

EDITORIAL: NOAA must address crimes of the past before 'moving forward'

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The term "moving forward" has a positive, progressive ring to it.

Yet, it is all too often a code phrase for something else — an attempt to duck any accountability for what has happened in the past.

And that's the aroma coming from a package of changes announced late last week by the National Oceanographic and Atmospheric Administration aimed at, "moving toward an effective enforcement program" of the fishing industry.

In essence it says, "We're moving forward. Forget the past." And that became even clearer in NOAA's case through the statement of Lois Schiffer, the agency's national chief counsel now teamed with National Marine Fisheries Service chief in cleaning up the NOAA law-enforcement quagmire.

"We are not here re-examining specific cases or data mentioned in the (Inspector General's) report or looking at the history of our offices," Schiffer indicated. And while that obviously raised a number of questions, Schiffer declined to field any from the Times, other than to say that her memo to NOAA administrator Jane Lubchenco "speaks for itself."

So, hey, let's maybe sit down for a good ol' "summit," maybe hold hands, sing a song or two, and start fresh, right?

Baloney.

Schiffer's statement doesn't suggest truly moving forward. It reeks instead of the attitude, "Let's sweep everything under the rug and make believe it never happened."

That's not surprising; it's been the position of NOAA officials from the start regarding the fishing industry's widespread complaints of government wrongdoing — validated by Inspector General Todd Zinser's investigation.

Indeed, Schiffer's response isn't even a new song or dance; it sounds a lot like the now 40-year-old classic line of The Who's "Don't Get Fooled Again" — "Meet the new boss, same as the old boss."

To be fair, Lubchenco has taken a few steps to try to move past the IG's damning report.

She has pulled the estimated \$8 million "Asset Forfeiture Fund" out from under NOAA enforcement chief thug Dale Jones and his world-traveling henchmen, and put it under the wing of the general NOAA controller.

Also, her assigning Schiffer and Schwaab to now lead a transitioning NOAA enforcement suggests that Jones — whose name is not even mentioned in the agency's response to the IG's office — is finally about to be out.

But if Lubchenco, Schiffer or anyone else thinks that takes care of NOAA enforcement's long history of wrongdoing — from the excessive fines levied against Northeast fishermen, to the downright criminal after-hours entry to the Gloucester Seafood Display Auction and the "visit" by two armed agents last month to quiz Intershell owner Monte Rome about his planned testimony in the Auction case — she and others are profoundly mistaken.

The reality is, Lubchenco, Schiffer and Schwaab are presiding over an enforcement wing that, under the likes of Gloucester-based "special" agents Andrew Cohen and Charles Juliand, openly bragged to fishermen and auction workers that they were "accountable to no one." And they're presiding over a vindictive, prosecutorial band of rogues who, in the name of our own federal government, have wrongly socked fishermen and the industry with fines and other penalties that have literally driven them out of business.

So, no — it's not all OK. And this agency cannot go forward without aggressively cleaning up and cleaning out its past.

For one thing, Lubchenco must make good on her reform that would require that the accused at the start of an administrative trials would be presumed innocent instead of guilty. That's not exactly a novel idea — but, shamefully, it's not been the way of NOAA enforcement through its use of the Coast Guard's administrative law system. So it's a reform long overdue.

But it is also essential that — aside from making a clean sweep of NOAA enforcement leadership from Gloucester to D.C. and beyond — NOAA reimburse the damages inflicted on fishermen and the fishing industry in terms of the excessive fines and other penalties. NOAA even has a good source of funding to at least take a first step toward those reparations. That's to turn over, at the very least, the revenues in the Asset Forfeiture Fund.

To ignore the damages to fishermen caused by Jones' and his colleagues' abuse of their positions would make a mockery of justice.

The fishing industry and America's fishing communities — from Gloucester to the Gulf and West coasts — will not and cannot get fooled again.