



Captain Phillips and Truthiness

By Brian Beckcom, VB Attorneys' lead lawyer for the crew of the *Maersk Alabama*

This past Friday night, I went to see the Houston premiere of the new Tom Hanks movie, *Captain Phillips*, with my wife and some friends. I was eager to see the finished version of the film since I have been living with the story of the *Maersk Alabama* pirate attack for the past 2 1/2 years. You see, I am the lead lawyer representing approximately half the crew of the ship. They filed a lawsuit against the shipping company 2 1/2 years ago for knowingly leading them into pirate-infested waters without adequate security.

Unwittingly, I've also been put in the unenviable position of leading the charge against a ship captain who is being portrayed by one of the most admired men in America, Tom Hanks, and fielding media questions about the purposes behind the lawsuit, the claims of the crew, the accuracy of the movie's depiction of events, and whether the lawsuit was pursued as a publicity stunt.

So the record is clear, some facts need to be made known. First, the lawsuit was filed long ago, before anyone knew that the story of the *Maersk Alabama* pirate attack would be made into a Hollywood blockbuster. Both before and after I learned that a movie was being made, the crewmembers and I repeatedly sought to get the case heard in court before the movie came out, knowing that any movie starring Tom Hanks was likely to color the jurors' opinions about the case. However, the shipping company and its lawyers have fought us every step of the way to delay the case as long as possible.

Second, when we filed the lawsuit, one of our central claims was that the shipping company—knowing that these men would be sailing undefended through some of the most dangerous waters in the world—deserved better security than they received.

Among other things, we claim in our lawsuit that the ship should have had armed guards. The shipping company and others in the industry claimed that arming commercial ships would make piracy events more dangerous, not less.

The shipping company's claims turn out to be demonstrably false. Since the events depicted in the movie, the *Maersk Alabama* has been approached by pirates at least twice. Both times, however, the ship had an armed security contingent and the pirates quickly left to seek other, softer targets. Other commercial shipping companies are providing much better security for their crews as well. So, at the very least, our lawsuit changed the behavior of Maersk Lines and other shipping companies by forcing them to defend the men and women on their ships with something other than water hoses and flare guns.

So, is the movie true, or not? I am in a somewhat unique position because I have personally heard sworn court testimony, both from the crew and the Captain himself, and I've seen the underlying documents and communications between the Captain and the shipping company in the days leading up to the attack. The shipping company,



Captain Phillips, and their attorneys, have sought to gag the crew and me to prevent us from talking about the facts of the case publicly. So while I am not at liberty to get into the specific facts we know to be true, I can say that I found myself laughing at inappropriate times during most of the first half of the movie, knowing that it takes great liberties with the truth—stretching the facts almost to the breaking point. The director, Paul Greenglass, as well as others involved in its production, has admitted as much. Mr. Hanks has even said the movie has a lot of "verisimilitude," which is similar to Stephen Colbert's famous "truthiness" jokes. As we would say in Texas, the movie is "truthy," but it ain't the truth.

I am a huge fan of Tom Hanks and his movies (*Joe and the Volcano* notwithstanding. Seriously Tom, what was that?), and I'm also a big fan of Mr. Greenglass' work, although the Somali-American actor who portrays the lead pirate, Muse, steals the show. I am sure the movie will make all of its investors tens of millions of dollars and its actors will take home a slew of awards.

However, the real heroes are the men of the crew who fought back against the machine-gun-wielding pirates using makeshift weapons like utensils and pipes and the anonymous members of the United States military who bailed out the shipping company for its poor decisions and inadequate security—all at the U.S. taxpayer's expense.

If I could get only two messages across, here's what I want people to know. First of all, the taxpayers of the United States and the United States military should not be on the hook for providing security or rescue operations to billion-dollar shipping companies simply because the shipping companies don't want to spend the money to secure the men and women who man their ships. Second, the men and women of the United States Merchant Marine toil in obscurity, working under dangerous conditions even in the best of circumstances. They deserve better from the shipping companies who profit handsomely from their labors.