

OTHER VIEW | L.A. TIMES

Reject the 'Thurmond Rule'

The late Strom Thurmond is best known for his 48 years in the U.S. Senate representing South Carolina, his segregationist candidacy for the presidency in 1948 and the fact that even though he was a longtime opponent of racial equality, he fathered a child with a black teenage housekeeper. But Thurmond also lent his name to the so-called Thurmond Rule, according to which Senate action on judicial confirmations is supposed to stop several months before a presidential election.

The rule – actually a custom that sometimes has been honored in the breach – goes back to 1968, when Thurmond and other Republicans held up action on President Johnson's nomination of Abe Fortas to be chief justice of the United States. Fortas withdrew in the face of a filibuster, and President Richard Nixon, the Republican victor in the 1968 election, was able to choose a successor to the retiring Earl Warren. In subsequent years, senators of both parties have cited the Thurmond/Fortas episode as a precedent for not acting on judicial nominations close to an election.

Even in the case of a Supreme Court appointment, the Thurmond Rule violates the spirit of the Constitution, which doesn't distinguish between nominations made earlier or later in a president's term. It is less defensible still in connection with nominations to lower courts. Yet Senate Minority Leader Mitch McConnell, R-Ky., told colleagues last month that he was immediately invoking the rule to end nominations to the U.S. Court of Appeals, and would block confirmation votes on nominees to federal district courts after September.

Such delays are a disservice to the nominees and to an overburdened federal judiciary. At present there are 12 vacancies on federal appeals courts, 63 on district courts and two on the U.S. Court of International Trade. The Obama administration, although it has been slow to fill vacancies, currently is proposing seven candidates for the appeals court and 28 for the district courts. The Senate should hold up-or-down votes on these nominations and any others put forward in the near future.

Apart from the Thurmond Rule, the timely confirmation of judicial nominees has long been frustrated by petty partisanship. Democrats and Republicans share the blame. The most recent logjam was broken in March when Republicans agreed to timely votes on 14 nominations.

Obviously Republicans hope that Barack Obama is a lame-duck president, but even lame-ducks are entitled to expeditious consideration of their nominations. And the administration of justice shouldn't be held hostage to partisan politics even in an election year.

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ARTIST'S VIEW



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POLITICS | SEN. TOM O'MARA

Keeping track of rural N.Y.

The Legislature's joint, 10-member bipartisan Commission on Rural Resources, on which I serve as a member together with area Assembly representatives Phil Palmesano and Barbara Lifton, issues a publication called Rural Futures that's a must read if you're interested in staying up to date on rural affairs locally, statewide and nationally.

It's a publication that the Commission's been extremely proud of for many years, one that's chock full of valuable information on state legislation, exciting and interesting trends in rural communities throughout New York and around the nation, as well as summaries for local leaders and officials on grants, publications, useful websites, and upcoming events.

The latest Summer 2012 issue, for example, features:

- an update on an issue that I highlighted earlier this year concerning the Commission's efforts to expand the availability and implementation of telemedicine services statewide. It's viewed as one key way to heighten access to quality health care for rural New Yorkers in the 21st century. Following the Commission's January 2012 roundtable, "Telehealth/Telemedicine: Putting the Pieces Together," which focused on many of the challenges facing the potential growth of telehealth services across upstate, rural regions, we began developing specific pieces of legislation based upon the ideas and recommendations we received. One measure I'm cosponsoring (Senate Bill Number 6970) awaits final action by Governor Andrew Cuomo. It would remove a key obstacle and broaden the granting of hospital privileges to providers of telemedicine services;
- the United States Department of Agriculture's (USDA) new take on one of the most recognizable symbols in American culture – the Food Pyramid that so many of us grew up with as the learning tool for healthy eating and proper nutrition. The USDA's new "MyPlate" diagram aims to reeducate Americans of all ages on the staples of a healthy diet;
- an overview of the Robert Wood Johnson Foundation's "County Health Rankings & Roadmaps" program, which has ranked the health of nearly every county in America while trying to show what can be done to create healthier communities through new partnerships involving policymakers, business, education, public health and community organizations;
- an update on the armyworm invasion that's plaguing farmers and destroying field crops in regions throughout New York, including ours. Nancy Glazier, a small farms specialist with the Yates County Cooperative Extension, recently said, "I have never seen them in such numbers." Other local observers have noted that they've never seen anything like this year's invasion in nearly a half century;
- a reminder on the USDA's Rural Economic Development Loan and Grant Program, which is accepting applications through September 30, 2012 to distribute \$79 million in loans and \$10 million in grants to promote economic development, job creation, business expansion and public infrastructure improvements in rural areas;
- a review of the federal government's improvements to its "Plant Hardiness Zone Map" to assist gardeners and growers determine which plants are most likely to thrive at any given location;
- information, in anticipation of apple picking season, on a new online guide for pickers created by the New York Apple Association; and
- in keeping with the

