

CHARLES FRIED

February 28, 2017

The Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary
U.S. Senate
152 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Dianne Feinstein
Chairman
Committee on the Judiciary
U.S. Senate
224 Dirksen Senate Office Building
Washington, DC 20510

RE: Nomination of Rachel L. Brand

Dear Senator Grassley and Ranking Member Feinstein:

I am glad to write in support of the nomination of Rachel Brand to the office of Associate Attorney General,

I served as an Associate Justice on the Supreme Judicial Court in Massachusetts at the nomination of my student and later colleague in the Reagan Justice Department, William Weld. Because of the process of choosing law clerks on that court, Rachel had been assigned to me before I was confirmed, so I had not actually chosen her. I was very fortunate; my colleagues chose well and wisely for me. Rachel was a superbly diligent, skillful, and above all reliable source of help. I could be sure that her research, and on the occasions when I asked her to draft portions of opinions assigned to me, her drafts would be absolutely accurate and so far as possible in what would be my voice. In discussions and when we pondered a difficult matter she would be objective and give me both sides of the story. In my four years on the SJC I have not had a better law clerk. In addition to her legal ability, she is a delightful courteous person, but with a subtle sense of humor. She understands people and knows how the world works. Though completely serious and dedicated, she sees the humorous side of the human comedy and that allows her to keep her balance. During her clerkship year she became a friend and I was glad to introduce her to my family. To use a slang saying: she has her head screwed on right.

I have kept in touch with her after she left the court. I recall when she asked for my advice; she was hesitating between an offer from a long established law firm and a somewhat raucous, conservative-oriented start up. I told her that the former had been there for a hundred years and probably would be there a hundred years later, while the latter might fission (as it did) in a couple of years. I told her that my mother would have advised me to go to the former—and she responded with a twinkle that her mother would recommend the latter, which is what she did. Others have seen and appreciated what I did. She was chosen to work for Justice Anthony Kennedy, in a move not that usual, and then she was chosen to head the Justice Department Office of Legal Policy. I enjoyed and appreciated her deft guidance when she prepared me to

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Office of Legal Policy. I enjoyed and appreciated her deft guidance when she prepared me to testify on behalf first of now Chief Justice Roberts and also for now Justice Alito. For the former, I testified in my capacity as a member of the ABA Reading Committee. For the latter I testified because Justice Alito had worked with me in the Solicitor General's office. When she left the Department of Justice, I suggested that she work at Wilmer Hale, a distinctly Democrat-leaning law firm, but one where her talents would be appreciated and she would find the work and work atmosphere congenial. By all accounts she had a successful stay there at a fairly senior level. That is what I would have expected. She left because her burgeoning family led her to seek a more relaxed work schedule. As I have said, we have kept in touch and we talk from time to time about her work on the presidential oversight board on which she (still?) serves.

She is an able, excellent, honorable person, with a perfect temperament for the cross-currents of a high level government post.

Charles Fried

A handwritten signature in cursive script, appearing to read "Charles Fried".

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