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Nomination of New U.S. Attorney for the V.I. Delayed in U.S. Senate on Matter Related to Black Lives Matter Portland Protests in 2020

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Asst. U.S. Attorney Delia Smith's nomination to serve as U.S. Attorney for the Virgin Islands is among those affected by U.S. Senator Tom Cotton's decision to delay a Judiciary Committee vote for several of President Joe Biden's nominees for U.S. Attorney.

The vote was delayed because the Department of Justice failed to respond to Mr. Cotton's demand for answers about its lack of assistance to U.S. Marshals being sued over their defense of the Portland federal courthouse in 2020, according to a report on Fox News.

Senate Judiciary Committee Chairman Richard Durbin announced on Thursday that Mr. Cotton was delaying the committee vote of several Justice Department nominees because the Justice

Department didn't respond quickly enough to an information request Mr. Cotton made Monday.

Mr. Cotton demanded a response to his letter "related to an ongoing litigation matter" within 24 hours. He had warned that if the Justice Department failed to respond by his deadline, he would cause the delay of several law enforcement nominees. Smith is one of eight nominees of the Biden Administration who are being held up by Mr. Cotton's action.

According to the Fox News report, Mr. Cotton is concerned that Biden's Justice Department may not pay to defend U.S. marshals who protected a federal courthouse in Portland during Black Lives Matter protests in the summer of 2020.

Mr. Cotton's sole action cannot last indefinitely, though rules allow for a committee member to hold up the hearing of nominees for weeks, even if all of the remaining committee members support the nominee. The tactic, now being employed by a Republican senator, has been used by Democrats in the past, Committee Chairman Durbin, a Democrat, said.

Ms. Smith [was nominated by Delegate to Congress Stacey Plaskett](#) for U.S. Attorney for the Virgin Islands. Her approval in the U.S. Senate would lead to the removal of current U.S. Attorney for the V.I., Gretchen Shappert, who [received an interim appointment](#) from former Attorney General Jeff Session on January 4, 2018. On April 23rd, 2018, the Virgin Islands District Court appointed her as the U.S. Attorney for the Virgin Islands. Since then, she has overseen a flurry of cases in federal court: from drugs, to [public corruption](#) and gun violence.

"Gretchen Shappert has served this department well for more than 25 years," said Mr. Sessions at the time of the appointment. "For five of those years, she led federal prosecutions in Western North Carolina as United States Attorney. I am confident that, with this extensive experience, she will be an excellent leader as Interim U.S. Attorney for the Virgin Islands."

According to a description on the U.S. Attorney's website, Ms. Shappert has served as the Assistant Director for the Indian, Violent and Cyber Crime Staff in the Executive Office for U.S. Attorneys (EOUSA), since 2010. Prior to joining EOUSA, Ms. Shappert served as the United States Attorney for the Western District of North Carolina from 2004-2009 and as an Assistant United States Attorney (AUSA) from 1990-2004. As the United States Attorney and as an AUSA, Ms. Shappert prosecuted a wide range of criminal defendants including outlaw motorcycle gangs and violent drug organizations. Ms. Shappert also served as an Assistant District Attorney, an Assistant Public Defender, and in private practice prior to her federal service. She received her B.A. from Duke University in 1977 and her J.D. from Washington & Lee University School of Law in 1980.

Delegate Plaskett has called for the removal of Ms. Shappert, contending that the position should be filled by a local representative. A local nominee is "of critical importance to the Virgin Islands community," she said in September. Ms. Smith has served as an assistant U.S. attorney for several years.