

# GloucesterTimes.com, Gloucester, MA

May 29, 2010

## NOAA's 'stonewall' draws fire

### Lawmakers, lawyers decry stand on Jones documents

By *Richard Gaines*  
**Staff Writer**

The virtual blackout of information from the National Oceanic and Atmospheric Administration for nearly two months on its response to evidence of potential corruption and obstruction of justice by the former chief of its ocean police was greeted Friday with anger and disappointment.

The contrast between the heavy-handed approach to policing the fishing fleet, which emerged as a defining characteristic of NOAA law enforcement in the report of the Commerce Department's Inspector General, and the acquiescence of NOAA to the oil industry and other agencies to banking was cited in criticism of the agency's decision against releasing information about the status of former chief Dale Jones and other questions.

"While BP, like the Wall Street financial institutions, is the poster child for what happens in the absence of appropriate regulation by government on behalf of citizens," said Congressman John Tierney, "the fishing regulatory scheme provides the caution that there must be aggressive oversight of agencies to ensure fair interpretation of the law and fair application and enforcement."

Congressman Barney Frank and New Bedford Mayor Scott Lang, among others, have made similar observations.

As reported in the Times, NOAA declined Thursday to release documents sought by the newspaper under the Freedom of Information Act about the status of Jones, who had been chief of police for more than 10 years

until an interim successor without any law enforcement experience was named last month.

NOAA has not indicated whether Jones remains employed.

Among other documents, the Times had sought a copy of the final report by the Commerce Department Inspector General into a mass document shredding allegedly authorized by Jones as the IG's investigation of the NOAA police and prosecuting offices was wrapping up last fall.

NOAA wrote that a document fitting the description of the one sought by the Times was protected from release by an exemption for records "compiled for law enforcement purposes, the disclosure of which could reasonably be expected to interfere with enforcement proceedings."

A lawyer who has represented fishermen and fishing businesses said that claim should be read with caution — that, while the reason for withholding the document suggests a prosecution could be in the offing, the action is not necessary.

Stephen Ouellette, another lawyer with a fishing industry practice, said he believes the report should be released and legally can be under the Freedom of Information Act.

"I would appeal it, arguing that in light of the IG report and testimony to Congress, it is a matter of public trust and to extent it does require disclosure of otherwise confidential information, it is wholly warranted," said Ouellette.

The revelation that Jones had authorized the destruction of government documents was made by IG Todd Zinser in March at a meeting of a House Natural Resources subcommittee. NOAA administrator Jane Lubchenco told the subcommittee that she had been advised by Zinser to withhold any disciplinary action until after the final report was delivered.

Tierney and Congressman Dennis Kucinich of Ohio, who led a House oversight subcommittee meeting in Gloucester on the NOAA enforcement scandal, warned Jones that he faced possible obstruction and contempt charges for destroying documents.

Since then, however, Lubchenco has declined to answer questions about the status of the matter.

Many critics of NOAA law enforcement said the victims of rogue enforcement excesses, validated in the IG's report, deserve to know details of the agency's response.

"Fishermen have every right to see how the agency operates and how it's regulating their industry," said U.S. Sen. John Kerry.

"With openness comes trust," the Massachusetts Democrat said. "We continue to request that the department suspend any adverse action against fishermen until this situation has been thoroughly reviewed and addressed.

"The amount of damage the agency has done, the public and especially those targeted are entitled to a detailed report," said state Rep. Ann-Margaret Ferrante of Gloucester, who sparked the demand for an investigation last year that grew to include state legislative leadership and then the congressional delegation.

By the time Lubchenco asked the IG to intervene, the calls for his involvement had spread down the coast to the Carolinas, where complaints similar to those from New England were rife.

The epicenter of the problems were confirmed to be NOAA's regional office here in Gloucester from which the federal waters from Maine to the Carolinas are policed.

Congressman Walter Jones of North Carolina said Friday he found the refusal of the government to document the completed investigation into Jones' document shredding to be "very troubling."

"The agency has established a disturbing pattern of stonewalling, perhaps in the hope that the issues will fade away," he said, "but the people will not allow this to be swept under the rug."

Richard Gaines can be reached at 978-283-7000 x3464, or [rgaines@gloucestertimes.com](mailto:rgaines@gloucestertimes.com)