

# Introduction

*by Mary Schiavo*

**Accident – *n.* an undesirable or unfortunate happening that occurs unintentionally and usually results in harm, injury, damage, or loss; casualty; mishap. <sup>1</sup>**

Several years ago I stopped calling aviation disasters “airplane accidents.” There are airplane crashes, collisions, or disasters, but not accidents; nor are there incidents or mishaps. Accident implies there is no fault. Accident implies an unavoidable occurrence. Accident implies no one will be blamed or held accountable. Accident fails to describe the devastation to the lives not only of those killed or injured in the crash, but also the lives of their families.

A plane crash has an impact that extends beyond the families of those lost or injured. A horrific plane crash shakes our nation and the world. The government, politicians, law enforcement, safety groups, attorneys, the courts, big insurance companies, and of course the airlines, airports, and other aviation interests all have a stake in the outcome. Each interested party wants something different from the investigation, fact finding and fault finding, and each interested party has a different notion of what should be accomplished with the closure of the case.

I have had the occasion to work on aviation cases in many capacities. As the Inspector General of the U.S. Department of Transportation my goal was to identify systemic, nationwide, and overarching holes and loopholes in aviation safety and security. As a criminal investigator and prosecutor, working with my special agents and in conjunction with the Federal Bureau of Investigation, I investigated and prosecuted avia-

tion crimes. As an Assistant U.S. Attorney I prosecuted those who refused to follow the laws of aviation. As an aviation writer and television aviation commentator, I often get the first calls after an aviation disaster and have to draw on experience and sketchy clues to shed light on what may have caused the crashes or collisions. And as an aviation disaster attorney, I sift through the evidence and make cases against those whose action caused or contributed to the air crash or collision and the horrific loss of life and injury, both to those on the plane, and to those on the ground.

I have noticed throughout my aviation work in various capacities that “closure” is a word often casually tossed about. Government officials use it when they want to quickly move on from the crash to whatever other news is on the front page. The courts and judges use the word “closure” to encourage families to settle so they can take another case off the docket. Most of all I hear attorneys for airlines speaking about “closure,” usually to convince families to take a less than acceptable settlement they are offering but which always comes with a denial of responsibility, fault or guilt.

And so I have come to realize that, in the minds of many, “closure” equates with escaping responsibility, fault, blame, and accountability. The closure they seek is for their own benefit. They see it as a closing of a book, the ending of a case, wiping the slate clean, or turning the corner...for themselves.

But for families of plane crash victims, closure does not come so simply and painlessly, if at all. It cannot be bought with a no-fault check. It cannot be decreed by a court and the opinion of a judge. It neither starts nor ends at the times and stages as set forth in the psychologists’ resource, *Diagnostic and Statistical Manual of Mental Disorders IV*. In fact, of the hundreds of families I have represented in airplane disaster cases, not one has ever reported obtaining “closure.” What they have told me is that they learned to live with the new reality, a reality that their lives have been forever altered...against their choice, without their consent, and against their will. They learn to remember, so they will not be surprised when something personal triggers a flashback to a

happier time, so they will not reach for the phone and start to dial only to remember their loved one died in a plane crash. They get used to their new life so they do not relive the pain each time they forget their old life is gone. They get used to their loss, but there is no closure. Closure is what others say or do so they don't have to think about it. Families think about it whether they want to or not. The plane crash is always there, and always will be. Families learn how to cope with it, but it takes a very long time.

In her book, *In the Wake of the Storm*, Terri Severin helps us begin to understand the devastation of aviation disasters, whether we are airline personnel, government regulators, accident investigators, courts and judges, attorneys, care givers, or kindly souls who just want to help. Her journey shows us what the reality is like for families forced to live and re-live an airplane disaster and how much time everything related to an airplane crash takes, be it the investigation, the fact findings and hearings, the litigation, and the getting through the anniversaries, birthdays, holidays, and countless little things everyday that remind us of the loved ones lost. I encourage you to go on this journey with her so you can understand, help, and maybe change the world in the process.

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<sup>1</sup> *Dictionary.com Unabridged (v 1.1)*

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