storage closet. He did what he was told to do, put the unclaimed items in a closet where they remained until the cruise line later discarded them. No one... no law enforcement, no family was notified that she was missing, no search was conducted, no announcement was made, no attention was paid. The woman and her baggage simply disappeared.

Meanwhile, her daughter back in England, having no idea her mother had taken a cruise, kept trying to reach her at home but couldn't get an answer. With growing concern she called her maternal grandfather Ken, in Arizona, to see if he knew where she was. He did not. But he did contact the authorities in his daughter's hometown of Boston who entered her apartment and searched her belongings, eventually discovering a cruise ticket purchase for a voyage during the dates the woman went missing. The cruise line was contacted and their records revealed that she had gotten on the cruise ship but had never gotten off. The authorities in Boston ordered the ship to notify the authorities in Vancouver where the cruise ended so that they could investigate this as a missing person report. They did not. Instead, a week later the cruise lines notified the FBI, who by this time refused to open a case claiming they did not have jurisdictional authority to do so. This left the woman's family with no choice but to hire an attorney who then hired a private investigator who finally found the only person who ever saw

the woman on the cruise, her cabin steward who kindly offered everything he knew which is all included in the statements above. The family asked for surveillance video but they were told they were too late, there was none by that point, and that if there had been they would not be able to share it with them for security reasons. Months later, as their personal costs, frustration and tears were mounting by the day, during a deposition, the family discovered the beginning of many lies and cover ups. There had been video when they requested it but it had not been shared with them and three months later it was destroyed by the cruise line. Now they were lost, there was no evidence, no case and no authority to care what happens to this family or their loved one Merrian. No one who knew the process or was willing to tackle this extreme consolidation of wealth and power with its nearly total freedom from a strong governmental hand –the cruise industry. Thus began ICV.

The second tragic story involves Georgia, who is also one of the senior vice presidents of ICV. Georgia and her family became victims of one of the worst cruise ship disasters of recent history. On January 13, 2012, the Costa Concordia Cruise ship crashed and nearly sunk in Italy. 32 people paid the ultimate price of losing their lives, and thousands of other passengers suffered with pain, fear, and emotional as well as physical traumas. The Costa Concordia disaster was especially difficult for her family, as they had been long time cruisers, and were devastated by the way they were treated by the cruise lines.

“It has been almost 8 years and we still have not been adequately compensated for the damages we suffered,” Georgia explains, but “more important than compensation for us though, is the need for the cruise line to take responsibility for their actions, to be transparent, and willing to put safety for their passengers at the forefront which they have refused to do.”

Few tragedies in life are more devastating than the loss of a child. For many of us, it is difficult to imagine anything worse. But the unimaginable becomes the harshest reality for those whose children are lost due to the negligence of a “trusted” corporation; specifically a global one touting a business model that “supports policies and practices that foster a safe, secure, healthy and sustainable environment.” This is the story of Ashley. Her mother Jamie has served as president of ICV since 2007. She is also an ordained transitional Deacon in the Episcopal Church and will be ordained to the priesthood in January of 2020. But what precipitated her calling to the priesthood was the tragic loss of her only daughter Ashley Barnett on October 15, 2005. Ashley took a 3-day cruise from Long Beach, California down to Ensenada, Mexico with her boyfriend and several of his friends, six days before her 25<sup>th</sup> birthday. Less than 24-hours later, she was dead. Her boyfriend, who was a recovering drug addict somehow managed to smuggle illegally obtained liquid methadone onto the ship in an emptied out bottle of Dayquil. And somehow, that methadone made its way into a non-drug using, adamantly and profoundly opposed to drugs of any kind, young lady’s system. Having both anecdotal and scientific proof that she was not a drug user, the question of how this got into her system is of extreme interest and importance.

Ashley and her boyfriend had an argument the first night of the cruise. He left her in their cabin and when he returned, she was asleep. He got into bed beside her. The next morning he got up and she was still sleeping according to his report. He left the cabin to meet up with his friends and plan the day, again according to his story. When he returned he found he couldn’t wake her up and began to scream out into the hallway for help. A volunteer fireman rushed in and began CPR on Ashley. It is important to note that the fireman’s story, quite different from

that of the cruise lines, says that Ashley was viable, warm and with a slight, faint pulse at the time a nurse finally arrived, empty-handed from her office one flight directly below their cabin. She took over the resuscitation efforts and called for the doctor to come. When he got there they began to perform a few albeit unsuccessful life saving measures but none of the ones you would expect in a land based hospital, especially when the patient is suspected of having ingested methadone which her boyfriend finally admits is missing. No Narcan is administered, no line is put in, and over 20 minutes go by before a defibrillator arrives. By this time, it is too late. She is pronounced dead.

