

Connolly nomination running out of time (The News Journal)

Time may be running out -- or at the very least running quite short -- for the nomination of U.S. Attorney Colm F. Connolly to a spot on the federal bench in Delaware.

According to the so-called "Thurmond rule," all judicial nominations -- or at least controversial nominations -- are halted in the six or so months leading up to a presidential election.

In some versions of the tradition, named for the late Republican U.S. Sen. Strom Thurmond who supposedly created it, the date the ax falls is June 1. In other versions, it may be several more weeks -- after the summer recess.

But whenever the date, an aide to U.S. Sen. Patrick Leahy, D-Vt., chairman of the Senate Judiciary Committee, said Connolly's nomination remains on hold until Delaware's two senators sign off on the nomination.

Leahy has restored a tradition called the "blue slip," whereby a hearing will not be scheduled for a judicial nominee unless the senators from the nominee's home state send in a "blue slip" signaling their approval.

A criticism of President Bush's administration from Democrats has been its lack of consultation with home-state senators in selecting nominees.

As of Friday, neither U.S. Sen. Tom Carper nor U.S. Sen. Joe Biden, both D-Del., had returned the blue slips.

Neither Biden nor Carper would comment on if they are intentionally withholding their blue slips as a veto or merely waiting for more information before releasing them.

Connolly said Friday he was unaware of the status of his nomination. "But I look forward to a hearing and a positive outcome," he said.

Connolly's name was one of four on a list submitted by U.S. Rep. Mike Castle, R-Del., to Bush last March.

After doing a background check, the Bush administration sent Connolly's name to the Senate in February, and the American Bar Association gave Connolly a unanimous "well qualified" rating in April.

Connolly, who was named U.S. Attorney for Delaware by Bush in 2001, is perhaps best known for successfully prosecuting Thomas Capano for the murder of Anne Marie Fahey.

If Connolly's nomination is not taken up by the Senate by the end of the year, it will expire.

And that means the nomination process will start from the beginning with a new president and the U.S. District Court in Delaware will remain short one full-time judge until mid-2009 at the earliest.

The Delaware court has been shorthanded since December 2006, after Judge Kent Jordan was elevated to the U.S. 3rd Circuit Court of Appeals.

With only four district judge positions in Delaware, a single vacancy means a 25 percent reduction in judges and a significant strain on the court.

An aide to Leahy, who asked not to be named as per Washington tradition, dismissed talk of a hard date for the "Thurmond rule," saying there are many variations, dates and exceptions to the tradition.

But, she added, "at some point everything in the Senate is overcome by elections."

Some groups have been pressuring Democrats to stall all Republican judicial nominees in the hope a Democrat will win the presidency in November .

This month, U.S. Sen. Arlen Specter of Pennsylvania, the ranking Republican on the Judiciary Committee, said the slow action on judicial nominees has created a "desperate" situation in the courts.

There are 42 federal court vacancies across the nation and 32 pending nominations -- including Connolly's, according to the administrative office of the federal courts.