

**Testimony
of
KENDALL CARVER**

**International Cruise Victims Association, Inc
704 228th Ave NE – PMB 525
Sammamish, WA 98074
Office 602 852 5896 – Cell 602 989 6752
E-Mail kcarver17@cox.net**

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Surface Transportation and Merchant Marine
Subcommittee**

**“Cruise Ship Safety: Examining Potential Steps for
Keeping Americans Safe at Sea”**

HEARING SCHEDULED

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Russell Senate Office – Room 253**

I would first like to thank the Chairman and members of this committee for giving me the opportunity to participate before this committee. I am here today both as a victim and as President of International Cruise Victims (ICV), an organization formed by people who have experienced tragedies on cruises and who have been treated poorly by cruise lines. My prior working experience was to serve as President and CEO for 18 years of an insurance company in New York City.

As a victim, I have personally felt the pain, not only of losing our daughter, Merrian Carver, but also having to struggle with the cover-up by a major cruise line of the facts concerning her disappearance. She had been a passenger on a Celebrity Cruise Ship, which is owned by Royal Caribbean.

Each member that has joined ICV since it was founded in January of 2006 has had similar painful experiences. Having listened to the stories of these other victims, I feel that I now know something about what counselors must feel when they hear the tragic stories from their patients. (See Attachment III)

I would first like to review quickly the tragic events of our daughter's disappearance. We were first made aware of a problem when our granddaughter called to tell us that Merrian was not returning her calls. We then started to search for Merrian, and contacted the police in Cambridge, Massachusetts where she lived.

The police found out three weeks later through credit card records that she had booked the cruise, and we contacted the cruise line. After a couple of days they confirmed that she had been on a Celebrity Cruise ship. Only after we contacted them did they make a report to the FBI one week later. This was five weeks after she disappeared. Moreover, we found out that the cruise line had previously disposed of her property without attempting to contact her family or the FBI.

A brief summary of the facts concerning her disappearance are as follows:

- The cruise line failed to report that Merrian was missing to the FBI until five weeks after she went missing and only after we contacted the cruise line.
- They disposed of her property by giving most of it away to charity despite their protocol, which calls for property left on a ship to be held for 90 days.
- When we asked about video records, which could show things relevant to Merrian's disappearance, they told us they had no records and there had been no review concerning Merrian. However, in January, 2008, three years after we had asked for and subpoenaed information concerning these video's, one of their senior personnel admitted in writing that we had been lied to concerning the surveillance tapes; their retention and review by ship's personnel. (See Attachment II)

- They made a report to the FBI indicating that nothing had happened on the cruise. Their internal documents show that during the third week in September their officials were coordinating a cover-up of the disappearance. (See Attachment II)
- They told our Detectives that the cabin steward had made no reports concerning Merrian, but we later learned through the depositions that he had reported her missing from her cabin for five days during the cruise and was told by his supervisor to "forget it and just do your job".
- The cruise line would not permit an interview with the steward or the security officer responsible for the surveillance system. We had to hire private investigators, two law firms, take court action in two states and spend over \$75,000 over 4 ½ months in order to have our lawyers depose the steward – an effort that many families of victims would not have been able to make. Only after this court ordered deposition on January 16th and 17th on 2005 did we realize that they had been lying to us from the beginning.
- In Congressional Hearing in December of 2005 and again in March 2006, under oath the representatives of Royal Caribbean indicated that they cooperated with the family as soon as they were aware of her disappearance. In fact, they really began the cover-up of her disappearance starting the third week of September 2004 and cooperated later only in response to court orders. (See Attachment II) However, even to this day, we have not received items that were requested and subpoenaed in 2004-2005.

In July of 2005, I read a book, "The Devil in the Deep Blue Sea" by Kristoffer Garvin. On page 246 he wrote, *"An examination of sexual cases found a pattern of cover-ups that often began as soon as the crime was reported at sea, in international water where the only police are the ship's security officers."* I realized that our treatment fell within this pattern. (See Attachment II)

After the first Congressional hearing in December of 2005, I concluded that we needed to organize a group of victims in order to have a chance to get changes made in the practices of the cruise industry. I contacted other known victims, and together, we decide to form International Cruise Victims. After 28 months of existence, this group now has members in 16 different countries with a separate chapter in Australia. Members of this subcommittee and their staff members can review the stories of these victims on our website at www.internationalcruisevictims.org. (See Attachment III)

When I and other victims testified at the Congressional Hearing in March of 2006, we shared our stories to show the need for substantial changes in cruise line practices and we presented a 10-point program developed by ICV members to improve safety on cruise ships. I, along with other ICV members, have personally attended several meetings with CLIA and cruise lines representatives concerning suggestions made by our members. The standard answer from them is the "these

are great ideas, however we have another approach." Even after all of these meetings, the problem is that we have seen no firm written commitments for any significant change. (See Attachment IV)

What have we learned during this past couple of years concerning this industry?

