



Supreme Court: One Fish Two Fish Red Fish Blue Fish

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Washington (CNN)—The Supreme Court on Wednesday vindicated the claims of a small-time Florida fisherman who was caught improperly disposing of red grouper and later charged under a massive federal law passed after the document shredding debacle at the Enron Corporation.

Supporters of Captain John Yates, of the Miss Katie, said the case represented government overreach and excessive punishment in the U.S. code.

The opinion, however launched a series of fishy references from justices on both sides of the case.

At issue was whether undersized fish -- thrown overboard during a wildlife and fisheries investigation -- could be covered as a "record, document or tangible object" under a section of the Sarbanes-Oxley Act. Yates was prosecuted under the law and served a 30-day sentence with supervised release.

"Fish one may fry," Justice Ruth Bader Ginsburg said, but she concluded that Captain John Yates did not violated the law by "dumping six dozen small-sized grouper back into the sea."

Ginsburg was joined in her opinion by Chief Justice John Roberts and Justices Stephen Breyer and Sonia Sotomayor.

She clarified the law, saying that a "tangible item" is "better read to cover only objects one can use to record or preserve information, not all objects in the physical world."

Justice Samuel Alito provided the fifth vote and wrote separately to emphasize that the law could be applied to file-keeping. He agreed that the term "tangible object" should refer to something similar to records or documents.

"A fish does not spring to mind -- nor does an antelope, a colonial farmhouse, a hydrofoil or an oil derrick," he said.

The case dates back to 2007 when Yates' boat was on a fishing trip in the Gulf of Mexico. A deputized federal agent boarded the boat for a random inspection of gear, fishery and boating safety compliance. The agent noticed some red grouper that appeared to be less than the 20 inches that commercial fishing regulations allow. The agent told Yates to return to shore to face authorities with the National Marine Fisheries Service. Instead, according to the government, Yates instructed his crew to throw the red grouper in question overboard and replace them with bigger fish.

Yates was eventually prosecuted under a section of the Sarbanes-Oxley Act.

The ruling is a victory for his Yates, and his lawyer John L. Badalamenti, an assistant federal defender in Tampa who made his Supreme Court debut in the case.

"My client is very pleased with the overall outcome of the Supreme Court's decision, and hopes that this case will impact others like him who are hardworking Americans," said Badalamenti.

Wednesday's decision threw out Yates' conviction and he hopes to be able to get a job again as a commercial fisherman.

At arguments, the government defended the prosecution's claim that it was not about the size of the fish but the destruction of evidence.

"I think it would be a very strange thing if this court were to say that the obstruction of justice law is somehow applied differently when the offense is trivial," said Roman Martinez, of the Solicitor General's office.

Justice Elena Kagan dissented in the case and was joined by Justice Antonin Scalia, Justice Anthony Kennedy and Justice Clarence Thomas.

She said she would have applied the statute that Congress enacted in part because "destroying evidence is destroying evidence, whether or not that evidence takes documentary form."

"A fish is, of course, a discrete thing that possesses physical form," Kagan wrote, quoting Dr. Seuss' "One Fish Two Fish Red Fish Blue Fish."

Keeping up with the fish theme, she said the plurality's "fishing expedition comes up empty."

But, she added, the destruction of records and documents prevents law enforcement agents from gathering facts relevant to official inquiries.

"Whether the item is a fisherman's ledger, or an undersized fish, throwing it overboard has the identical effect on the administration of justice," Kagan said.

Lawyer Bradley Bondi filed a brief in support of Yates for the Cato Institute and praised the ruling.

"The court realized its fishy to use a financial fraud statute, carrying up to 20 years in prison, to prosecute a commercial fisherman who otherwise would have been subject at most to a civil fine and the temporary loss of his fishing license," he said.