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Incident at Airport X: Panel Plays out A Compelling Crisis Scenario

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Incident at Airport X
Panel plays out a compelling crisis scenario

The plane is a Boeing 747, with 301 passengers and perhaps separate ventilation systems mean that every passenger could be contacts of a suspect case, and I would suggest to my client the commissioner that we also ascertain some facts,” Lopez said. “For example, does the fact that the airplane had a closed ventilation system mean that every passenger on the plane was equally exposed? This would enable us to classify the passengers and perhaps separate those who may not be contacts of the suspect case.”

The program continued in a series of exchanges, such as Billittier’s response to the question, “How big is the law in your thinking at this point?”

“How am I going to protect my state if these people leave the airport grounds?” Billittier said. “I am also looking at the political issues – one of my first calls would be to the governor. We have to start thinking about public relations issues, we need to get ready to deal with the media. Most likely I would ask the governor to launch our emergency management system, or say you need to think about it. Where there is a spark, pretty soon it is out of control, and over the weekend it could get that way.”

The questions come fast and furious: Will quarantine officers board the plane? If so, will they wear protective suits? Does the airline have the legal authority to do anything? Does it have a duty to act? Will Customs and Border Protection guard the exits of the hangar, to keep the restive quarantined passengers inside?

Shaw, as moderator, ups the ante: “It is the next day. The 900 passengers have slept fitfully on cots, tired and unhappy. They have been advised that they are under temporary quarantine by the CDC. Many have been on their cell phones all night. One of them, 56 years old, is a famous concert violinist with a big ego, a Canadian citizen we will call ‘Mastro.’ He has a solo concert appearance in five days at Carnegie Hall. It is called ‘An Evening With Mastro.’ It is sold out. He has been practicing all week, and he wants a local lawyer to get him out of quarantine now.”

Will you take the case? he asks Marszalkowski.

Sure, Marszalkowski says. But he would educate his client to cooperate with the authorities’ quarantine order. But also questions of personal safety inside: “Should I go meet with my client? Do I put myself at risk? Do I put my client at risk? Do I put my community at risk?”

Then there are questions about the involvement of the judicial system itself. Said Dillon, as the federal district judge in the area: “Before I would even let Mastro come to the courthouse, I would want Mr. Marszalkowski to produce some proof that it was even appropriate for him to come to the courthouse. Is he going to be a threat not to me but to the other employees who work in the court system? I would also engage the attorney of the government and put him or her on notice of my concerns and seek their suggestions as to how we should handle the situation.”

More complications ensue. The governor’s personal physician tells him that this use of quarantine is ridiculous, and the governor calls his personal attorney and tells him that he wants the passengers released. The passengers are marched to an abandoned state police training academy 10 miles away. The temporal feverist presses his case in the courts. The media are having a field day.

Perhaps appropriate in a world of continuing threat, the scenario ended without a resolution. With those unfortunate passengers still stranded, under guard, in the middle of South Caledonia, the panelists packed up and the conference came to an end.
Cue the ominous music. Only a soundtrack was missing from an innovative Nov. 17 program at the Baldy Center for Law & Social Policy, in which a panel of lawyers, medical personnel and security officers role-played the high-stakes scenario of “Incident at Airport X.”

What more, they did it an hour and a half ahead of the 2003 “Super SARS,” a deadlier mutation of the respiratory illness that swept the world from Toronto carrying a passenger from Airport X, saying that a plane is en route to the United States.

The plane lands, and the decision is made to quarantine the passengers and crew in an abandoned hangar on the airport grounds. They are, of course, not happy. They have been advised that if these people leave the airport grounds they will be contacts of a suspect case, and all the other passengers have slept fitfully on cots, tired and unrested. The questions come fast and furious:

The program continued in a series of exchanges, such as Billittier’s response to the question, “How big is the law in your thinking at this point?”

“How am I going to protect my state if these people leave the airport grounds?” Billittier said. “I am also looking at the political issues — one of my first calls would be to the governor. We have to start thinking about public relations issues. I need to get ready to deal with the media. Most likely I would ask the governor to launch our emergency management system, or say you need to think about it. Where there is a spark, pretty soon it is out of control, and over the weekend it could get that way.”

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The telephone rings at Airport X. What happens next constituted the bulk and forth of the panel discussion, as participants played out their roles. Leading the discussion, and throwing a few curvballs along the way, was Dr. Frederic E. Shaw from the CDC’s Public Health Law Program.

The other participants:

- Kevin Consaro, Public Affairs Officer for the Buffalo office of the federal Department of Customs and Border Protection,
- New York State Supreme Court Justice Kevin Dillon, “76, playing the roles of both state and federal judges in the scenario.
- The plane lands, and the decision is made to quarantine the passengers and crew in an abandoned hangar on the airport grounds. They are, of course, not happy. And the question remains: What do we do with the ill passengers?

“Assuming that this passenger is now a suspect case, all the other passengers could be contacts of a suspect case, and would I suggest to my client the commissioner that we also ascertain some facts,” Lopez said. “For example, does the fact that the airplane had a closed ventilation system mean that every passenger on the plane was equally exposed? This would enable us to classify the passengers and perhaps separate those who may not be contacts of the suspect case.”

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New York State Supreme Court Justice Kevin Dillon ’76, far right, playing the role of a federal quarantine officer. The plane is a Boeing 747, with 301 passengers and perhaps separate