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## Lawmakers fire back at union on NOAA changes

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Congressmen John Tierney and Barney Frank have fired back at the labor union representing law enforcement lawyers who were cited for excessive and improperly motivated enforcement actions against fishermen.

In a joint statement, Democrats Tierney, who represents Gloucester, and Frank, whose district includes New Bedford, questioned the decision of the National Weather Service Employees to take what they called "hostile swipes" against working fishermen, mostly small business owners.

The two Democrats responded to allegations made by the union last week that Commerce Secretary Gary Locke's announcement that a portion of the fund of fines taken from fishermen and related businesses would be made available for uses suggested by fishermen.

Among the key findings of the IG was that the fines levied in the Northeast were five times higher than elsewhere, and that the fund was used to finance virtually all non-salaried expenses of the lawyers in the Office of General Counsel for Enforcement and Litigation.

Fishing industry lawyers reacted to that revelation with questions about violations of the ethics of the government.

The union — a regular Democratic Party supporter and the first to endorse the Obama-Biden ticket in 2008 — had objected to findings by the Commerce Department inspector general that the lawyers in the Northeast office of the General Counsel for Enforcement and Litigation had trampled fishermen's rights while imposing fines out of proportion to the national pattern and the alleged offenses.

Numerous reforms were announced by NOAA Administrator Jane Lubchenco, and last week, Locke stepped forward to announce dedicating half of the remainder of the Asset Forfeiture Fund for uses suggested by the fishing industry.

But the union wrote to NOAA and Commerce Department counsel that policies announced in reaction to the findings were changes in the labor management agreement and required collective bargaining.

The union, which represents about 4,000 NOAA employees, has claimed that its members were at all times following orders, and that the IG, Todd Zinser, was currying political favor by blaming the excesses on the lawyers rather than the senior officials in NOAA and the Commerce Department.

The union also described Locke's initiative to turn over some \$3 million to the fishing industry as "a last minute, pre-election slush fund."

The NWESE's statement said the union was "keenly aware serious political trouble that Democratic officeholders are facing in their re-election efforts in Massachusetts.

"This desperation does not give the agency an excuse to engage in serious and blatant violations of federal labor law," the statement read.

"I will not be intimidated by the NWSEO's attempt to deflect attention of serious allegations of misconduct by law enforcement officials," said Frank. "I am particularly troubled that a union would take such a hostile stance against working fisherman and their families who have been victims of unfairness."

"Instead of taking uninformed political swipes at those fighting for local fishermen, the NWSEO should get a better grip on the facts," said Tierney.

"It is well-known that it was the Department of Commerce's Inspector General, an independent, non-political entity, which investigated the claims of misconduct by law enforcement officials," Tierney added. "In response, Secretary Locke has initiated appropriate action and I am pleased that he did so."

The IG's teams have completed a 1 1/2-year investigation that found evidence of vindictively motivated targeting of the Gloucester Seafood Display Auction and wide ranging excesses on the part of NOAA enforcement agents and prosecutors — including questions about NOAA

law enforcement's alleged misuse of a nearly \$100 million fund of fines paid by fishermen,

The IG report identified multiple cases of likely abuse of police or legal authority in the federal fisheries law enforcement system and argued that the National Oceanic and Atmospheric Administration needs to redress miscarriages of justice against fishermen.

NWSEO's letter to the chief counsels of the department and NOAA, however, complained that the planned redirection of the Asset Forfeiture Fund means the fines can no longer be used for "employee labor, benefits and awards."

Shannon Gilson, spokeswoman for Locke, said, the fund was "never used to pay for employees' salaries, benefits or rewards," but she said the fund was used to pay for tips and information leading to cases.

The union also objected to Locke's announcement that he was appointing a special master to investigate further into miscarriages of justice and would require the union's NOAA lawyers to cooperate.

"This procedure is unprecedented," the union said in its letter.

The union has reacted to the IG's report and Locke's announcements by asserting the need for more, not less, law enforcement activity.

"When poachers break the rules and catch more than their fair share, the result is fewer fish to catch, higher costs to fish, and low prices at the dock," the union said in a statement to the Times. "It makes it that much harder for the honest fishermen across New England to make a living.

"The enforcement attorneys at NOAA were just doing their job, just doing what they were paid to do and what they frequently received awards for," the union's statement said.

"The attorneys we represent are trying to create a fair playing field for honest fishermen. Anyone who cared about the honest working people in their district would not take the side of the cheaters and big business that game the system."

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