

The New York Times

June 10, 2011

Security Checks on Boaters Disrupt Idyllic Life on the Hudson

By PETER APPLEBOME

POUGHKEEPSIE, N.Y. — For Bill O'Brien, summer had meant the bliss of the Hudson River ever since he went out fishing for stripers as a boy. But last year, after he was stopped once too often by law enforcement patrol boats with armed officers, he decided he had had it. He sold his 22-foot jet boat, convinced that a once-restful afternoon on the Hudson was just becoming too stressful to enjoy.

"One time I got stopped four times in one day," Mr. O'Brien, 45, an M.R.I. technologist from Orange County, said. "It feels like every agency and municipality on the Hudson has a boat, and they're all out there trying to justify themselves by finding someone doing something wrong. It's just gotten out of control."

Ten years after the terrorist attacks downriver made security checks commonplace, a tea party of sorts is brewing on the Hudson, as boaters and marine businesses complain bitterly about being stopped too often and questioned too closely by officers wearing flak jackets and holstered pistols — many of them on the lookout for terrorists.

And as boating season begins, that vigilance has become one of those vexing flashpoints, like baggage searches and airport body scans, in the shifting definition of what is normal — post-9/11 overreaction to some, and a response to real risks to others.

A petition drive among boaters has generated hundreds of signatures and scores of angry comments.

Boat clubs are mulling strategies, and the largest boating-industry group along the river, the Hudson Valley Marine Trades Association, recently wrote the Coast Guard commander in New York to protest "an incredible increase of recreational vessel boarding."

Boaters say the stops have multiplied in large part because they are only minimally coordinated among roughly two dozen agencies that watch the river: federal authorities, state police from New York and New Jersey, county sheriffs' departments and a host of other organizations, familiar and obscure, including the Border Patrol and the New York Naval Militia.

But Coast Guard and law enforcement officials say much of their watchfulness reflects a bigger concern: In addition to its quiet joys and natural splendor, the Hudson is home to some potentially rich targets for terrorists — including the Indian Point nuclear power plant, West Point and the Tappan Zee Bridge — and could become a pathway for attackers to reach New York City unnoticed.

Those officials say that, yes, boaters on the Hudson and on other waterways are far more likely to be stopped than they were in the past, but that is just one way in which life has changed.

"We get a lot of complaints, but maritime safety and security has taken on a whole new direction since 9/11 — we're more proactive, we're more vigilant," said Lt. James Luciano, who oversees the Westchester County Police Department's marine unit. "Before 9/11, you could access buildings more easily than you can today. Look at airport security."

No one compiles figures for all the agencies patrolling the Hudson, so it is unclear how much enforcement has escalated. The Coast Guard says its boardings vary from year to year, and dropped to 300 last year, from 741 the previous year.

But the authorities say increased vigilance is needed, given that antiterrorism experts cite small boats as a particular threat — as evidenced in the deadly 2008 attacks in Mumbai, India, that were begun from two inflatable speedboats. About 45,000 boats are registered in counties along the Hudson.

Lex Filipowski, a businessman and motivational speaker, said he had been furious about the situation since he was stopped four times in two days by four agencies.

"If they stopped cars on the roadways the way they stop boats on the river, there would be a revolution" he said.

As he launched his 25-foot-long boat, "Carpe Diem," at the Pirate Canoe Club here, another boater, Frank Bergman, seemed as concerned with boating politics as with boating.

"We understand they have a job to do to keep the bridges safe and protect Indian Point, but it's just overkill," said Mr. Bergman, president of the Hudson River Boat and Yacht Club, which represents 36 boat clubs. "The question in my mind is, is it homeland security or boater safety or just harassment and justifying their jobs?"

Boaters, a sometimes cantankerous and self-regarding lot, have grumbled for years about the stops, which can involve being pulled over for a check of credentials and required safety gear like life vests, or a demand to board the boat for inspection.

The discontent began to escalate when Mr. Filipowski posted an angry statement and petition last June on the Web site of the magazine Boating on the Hudson. More than 250 people signed, many expressing grievances.

"I'm thinking about selling my boat, stopped all the time," one wrote.

"We are not terrorists and criminals," wrote another. "We are citizens who own and use boats."

Marinas and boat sellers, their customers already buffeted by high gasoline prices, also raised alarms. "We are operating in tough economic times and cannot afford to lose customers who are discouraged by law enforcement operations," Gabe Capobianchi, president of the marine trades association, wrote the Coast Guard last month.

It was not always this way. Before 9/11, some boaters complained of too little law enforcement. "Back then the Hudson felt like the Wild West," said George Samalot, who has owned a sailboat repair business in West Haverstraw since 1985.

But since 9/11, security and enforcement have been transformed, aided by grants from the Department of Homeland Security that have underwritten more and better boats and manpower. Westchester County did not have a marine unit until 1999; now it has two high-tech surveillance boats that cost \$250,000 and \$400,000 and can patrol around the clock.

That can be a good thing. When Detectives Kenneth Hasko and C. J. Westbrook cruised from Tarrytown to Cortlandt one recent Friday, their one stop involved rescuing a couple in a new \$40,000 boat with a dead battery, stuck on a sunken barge. The officers found the couple's knowledge of marine safety somewhat lacking.

"You have your flares?" Detective Westbrook asked.

"What's a flare?" the man replied.

They towed the couple in and made sure they got help. "They could have ended up with a new boat with a hole in the hull," Detective Westbrook said. "And we're the bad guys?"

Officials say that while they are sensitive to the complaints, there is no going back to the world before 9/11.

"Job No. 1 is keeping people safe," said Charles Rowe, a Coast Guard spokesman. "Even the ones who are complaining."