

**FEBRUARY 10, 2018**  
**BY PAUL MIRENGOFF**

## **THE GAP AT DOJ**

Rachel Brand, the third highest ranking official in the Justice Department has resigned. She will become Walmart’s “Executive Vice President, Global Governance and Corporate Secretary.”

With Brand’s departure, here is what the top echelon of the Department of Justice looks like:

*Attorney General – Jeff Sessions*

*Deputy Attorney General – Rod Rosenstein*

*Associate Attorney General – vacant*

*Solicitor General – Noel Francisco*

*Assistant Attorney General, Civil Division – vacant, nomination pending*

*Assistant Attorney General, Civil Rights Division – vacant, nomination pending*

*Assistant Attorney General, Criminal Division – vacant, nomination pending*

*Assistant Attorney General, National Security Division – vacant, nomination pending*

*Assistant Attorney General, Environmental Division – vacant, nomination pending*

*Assistant Attorney General, Tax Division – vacant*

As a result of all these vacancies, Obama holdovers still exercise significant control over the Department. Indeed, Christian Adams argues that they “still run the show.” He writes:

*Unfortunately, in important components of the Justice Department, the deep-state strategy of seeking to nullify the results of the 2016 election is being employed without garnering. . .much attention.*

*Consider the Justice Department Civil Rights Division, where a Senate-confirmed nominee for assistant attorney general has yet to be installed, 13 months into the administration. The Civil Rights Division wields enormous power over housing, banking, voting, police, education, immigration, employment, lending, prisons and more. . .*

*Yet four Obama holdovers entirely sympathetic to the ideological agenda of the previous administration are still in absolute control of an entire layer of political oversight. There are four deputy assistant attorney general positions at the Civil Rights Division, and **all are occupied by committed Obama holdovers.***

President Trump and Attorney General Sessions have done their part to remedy the situation. As is clear from the roster presented above, Trump submitted nominations for all but one of the five vacant Assistant Attorney General positions. He did so many months ago.

The problem is with the Senate. Despite the fact that Republicans have a majority in that chamber, and even though the filibuster for nominees was abolished, Majority Leader McConnell has failed to obtain a vote for any of people selected for the vacant AAG positions. Nor, as far as I can tell, is a vote imminent.

The gap near the very top of the DOJ created by Brand's resignation makes it imperative that the nominees for Assistant Attorney General be confirmed forthwith. Otherwise, the Obama holdovers likely will be subject to even less control by the administration than they are now.

Senate Republicans need to get this done right away.