



Report finds 75% of NOAA chief's files destroyed

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A document shredding episode that apparently cost Dale J. Jones his post as the National Oceanic and Atmospheric Administration's police chief has destroyed three quarters of the material in his files, a House oversight subcommittee announced yesterday.

The House Domestic Policy Subcommittee of the Committee on Oversight and Government Reform, found the destruction of documents, first revealed last month by the U.S. Commerce Department's Inspector General, took place in November during the closing phase of a national investigation into widespread claims of miscarriages of justice visited upon the commercial fishing industry.

Congressman Dennis Kucinich, D-Ohio, the subcommittee chairman, quantified the extent of the shredding for the first time yesterday in a letter that shifted the focus of inquiry from Jones to his immediate subordinate, Mark Spurrier — the No. 2 official in the previous hierarchy, and, like Jones, one of the cadre of former Maryland police officials assembled by Jones to preside over a national police force of 225 agents and outsourced help from the Coast Guard and state environmental police forces.

Writing to Lois Schiffer, the new general counsel for the National Oceanic and Atmospheric Administration, and Barbara Fredericks, the assistant general counsel for the Commerce Department, Kucinich said Spurrier, an attorney, may have given legal advice improperly — for lack of authority to do so and lack of training in the field of law enforcement law — to agents in the department.

The letter also said Spurrer "may have maintained an outside legal practice during his employment" without permission.

By the detailed materials discussed, the letter indicated that the Kucinich subcommittee has a working knowledge of the addendum on the file shredding, and material about Spurrer not alluded to in the Jan. 21 report of IG Todd Zinser.

Justin Kenney, communications director for NOAA administrator Jane Lubchenco, confirmed that Schiffer had received the Kucinich letter but said, "I am not able to comment further at this time.

There was also still no information on Jones status yesterday beyond the implication he is no longer working as the head of the NOAA oceans police force.

There also was no information about Spurrer's status. He was not asked to step up to acting chief, according to the one public announcement about the expanding scandal in the NOAA law enforcement branch.

Instead, Eric Schwaab, Lubchenco's choice to head the National Marine Fisheries Service in February, issued a statement last Friday that said nothing about Jones — and didn't mention his name — but indicated that Alan Risenhoover, a career executive with no law enforcement experience, was moving in temporarily. That statement was the only hint that a house cleaning might be underway.

The deepening crisis in fisheries law enforcement has shoved aside the intense push by Lubchenco for a national catch share policy — a new regulatory system based on hard catch limits in which fishermen or investors can buy, sell or trade shares of the total allowable catch as if they are essentially market commodities.

The New England groundfishery, a complex of 20 stocks and more than two dozen species — and the place where the first intimations of a law enforcement scandal surfaced last year — is about to come under a catch share regulatory format May 1.

The No. 1 platform the sale of groundfish from the Gulf of Maine, the Gloucester Seafood Display Auction, was subject to multiple shutdown attempts from three cases including one of 59 counts that came down in

February 2009 that brought out the first demands for an investigation of allegedly "vindictive" motives by agents working for Jones.

The demand for an independent investigation of NOAA law enforcement went from the state legislature to Congress to Lubchenco. She requested the IG step in last June, after a number of federal lawmakers demanded that she do so.

At a private meeting called by Sen. John Kerry last month, Lubchenco repeated her determination to withhold action against Jones until the document shredding report was completed and in her hands.

The Kucinich letter to Schiffer and Fredericks of the Department of Commerce found "most troubling," Spurrier's "apparent ignorance of applicable rules that pertain to document handling."

Soon after he was hired away from the Hagerstown, Md., police department where he was chief, Jones filled his senior officers staff with fellow police chiefs from Maryland suburbs, but Spurrier was different.

He was the only lawyer hired, but also came out of Johns Hopkins University, where he had been director of the Mid-Atlantic Regional Community Policing Institute. Like Jones and his colleagues at the top of NOAA, Spurrier — who also had been with the Baltimore County Police Department — did not bring any oceans or fishing law enforcement experience to Silver Spring, Md., where NOAA is headquartered.

In a previous letter to Jones, demanding documents and answers about the document shredding, Kucinich and Congressman John Tierney — writing together — warned Jones that "destruction of any relevant or requested document in connection with this committee's investigation may constitute obstruction of justice."

The IG's report found that Jones' administration had allowed officers to work autonomously, a freedom that produced gross disparities in the administration of fines that landed dramatically more heavily on the New England and Mid-Atlantic fleets.

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