

# **THE GLOUCESTER TIMES**

## **NOAA gives no answers on top cop**

**By Richard Gaines**

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Federal lawmakers worked yesterday, without immediate success, to obtain a U.S. Commerce Department inspector general's report on a government document-shredding incident that apparently cost Dale Jones, the government's police chief for the oceans, his job.

Congressional sources said the National Oceanic and Atmospheric Administration required a formal, written congressional inquiry in response to telephone requests for a copy of the report that was recently delivered to Jane Lubchenco, head of NOAA, by IG Todd Zinser.

U.S. Sen. John Kerry and Congressmen John Tierney and Barney Frank, all Massachusetts Democrats, were all pressing for information regarding Jones' Thursday ouster. A letter to satisfy NOAA requirements was being drafted in Tierney's office late yesterday.

"Sen. Kerry will work with his colleagues in the Massachusetts delegation to obtain this report and make it public if possible," said Kerry spokeswoman Brigid O'Rourke.

Lubchenco's press secretary, Justin Kenney, did not respond to a series of written questions and calls about Jones' status yesterday.

Jones' 11-year career as head of the 225 agents who enforce the nation's fishing conservation laws was apparently ended on Thursday. Jones' superior, Eric Schwaab, who heads NOAA's National Marine Fishery Service for Lubchenco, released a cryptic statement announcing an interim successor to Jones and plans for the search for a permanent successor. But Schwaab did not mention Jones by name or hint at his status — whether he was fired, placed on paid leave, handed some other disciplinary action, or even facing charges.

Sentiment in the fishing community favored extreme sanctions for the police chief, whose agents were allowed to operate autonomously, settling scores and extracting penalties out of proportion to violations,

treating technical administrative reporting violations as if they were crimes.

"He should be facing jail time for shredding documents," said Richard Burgess, who operates a multi-boat fishing business based in Gloucester.

Schwaab cited the Privacy Act and "advice from departmental counsel" to explain the lack of clarity regarding the fallout from a scandal that has been building around Jones since last summer, when the congressional delegation pressed Lubchenco to bring in the IG's office to investigate persistent allegations of vindictive police behavior, concentrated around the officers in the Gloucester office.

The IG spent six months on a national investigation that began in and around Gloucester and New England, then announced the allegation of document shredding during a congressional subcommittee hearing. His preliminary report, which triggered hearings both in Gloucester and in Washington, also documented excessive fines dealt fishermen in Gloucester and around the Northeast, and possible misuse by Jones and his officers of a \$8.4 million Asset Forfeiture Fund — money drawn from the fishermen's fines and other penalties.

Yesterday's day-long congressional effort to obtain the IG's report on Jones' involvement in the document shredding, and NOAA's caution in responding to congressional requests comes at a particularly sensitive time for an agency that next week begins intense budget vetting that is expected to center on Lubchenco's top fisheries priority — catch shares.

Industry opposition to catch shares is widespread on the East, West and Gulf coasts. Lubchenco, backed by the Environmental Defense Fund, where she had been vice chairwoman of the board, has been pushing a catch share regulatory policy, which — while limiting the hard overall catches of fishermen working in cooperatives — also creates a commodities market for the shares to be bought, sold or traded.

A four-month comment period for the draft catch share policy closes today, and Lubchenco's NOAA budget has drawn fire in several corners for pumping money into catch-share management while cutting money from cooperative research.

Meanwhile, the way Schwaab insinuated the end of Jones' tenure as the head of NOAA law enforcement left Congressman Walter B. Jones frustrated. The North Carolina Republican, who represents the fishing

communities of the Outer Banks, issued a statement objecting to the vagueness of the description of NOAA's action against Jones.

"As the IG report made clear," said Walter Jones, "the NOAA office of law enforcement has a problem with accountability and transparency, and (Thursday's announcement) only magnifies these issues.

"The announcement made no mention of (Dale Jones) or the circumstances surrounding his replacement," the Carolina congressman noted. "It also made no mention of the IG's follow-up investigation into recent revelations that Jones orchestrated the shredding of over 100 files sought by the IG; an investigation, I understand, was completed in the last few days and which you have stated publicly was a prerequisite for agency action to replace Mr. Jones.

"This begs the question: Why hasn't the report on the IG's follow-up investigation been made public? What is Dale Jones current status with the agency?

"If Dale Jones was removed for shredding documents, as appears to be the case, is he being criminally prosecuted for those actions?" Walter Jones asked in a statement.

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