

QUESTIONS FOR THE RECORD
RACHEL L. BRAND
NOMINEE TO BE ASSOCIATE ATTORNEY GENERAL

SENATOR PATRICK J. LEAHY

1. If confirmed as Associate Attorney General, your responsibilities would include overseeing the Civil Rights Division and the Voting Rights Section. President Trump has repeatedly made wild assertions about pervasive voter fraud across America, claiming that it was the reason he lost the popular vote by nearly three million votes.
 - a. Do you have any reason to believe that thousands of people voted illegally in New Hampshire in the 2016 election?
 - b. Mr. Trump has repeatedly claimed that 3 to 5 million people voted illegally in the 2016 election.¹ Do you believe this is true? Are you aware of any evidence to support this claim?
 - c. Are you aware of any evidence to support the claim that there is widespread voter fraud in states like Texas or North Carolina? Are you aware of any evidence of widespread voter fraud in any jurisdiction in the country?
 - d. If confirmed as Associate Attorney General, what assurances can you give this Committee that you will prevent the Department from pursuing voter fraud cases where there is no evidence to support such prosecutions?

RESPONSE: I have no personal knowledge that would enable me to express an opinion on these factual questions. While investigations into voter fraud are handled by the Department's Criminal Division, and therefore are not under the Associate Attorney General's supervision, an investigation of any specific credible allegation of voter fraud should proceed as any other investigation should proceed -- based on a full, fair, and open-minded review of the facts and a serious and impartial analysis of the law.

2. Last month, the Attorney General dramatically shifted course in the Justice Department's case challenging Texas' unconstitutional voter ID law. After three-half years and two court decisions finding that the law was discriminatory, the Attorney General sent a political appointee in place of career Department of Justice attorneys to a court hearing to drop claims that Texas acted with discriminatory purpose.

At a time when the Department needs strong, independent leadership, how do you plan to ensure that the Voting Rights Section continues to safeguard Americans' right to vote and is not pressured by the Attorney General or political appointees to turn its backs on systematic efforts by states to suppress minority voters?

RESPONSE: I am committed to enforcement of the Voting Rights Act, which has been a critical law enforcement function of the Department of Justice for many years. With respect to any particular case that may come before the Department, I would approach it as I would any case, by consulting with the subject matter experts in the Department to ensure that the Department undertakes a full, fair, and open-minded review of the facts and a serious and impartial analysis of the law.

¹ <http://www.cbsnews.com/news/trump-claims-3-5-million-illegal-ballots-cost-him-popular-vote-cites-no-evidence/>