

July 19, 2017

The Honorable Charles E. Grassley
Chairman
The Honorable Diane Feinstein
Ranking Member
United States Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, D.C. 20510-6050

VIA ELECTRONIC MAIL

Dear Chairman Grassley and Ranking Member Feinstein:

Thank you for scheduling a hearing next week to review my nomination to serve as Assistant Attorney General for the Criminal Division at the United States Department of Justice.

As you know, prior to today I was constrained by the specific terms of my law firm's retainer agreement with our client Alfa Bank, which required the firm (including me) to keep our representation confidential. For that reason, I specifically disclosed the representation as required by law pursuant to a supplemental question posed to me regarding work for foreign businesses in connection with completion of the Standard Form 86 - Questionnaire for National Security Positions, which is part of the confidential background investigation process.

Your staff has indicated that the Committee may wish to question me at my hearing regarding the fact and scope of my work for Alfa Bank. For that reason, my firm has sought and obtained a waiver from the client from the confidentiality provision of our retainer agreement, thus allowing me to discuss the fact and scope of the representation at the hearing. As I am sure you understand, ethical considerations prohibit me from disclosing confidential legal advice or any other information protected by the attorney-client privilege under any circumstances.

I also understand that the Committee may wish to question me at the hearing about my role in connection with the Department of Justice transition. My participation in the transition is a matter of public record, and I will endeavor to answer your questions on that subject to the best of my ability and consistent with my ethical obligations.

Again, thank you for the honor of appearing before the Committee next week, and I especially thank your staff members for their care and communication in this process.

Sincerely,


Brian A. Benczkowski