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**Something Is Fishy in the Gulf: NOAA Forces Charter Boat Captains to Install ‘Anchor Bracelets’**

*Mexican Gulf Fishing Company, et al. v. National Oceanic and Atmospheric Administration, et al.*



*Photo: A&B Charters customer fishing off the coast of Naples, FL.*

**Washington, DC (September 3, 2021)** – A [video](#) released today by the New Civil Liberties Alliance dives into a lawsuit brought by charter boat captains, including Allen Walburn, who has been chartering deep-sea fishing vessels in Naples, FL, for the past 42 years. Captain Walburn operates one of approximately 1,300 federally permitted charter boats that take customers fishing and sightseeing off the coasts of Alabama, Florida, Louisiana, Mississippi, and Texas. The captains and owners of these boats are all part of a class-action lawsuit brought by NCLA, a nonpartisan, nonprofit civil rights group.

The lawsuit challenges a [Final Rule](#) issued by the National Oceanic and Atmospheric Administration (NOAA), the U.S. Department of Commerce, and the National Marine Fisheries Services (NMFS). The rule requires Gulf of Mexico for-hire charter vessel owners to install hardware and software on their boats approved by NMFS that provides GPS tracking information to the government. They must submit electronic fishing reports that include intrusive and proprietary business information “to protect fisheries.”

The rule is unconstitutional, unauthorized, and wholly disproportionate to any plausible conservation purpose. The 24-hour GPS tracking of all charter boats without any suspicion of wrongdoing is a violation of the Fourth Amendment’s prohibition against unreasonable searches. The permanent installation of GPS-tracking devices on charter boats constitutes a taking in violation of the Fifth Amendment. And by requiring charter-boat operators to purchase and provide the government data from these unwanted devices—\$3,000 per unit—the Final Rule exercises power that Congress did not and could not have granted the agencies.

Last month, NCLA filed a [motion](#) asking the U.S. District Court for the Eastern District of Louisiana to award summary judgment and enjoin the application of the Final Rule against charter boat captains operating in the Gulf of Mexico.

## **Excerpts from the video:**

“I don’t know of anybody else in our country that is required to have a monitoring device attached to their personal equipment 24 hours a day, 7 days a week, and has to notify the federal government of their use of the equipment and the intent of the use of the equipment. We’re upset about this because Big Brother is intruding into our business, in essence putting an ankle bracelet on all the charter boat operators in the Gulf of Mexico.”

— **Captain Allen Walburn, Owner, A&B Charters Inc.**

“The whole reason you have this regulation is to protect the fisheries. They have to have a permit to fish and to take people out on charter boats. And the government has an interest in making sure that they fish correctly. All fine. But there is no relationship between watching you 24 hours a day and checking which fish you took in.”

— **John J. Vecchione, Senior Litigation Counsel, NCLA**

**For more information visit the case page [here](#).**

## **ABOUT NCLA**

[NCLA](#) is a nonpartisan, nonprofit civil rights group founded by prominent legal scholar [Philip Hamburger](#) to protect constitutional freedoms from violations by the Administrative State. NCLA’s public-interest litigation and other pro bono advocacy strive to tame the unlawful power of state and federal agencies and to foster a new civil liberties movement that will help restore Americans’ fundamental rights.

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