1. Cruise Ships take the legal position that they are not required to investigate crimes on cruise ships and are not equipped to do so. This is documented in various items we have available. These documents indicate that any information they give to the FBI or Coast Guard is provided on a purely voluntary basis. In addition, they take to position that they are also are not responsible for the medical care or accidents that occur on excursions that they have chosen, promoted and also make a substantial commission on when sold to their passengers.(See Attachment I)
2. At the request of a Congressional Committee in March of 2007, we met with the FBI on July 25, 2007 to review this matter. At this meeting the FBI clearly indicated that they do not have the resources to follow up on the various crimes that occur on cruise ships. Records indicate that in 2005 only 50 cases were opened and there were only 4 convictions of people committing crimes. (See Attachment I)
3. Since the cruise ships do not investigate crimes and report them only on a voluntary basis to the FBI and since the FBI says they do not have the resources to follow up on those crimes that are reported, most criminals are not apprehended or punished for the crimes they commit on cruise ships. As Representative Christopher Shays has indicated, "it is the perfect place to commit a crime.
4. In addition, a well-known Internet site, Cruise Critic, in an editorial dated May 16, 2008, cites results of a survey of 1700 people that have taken a cruise and found that **10% of respondents said yes to the question: "Have you ever been affected by crime, minor or major, on a cruise ship?"** Dr. Ross Klein, Professor of social work at Memorial University of Newfoundland, indicates that, "These numbers would suggest that as many as one million Americans have been victims of a crime on a cruise ship." If a resort had 10% of their customers indicate that they had been affected by a crime at that resort, there would be extensive investigations by legal authorities. (See Attachment I)
5. With the added **concern of terrorism**, Passengers on cruise ships need the same protection as passengers have on airlines that currently have independent national Sky Marshalls for protection. In the October 16, 2006 issue of the Insurance Journal, an article titled, "*Maritime Terrorism Risk Extends to Cruise Ships and Ferry Boats*", states that cruise ships and ferry boats need more protection than they now have against terrorist attacks that

could kill and injure many passengers and cause serious financial losses. This conclusion is based on a new RAND Corporation report. (See Attachment V)

In the September 2007 House Hearings, chaired by Elijah Cummings, the representatives of the cruise lines were given 90 days to provide to his committee a report on what they were willing to do. This report was delivered to the committee on December 19, 2007. A careful review of this report shows that after all the various meetings and congressional hearings the cruise lines are unwilling to commit in writing to any real changes from what they're doing currently. (See Attachment IV)

As a result of their unwillingness to make commitments for change, the U.S House of Representatives, on April 24, 2008, passed an Amendment to the Coast Guard Reauthorization Act measuring crime on cruise ships to require cruise lines to make public their actual crime statistics of missing persons and crimes on cruise ships and to make that information available to the public. Assuming this also passes the Senate, this will be one step forward to at least make public the crimes on cruise ships.

Because of the concern regarding the lack of regulation of the cruise line industry, legislation has also recently been introduced in California to place appropriate California licensed independent security, called Ocean Rangers, on cruise ships as they enter or leave California waters. This bill has gone through several committees in the California legislature and on May 28, 2008 was passed by the California Senate 25 to 12.

The cruise line industry has strongly opposed this California initiative to place one security officer on their ships by threatening in testimony to the California Senate committee on Appropriations on May 12, 2008 that they would bypass California ports if the legislation passed. In view of the crime rates reported by the Cruise Critic survey, the industry should gladly accept independent security and thereby provide their passengers with the same protections that they would have in major resorts in this country where the police are called if a crime occurs.

We need to address solutions to this problem, in order to protect future passengers and crew. The goal of ICV is not to damage cruise lines but to hold them accountable for the safety of future passengers and crewmembers and to require prompt and accurate reports to authorities of crimes, deaths, disappearances and other matters that would normally be investigated if they had occurred on land.

Since 1999 cruise lines have had a stated policy that they have a zero tolerance for crimes. This would infer that there is nothing that they would not do to prevent crimes on cruise ships. However, after our several meetings with representatives of cruise lines to explore various suggestions coming from victims and their families, the cruise lines have yet to commit in writing to any changes. (See Attachment IV) Meanwhile, they aggressively oppose any new legislation to improve the safety on

cruise ships. In fact, in 2007 this foreign cruise line industry spent over \$2,800,000 in Washington for lobbying. In contrast, Wal-Mart spent \$280,000.

Frankly, we have no money to lobby, only the many victims and their passion for change that are working for ICV every day. Fortunately, you were elected by the people you represent and not the lobbyist for a foreign corporation.

It is clear to me that comprehensive legislative action is needed since the cruise lines have shown no willingness to voluntarily commit to make substantial changes in their current practices in order to protect passengers on cruise lines. I will look forward to answering any questions that you might have concerning this subject.

Sincerely,

Kendall Carver
President
International Cruise Victims Association, Inc

International Cruise Victims Association, Inc (ICV)

SUPPLEMENTAL ATTACHMENTS

Submitted by

KENDALL CARVER

Before

**The Surface Transportation and Merchant Marine
Subcommittee of the U.S. Senate**

SECTION I ATTACHMENTS

**Reported Crime rates on Cruise Ship
and FBI record of convictions**

SECTION II ATTACHMENTS

**Documents concerning the Cover-up
Of Merrian Carver disappearance**

SECTION III ATTACHMENTS

ICV Victims of Cruise Lines

SECTION IV ATTACHMENTS

**Summary of Results of Various meetings with IVC victims
and CLIA**

SECTION V ATTACHMENTS

**Maritime Terrorism
Rand Corporation Report**

