



Breaking News

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[Special Page 1 Editorial: NOAA's hollow actions only show need for criminal probe](#)

By Ray Lamont Staff Writer

They've ripped off the fishermen for hundreds of thousands of dollars over a decade or more.

They spent it on foreign travel, a luxury boat and cars — lots and lots of cars. And they got caught.

So now they're going to give the money back, or at least some of it. And they say they're sorry but not sorry enough to punish anyone.

Now they want to be friends? They want us to trust them?

They've got to be kidding.

Commerce Secretary Gary Locke and NOAA chief administrator Jane Lubchenco have "apologized" for the years of wrongs carried out by NOAA enforcement agents against fishermen and waterfront businesses like the Gloucester Seafood Display Auction.

They're returning some of the fishermen's fines — a little less than \$650,000 overall. And they hope these actions will bring a new era of trust between the government and the commercial fishing industry, right?

Wrong. Rather than making a case for moving forward, Lubchenco's and Locke's hollow actions and comments make the strongest case yet for our congressional leaders to name an independent federal prosecutor who can carry out the kind of criminal investigation that is now desperately needed.

Consider the following:

Locke conceded a new investigative report — for which he commissioned retired judge Charles B. Swartwood III — shows that National Oceanic and Atmospheric

Administration enforcement agents “overstepped their bounds.”

Do you think? The report notes that agents falsified an affidavit for a search warrant, then later executed a “warrantless” entry — usually called an illegal break-in — at the Gloucester seafood auction.

Yet Locke says none of the agents involved in those actions or then-NOAA police chief Dale Jones will be punished for their actions. Locke believes those actions were carried out due to improper training. Baloney. The actions of agent-in-charge Andrew Cohen & Co. sound as if they were really trained all too well for a federal policing force agents once bragged was “accountable to no one.”

The “reparations” of fines, many tied to a notorious “yellowtail” regulatory letter that had misled fishermen and encouraged them to “rat out” the auction over fabricated charges of a black market scheme, don’t come close to making amends to many. Example 1: Rockport’s Bill Lee, who paid his penalty in quota currency and by forfeiting his paid “days at sea.” Locke says he has no means of redressing those types of penalties, which were commonplace. The solution? Easy — Find one.

NOAA’s and Commerce’s own handling of Swartwood’s report – kept under wraps and “worked on” for 30 days — looks like a blatant coverup.

As noted by fishing industry lawyer Pamela LaFreniere, one redacted section, leads to a single sentence by Swartwood. It reads, “I find this email to be credible evidence that money was NOAA’s motivating objective in this case.”

In other words, neither protection of the fish stocks nor the validity of the charges were top priorities — that NOAA’s chief goal was simply building up its Asset Forfeiture Fund. That indeed is the fund that was built on fishermen’s fines and from which the agency funded exotic overseas travel, purchase of a luxury boat, and the buildup of a fleet of more cars than NOAA had agents.

NOAA spokesman Justin Kenney says all the redactions come under headings of “attorney-client privilege,” “personal privacy concerns,” and the like. But It sounds more like protecting the names of the guilty from public scrutiny and liability.

None of this, troubling as it sounds, is surprising.

Ex-NOAA police chief Jones, you’ll recall, was flagged by the Inspector General’s report for shredding documents in the midst of the IG’s probe. Yet he’s still on NOAA’s taxpayer-funded payroll, having slid sideways into a \$150,000 year job dealing with fisheries in the Gulf of Mexico.

The bottom line is this: Falsifying affidavits, breaking into businesses, shredding documents that are part of a federal investigation, covering up aspects of a publicly-

commissioned investigation, and misusing revenues from regulatory fines — excessive or otherwise — area full-fledged criminal actions.

That's why Congress must commission an independent, appropriate investigation, run by a prosecutor with the subpoena power to get to the bottom of this cesspool.

The fishermen and other waterfront business owner have been criminally victimized by a wing of their own government. And "sorry" isn't going to cut it, even while NOAA throws money at the problem to boot.

Let a full criminal investigation begin. It's long overdue.

Discussion

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capt [12 hours ago](#)

- A criminal investigation is long overdue. This call for justice is just the beginning of action against a run a way agency. The deck of cards will fall.

The hundreds of businesses which in turn mean thousands of workers who were forced out of fishing deserve a full criminal investigative probe of NOAA/NMFS. They actually deserve a lot more. The call for justice must be clear and loud.

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Jason108 and [10 more liked this](#)

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sdbobserver [10 hours ago](#)

- For years, I've gasped while reading of one episode after another with this NOAA gang. Stunned, I've prayed for those harmed by their unchecked reckless behavior.