“Once I was notified, an experience I will never recover from,” says Jamie, she was told the FBI and Mexico were investigating but the ship was requesting that her body be allowed to remain onboard in their small morgue and return along with everyone else to Los Angeles 36 hours later. It would be months before she learned that in actuality her body had already been removed and left alone in a morgue in Mexico. No one stayed with her. The ship sailed on.

Five days later, Jamie was able to get Ashley’s autopsied, embalmed body back to Los Angeles where she was told she would have to hire a private forensic pathologists if she was ever to know what killed Ashley (other than the cruise line’s medical negligence). And it had to be good one, because he or she would have precious little to work with when they received her.

Meanwhile the FBI maintained that they could not discuss anything with Jamie. And the cruise line offered nothing in the way of information or help and the boyfriend, who was never charged with anything... not even illegal possession of drugs, or manslaughter, or reckless homicide, remained free. These were only some of the legal hurdles, the jurisdictional

murkiness, the lack of laws and rights that victims of crime at sea or their survivors have, the pain, the sense of powerlessness and secondary victimization Jamie was beginning to become painfully familiar with.

Our final story comes from Laurie, another senior vice president of ICV, who while on a Royal Caribbean cruise vacation with her best friend Michelle was brutally raped by a crew member who was employed as a janitor but who was at the time filling in as a security guard. The crew member followed Laurie to her cabin, forced his way in and sexually assaulted her. She was left unconscious and when she woke up she discovered that her pants had been removed and that she not only had an impacted tampon she also had had ligature marks on her neck from what she could suddenly recall must have been caused by the perpetrator holding her down while she was trying to kick and push him off of her.

After Laurie reported the rape, two supervisors, the purser and the head of security, came to her cabin and sat on the bed where the rape occurred to interview her. When Laurie was interviewed by the men one of the questions they asked her was how much she had had to drink that evening, and Laurie's answer was that over the course of the afternoon and night, she probably had a total of four alcoholic beverages.

The purser then rose, clasped his hands behind his back and turned to face Laurie, who thought he was now going to say that medical help was on the way. Instead what she heard was this, "Ms. Dishman, it sounds to me like you need to control your drinking."

Several hours later, she was taken to the infirmary. There she and her friend Michelle were handed two trash bags and told to go back to their cabin and collect her own evidence. "Everything with my case was horribly mishandled by the cruise line, and I was provided with



no course of action,” Laurie says. Eventually after finding an attorney to help her she says, “I had a eight hour deposition where the cruise line attorneys questioned me the entire time about my character because they knew what had happened with the janitorial employee they put in a security guard uniform was going to be big trouble. He had already been in trouble for falsifying records, insubordination and harassing two women six weeks before he raped me.”

Laurie later wrote to her Congresswoman, Doris Matsui, when it became clear that neither the FBI nor the DOJ could help her. Afterwards she made over 30 trips to Washington for hearings and to gain support for legislation which the Congresswoman introduced as the Cruise Vessel Safety and Security Act. The bill was passed and signed into law July 27, 2010.

The details involved in each of these cases and so many others points loudly to the fact that the cruise industry has, to an astonishing extent, functioned as a privatized society, ruled almost solely by their own corporate policies. This is an industry that has cleverly crafted a business model that allows them to “enjoy virtually every benefit and protection of operating as an American company – indeed icons of Americana-- without being required to shoulder any of the responsibilities commonly understood to accompany the privilege. For all intents and purposes, they pay no federal taxes, and contend with no labor restrictions. Modern ships have expanded to size to a small city –they can carry approximately 9000 passengers and crew. While most cruise customers are from the U.S., their workers come from impoverished nations like Indonesia, Honduras or the Philippines. Their corporate headquarters are often found in Miami yet instead of paying taxes and registering their ships here in the U.S. they pay nominal fees to countries like Liberia, Panama, or the Bahamas, which affords them the right to fly their ships under what is known as “flags of convenience.” Tragically, this means that the ships are

now registered in countries which are essentially legal and regulatory vacuums, unable and largely unwilling to exercise oversight and control. Doing this allows them to not only avoid U.S. laws and standards such as OSHA, and other regulatory controls, but labor laws, hiring practices and conditions, and a host of other requirements that would significantly cut into their profit margins.

Critics rightfully claim that the cruise industry is effectively being subsidized by the U.S. government. These claims are based on the fact that the cruise industry actually represents a significant government expense. First of all, its ships are highly attractive targets for terrorists with unparalleled potential for mass casualty given their powerful symbolism of American consumer culture. With that in mind, the U.S. has spent millions of taxpayer dollars to fund port security to safeguard these cruise ships. These funds include but are in no way limited to the U. S. Coast Guard's patrol of the ships coming into and going out of our ports, shoreside security, the FBI which has jurisdiction over crimes involving U.S. citizens, and customs agents. Even more egregious is the treatment of passengers who become victims of crime or other tragic acts of negligence on these ships while at sea. Typically, the passenger is an American, having bought their cruise ticket in America and boarded the ship in an American port. Naturally, if they even think of it at all, they assume that the rights, laws and protections they have as an American go with them as they step onto the ship. What they don't know is that as soon as their ship sails away, so does all of that. Not until something goes wrong do these unsuspecting passengers realize that they are instead trapped on a tiny piece of Liberia or Panama...

