

# *John Denver Crash Report Called Flawed*

*By Peggy Lowe-Denver Post Staff Writer*

Jan. 27 - An attorney for John Denver's family on Tuesday

criticized the final federal report on the plane crash that killed the pop singer and said he will ask the government to reconsider its conclusion. In a report issued Tuesday, the National Transportation Safety Board said the crash can be blamed on the plane's design as well as pilot error. Denver, the report said, took off with too little fuel in one tank, had trouble switching to a backup fuel tank and then inadvertently put the plane into a roll. But Bill Wimsatt, a Los Angeles lawyer who represents Denver's mother and the singer's three children, said the NTSB report is flawed. The report missed two vital issues, Wimsatt said. First, Denver could not have added fuel to the airplane because of federal weight limitations, and to fly with any more fuel would have been illegal, Wimsatt said. "Frankly it's such a basic mistake (by the NTSB), I don't see



how they could have missed it, but they did. Big time." Second, Wimsatt said the NTSB's report incorrectly theorized that

Denver caused the plane to roll while trying to reach the fuel

selector valve. Instead, he said, Denver probably lost control of the

plane because it became unbalanced after losing power.

"Their idea that he (rolled the plane by mistake) is not bad, but

it's not a necessary ingredient to explain the accident," Wimsatt said.

"The more likely explanation is that the loss of thrust from the

propeller created a change in balance that contributed to the loss of

control of the airplane." Denver, the 53-year-old parttime Aspen

resident, was killed when his small, experimental plane plunged into

the ocean off Pacific Grove, Calif., on Oct. 12, 1997.

Witnesses said they heard a sputter, and federal investigators

theorize that Denver ran out of fuel in the left tank and had trouble

switching to his right tank.

The plans for Denver's homemade Long E-Z say the fuel selector

handle, which switches the fuel flow between the left and right

tanks, should be located between the pilot's legs. But the plane's

builder, Texas aircraft maker Adrian Davis Jr., told investigators he

put it behind the pilot's left shoulder because he did not want fuel

in the cockpit.

The day of the crash, Denver and a maintenance technician talked

about the handle's inaccessibility.

"They tried a pair of Vise Grip pliers on the handle to extend the

reach of the handle, but this did not work," said one investigative

report.

Under those circumstances, the pilot would have had to remove his

shoulder harness, turn around and switch the handle. While doing so,

Denver's right foot pressed against the right rudder, the report

said, causing the aircraft to roll.

The plane had no flight data or voice recorder, so investigators had

to piece together their account of the plane's final minutes. "That's

just a theory," Wimsatt said. "You don't need to theorize in that

way to explain the accident."

But Wimsatt said he was glad the NTSB report highlighted the fuel

valve. The NTSB said contributing factors included the builder's

decision to relocate the fuel tank selector handle and an absence of

markings on the handle and fuel gauges, as well as Denver's lack of

training in his new plane. Denver's survivors have filed a lawsuit in

a California court against the valve manufacturer, Imperial Valve



Co., and its supplier, Aircraft Spruce and Specialty Co. The suit seeks undetermined monetary damages, he said. Wimsatt represents Denver's mother, Erma Deutschendorf of Aurora, two adult children from his first marriage, Zachary and Anna Kate, and his daughter by his second wife, Jesse Belle. Experimental and amateur-built aircraft like the Long E-Z are not subject to all Federal Aviation Administration rules. The safety board recommended that the FAA, the Experimental Aircraft Association and insurers cooperate to "strongly encourage" pilots of new experimental planes to undergo formal training, not now required. But an EAA official said training is already required twice a year and that pilots of experimental planes should not be singled out. "I don't see how they can isolate that need to EAA pilots," said Gayle Hess, president of a San Diego EAA chapter in San Diego. The Associated Press and The Washington Post contributed to this report.