I really don't see that there is any other choice but to clear away this wreckage and start anew with a clean slate. To avoid doing so would only further victimize the victims here in Gloucester and in every other fishing community impacted or destroyed by these playahs' greed and lust, from the individual fisherman and his/her family to the businesses that support them: the local economic engine. All who have suffered deserve redress. It's time to bring some dignity back to our

government and there's no better way to do that than to hold those responsible for such travesties accountable for their actions.

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- [jaocitizen and 13 more liked this](#)

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Jason108 [8 hours ago](#)

- What i have gone though personally can not be mended by fines criminal prosecution or anything else. NOAA , through malicious intent, Financially murdered my boss. In turn this caused a total collapse of My wifes business and our finances. I have contemplated suicide numerous times since the bastards ruined my life. If not for my bosses resilience and the support of my friends and family i would have shot myself on the steps of the Noaa building in Maryland. No one can understand this outside of those affected. I still have a hard time reading these articles. If anyone else had committed these crimes they would be in prison for a long time. They are going to pay back 600 thousand dollars or more. my boss was fined 750000 dollars and loss of all federal permits. The charges were falsified or non existent. Those that were valid were minor infractions that many others have been charged with and have paid pennies over a five year payment plan. One fisherman paid 5000 dollars for the same offense , Logbook violation, not filling out logbooks in a timely fashion. My boss paid 360000 dollars for a lesser offense. I hope they all go to prison and lose their retirement. i want them to know how we feel.

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- [Dmd100 and 4 more liked this](#)

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seamuse [8 hours ago](#)

- I agree with Mr. Lamont's arguments, but man, can't the GDT do a decent proofread of a cover page editorial? Somehow it's just less convincing when it's full of spelling and grammatical errors...

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- [Dmd100 and 2 more liked this](#)

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macsurf [8 hours ago](#)

- Go get'em, Ray. A criminal investigation is the only thing that can set this right and MAYBE restore people's faith that, in the end, justice can be had.,



- [facultyjoy and 5 more liked this](#)



facultyjoy [8 hours ago](#)

- Woo hoo, Ray, you go boy! This is what journalism was meant to be, without the spelling and grammatical errors of course.

Woodward and Bernstein have got nothin' on you!



- [Dmd100 and 3 more liked this](#)



KAMGlosta [8 hours ago](#)

- Apologies and some 'payback' do not bring back people's businesses and livelihoods.

Lubchenco needs to rot in prison along with ALL NOAA members who committed these crimes against fishermen. ALL of them.



- [Dmd100 and 4 more liked this](#)



BLKJR [8 hours ago](#)

- I am numbed by the personal accounts of destruction brought on our fellow citizens by a government agency and government employees run amok and uncaring. Thank you for this editorial. But, multiply these injustices by thousands others similar in farming, mining and small businesses trying to cope with uncaring government beaurocrats. Our government functions for whom? God bless the American citizen trying to cope with Big Brother.



- [Dmd100 and 3 more liked this](#)



Dmd100 [6 hours ago](#)

- BLKJR you are absolutely right. That is why less government, not more, is better for all of us, It is easier for citizens to monitor government behavior. This isn't just a political issue but an issue of principle. Every time you turn around another government official is being cast into the headlines of local, state and national news for immoral, unethical, and criminal behavior and only a select few ever really pay the price that an everyday citizen would pay. We have to change the penalties for supposed "white collar crimes", these are criminal activities that physically and emotionally harm human beings. When a government official commits a crime they should be charged with treason! Anyone in government who intentionally harms individuals or groups of citizens of the United States that inevitably harms our country as a whole, is, in my opinion, a traitor!
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- 2 people liked this.
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BLKJR [5 hours ago in reply to Dmd100](#)

- Agreed Dmd. I see the problem in part because the fed pols pass all kinds of laws that are vague and incompletely thought through. The pols react to often a small number of activists and believe they must act! Then the challenges begin. The bureaucrats have the leeway to 'interpret' how these goals/laws will be achieved and their last concern is the public impacted. First the GD pols should be thrown out, the laws revisited and a clean house put together. This is part of the reason I support the Tea party. They are basic people fed up with all this continuing BS from the feds.
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- 1 person liked this.
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Lisa Newland [5 hours ago](#)

- Trust is earned.
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muddog [1 hour ago](#)

- We need NOAA/NMFS' broken system fixed from the top down.

We need accountability that can only happen with unbiased-oversight panels.

The government agencies have no incentive, as illustrated by the fact, no one ever gets fired or demoted.

We need transparency. This too can only happen with qualified people outside the government agencies keeping an eye on things.

We need a new fisheries group lead by Dr. Brian Rothschild. Sadly, science has been thrown out the window. This became apparent when Eric got the job because his PR spin is superb.

The politicians have no science background. They are either confused, paid off or don't care? The way the system is, it is up to them.

We're screwed.