

Congress of the United States
Washington, DC 20515

July 11, 2011

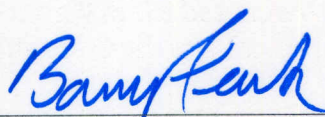
Secretary Gary Locke
U.S. Department of Commerce
Office of the General Counsel
1401 Constitution Avenue, N.W.
Washington, DC 20230

Dear Mr. Secretary

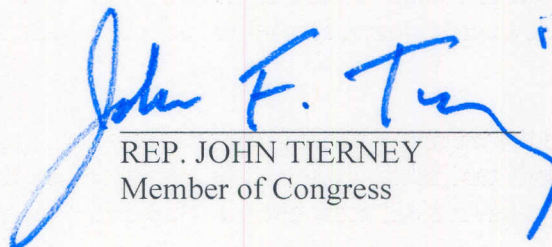
As we have discussed by phone with Cameron Kerry, the Coast Guard Office of Administrative Law Judges has inexplicably assigned cases involving scalloper Larry Yacubian and the Gloucester Seafood Display Auction to two judges who have previously heard aspects of cases involving these same individuals, despite the fact that legitimate criticisms have been leveled at the judges' actions. The case of Mr. Yacubian is particularly troubling, since the Special Master that your department appointed was quite critical of Judge McKenna and his actions in this case, yet the Coast Guard has assigned Mr. Yacubian's case to that very same judge. And in the case of the Auction, the judge had issued a court order restricting public information that we found contrary to the best interest of the public's right to know, and also represents a requirement that a litigant return to a forum in which he was not treated fairly.

We understand from our conversation with Mr. Kerry that you have no authority over how the Coast Guard proceeds in this case, but we know that you agree that this clearly underlines the correctness of the decision you made to remove fishing enforcement cases from the purview from the purview of the Coast Guard ALJ system.

We welcomed that order in May, and we believe that this recent decision underlines the importance of its being promptly executed. Therefore, we write to urge you to make it your highest priority to arrange for an alternative adjudication forum because your decision to remove these cases from the Coast Guard ALG system has now been shown to be even more important than it was when it was made and widely hailed.



REP. BARNEY FRANK
Member of Congress



REP. JOHN TIERNEY
Member of Congress