Commission's long-standing tradition to periodically issue timely and informative guidebooks for rural officials and concerned citizens, a notice that the Commission has recently reissued a number of updated publications, including: "Local Roads Research and Coordination Council Manual: Guidelines for Rural Town and County Roads, 2012."

All in all, it's a good, solid edition of Rural Futures and I'm glad to have the chance to share notice of its availability with you. I've recently posted a link to an online version on my state Senate website, www.omarany.nysenate.gov (see the Rural Futures icon in the left-hand column of the home page). You can always e-mail your request for a copy to omara@nysenate.gov, or call any of my offices in Bath (776-3201), Elmira (735-9671), or Albany (518-455-2091).

More than two-thirds of New York's 62 counties are designated as rural, including all of the counties comprising my Senate District. It's been a long struggle to raise the state Legislature's awareness of traditionally upstate, small city, rural issues, and the challenges for rural legislators just keep getting tougher. We've witnessed it time after time in the ongoing debates over tax policies, economic development priorities, infrastructure allocations and in so many other ways. It remains an ongoing challenge and Rural Futures is one way to stay updated on the Commission's work on issues like farm preservation, telemedicine, broadband access, volunteer recruitment and retention, water quality, education and transportation, to name just a few items on a much more comprehensive rural New York agenda.

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OTHER VIEW | CHICAGO TRIBUNE

Misadventures in camouflage

Ever notice how many people you see wearing camouflage apparel in public? Well, maybe not. Wearing camouflage, they're invisible, right?

Not always because no one has designed a pattern that blends into the background at a mall food court or a Little League baseball game. So those woodland and desert patterns tend to make the wearer more conspicuous, not less.

Unless you're hunting deer or ducks, that's often the point. Camouflage has found its way into all sorts of products where its practical utility is, well, hard to see. You can buy camouflage toilet seats, beer koozies, shower curtains and wallets.

You can even buy Mossy Oak underwear, which theoretically would help conceal something that is not supposed to be visible in the first place. The trend extends as far as racy lingerie. The camouflage strapless corset and thong at Lingerie Diva (lingeriediva.com/camo-lingerie/camouflage-strapless-corset-thong) is probably a big Valentine's Day item in some places.

Camouflage used to be strictly a functional feature, but at some point it became a fashion statement – advertising that the wearer is rugged, outdoorsy or rural, if not all three. Plenty of hunters still don it to achieve stealth in a blind, but most of them don't feel out of place wearing it in town after the season is over. Urban hipsters have been known to sport it in a spirit of subversive irony.

But there are people who wear it every day for the most practical of all reasons: to keep from getting killed. No one has a bigger appetite for clothing that makes one hard to detect than the U.S. military.

But that doesn't mean soldiers are necessarily good at the design decisions. Reports a story in the online magazine Slate, "There's a lot of brown in Afghanistan," says one aggrieved soldier, but the U.S. Army's camo print contains not a speck." This, nearly 11 years after American fighting men and women arrived en masse.

The pattern that made its appearance in 2004, a gray and green pixelated one known as the Universal Camouflage Pattern, turns out to be OK unless you want to escape the notice of armed hostiles. As the online newspaper The Daily reports, "The government spent \$5 billion on a camouflage design that actually made its soldiers more visible." Now it's in the process of replacing this unfortunate wardrobe.

How could the Army make such a major mistake? It seems the Marine Corps came out with a spiffy new line of brown camouflage, which made Army officers envious. So they copied it, but in their preferred gray tones – which didn't work well in the field.

Said Eric Graves of the publication Soldier Systems Daily, "That's what this really comes down to: 'We can't allow the Marine Corps to look more cool than the Army.'"

We've all made that sort of fashion mistake – buying a garment that makes us look ill-attired because someone else looks good in it. When it doesn't work out, it's no fun at all.

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