

REPORT OF THE CIVIL AERONAUTICS BOARD
on the
Investigation of an Accident Involving Aircraft
During a Cross-Country Instruction Flight

Instructor Morton Harvey Fitzpatrick, age 30, received minor injuries and his student, John Schwindt, Jr., age 40, was drowned in an accident which occurred in Lake Shownin near South Bend, Nebraska, about 6 30 p.m. on July 14, 1943. Fitzpatrick held a commercial pilot certificate with single-engine land, 0-80 h.p. and flight instructor ratings. He had flown approximately 380 solo hours, of which about 5 were in the type of aircraft involved. Schwindt held a student pilot certificate and had logged approximately 23 hours of dual instruction time. The aircraft, a Taylorcraft BF, NC 20431, owned by Schwindt but registered in the name of Fred Heidelbauer, was demolished.

Student Schwindt had employed Instructor Fitzpatrick to accompany him on a cross-country flight from Lincoln to Omaha, Nebraska, and return. The flight to Omaha was uneventful and they took off around 5 45 p.m. for the return flight to Lincoln. Shortly before 6-30 p.m. the plane was observed at a low altitude, approaching Lake Shownin from a northwesterly direction. Witnesses stated that it entered a left turn at the southern tip of the lake, clearing a 40-foot dike by about 10 or 15 feet, then descended to a lower altitude and disappeared from view. Shortly thereafter the plane struck a power line which extended across the lake, crashed and sank in 55 feet of water about 200 feet from shore. The occupants were able to extricate themselves from the sinking plane but Schwindt drowned before a rescue boat could reach the scene.

Examination of the wreckage revealed no indication of failure of any part of the aircraft prior to the accident. Fitzpatrick stated that he had been giving Schwindt practice in simulated forced landings en route and that one was being made in the vicinity of South Bend. He added that the student glided toward Lake Shownin and when the plane had descended to a low altitude, he (the instructor) took over the controls, applied power and started a left climbing turn to clear trees ahead. He stated that he observed the power line in his flight path but continued to turn believing that he had sufficient altitude to clear it.

From the statements of witnesses, it appears that the plane was being flown in a reckless manner at an extremely low altitude. If, however, as stated by Fitzpatrick, they were simulating a forced landing, the instructor displayed very poor judgment as there were no fields nearby in which a safe landing could have been made. He erred also in permitting the student to descend to such a low altitude before taking corrective action.

The probable cause of this accident was unnecessary low flying which terminated in a collision with a power line.

BY THE BOARD

/s/ Fred A. Toombs
Secretary