Here we are today, in 2019 and the 25,000,000 passengers projected to take a cruise this year are still in jeopardy and in need of protection and awareness. Many could unknowingly fall victim to the number one crime occurring on cruise ships; sexual assault. And yet the cruise lines continue to shield the truth of how many of these crimes are actually occurring and how **many of them involve minors**. Thanks to Senate testimony, we do know and we feel that the public needs to know. On average, an appalling total of 33% of all sexual assaults on cruise ships are committed against minors.

Without the efforts of ICV and the congressional action taken over the past nine years, no legislation would have been passed to improve the safety of passengers. While our voice will not be heard at the current public hearing, we appreciate the opportunity to submit this statement of need for continued oversight and additional legislation. Beginning with the fact that reportable crime categories should be expanded to include all crimes, not only the ones included under the CVSSA but all, so that they too may be included in the crime statistics. As it appears now, the cruise lines themselves are able to decide and label any offense or crime, with the possibility of downgrading the seriousness of such crimes (i.e. instead of categorizing an incident as a sexual assault which is a reportable offense, the cruise line has the option of categorizing it as “inappropriate touch” which is not currently a reportable offense). Such limited and unchecked reporting serves to protect the cruise line rather than the passenger. This calls for your attention.

Another issue of deep concern is the fact that cruise lines resist legislation claiming that they are already highly regulated. However, these claims are unsubstantiated and can be easily

refuted. One need only refer to a statement submitted on a slide included in a power point presentation given by the International Maritime Organization (IMO) itself stating the following:

“Roles and Functions...

IMO is **not**:

- A policeman

IMO does not:

- Implement anything
- Develop standards for strength or determine design requirements
- Approve equipment and systems
- Have (m)any sanctions”

Additionally one can only look with suspicion upon the Cruise Lines International Association (CLIA) self-adopted and promoted Passenger Bill of Rights –an obvious public relations initiative. Sadly, an evaluation of that claim reveals that while many of the promises included there seem reassuring to cruise passengers, a deeper dive into them indicates it is filled with empty promises and lacks any legal substance or guarantee for passenger recourse when seeking fair compensation.

Finally, unlike companies on land, cruise lines face virtually no financial exposure when their passengers die or disappear. Even if the cruise line is clearly negligent or acts maliciously. This is because of a nearly one hundred year old law known as the Death on the High Seas Act (DOHSA), which was originally passed to provide for a widow’s ability to obtain limited recovery when her seaman husband died at sea. This same law is still being used—now as a shield by the cruise industry to avoid financial accountability for the wrongful deaths of passengers. Applied to the cruise lines, DOHSA today provides no recovery when the victim is a retiree or a child. This passenger demographic accounts for a significant portion

of the 25 million passengers who cruise each year. Cruise lines and their insurance companies have profited enormously due to this ancient law. Understandably, many grieving passengers are not only floored when they learn of this, they are also made to feel victimized once again when told their loved one's life was worthless under current maritime law.

ICV implores Congress to not only continue but to in fact strengthen its resolve to warn and protect the public from danger when they are the most vulnerable and the least aware: on a cruise ship. Our hope and our mission is to change the fact that even as we seek to increase safety, create awareness, and open up opportunities for the public to hear and know the details of tragic stories such as the victim members stories presented here, the cruise are engaged in efforts to shield and protect themselves while they shame and overwhelm the victims in many cases such as in the sexual assault of Laurie, or the costly PTSD Georgia, Dean, Valerie, and Cindy are still living with as a result of their harrowing evacuation of a sinking cruise ship off the coast of Italy. Not to mention the heartache and scapegoating tactics used after the fiery deaths of Richard, or Larry and Christy. Several ICV members can certainly speak to the medical negligence on the supposedly fun ships that led to the deaths of Ashley, Matthew, and Christina; or the truth behind the disappearance of Merrian, or Rebecca, or Blake, or Amy, or Daniel. And all of us could tell you the truth of what could have been done to prevent these tragedies.

The congressional champions we have had along the way have made all the difference in our fight for answers and justice. There is an old African proverb that says, "Until the lion tells the story, the hunter will always be the hero." While stories are most often told by the hunter—the

customary hero—there is always another story. One that struggles to be told. In this case, the story struggling to be told is that of victims of crime on cruise ships. We are that lion—we have a story too. The world is counting on you to listen to that story.



