

September 22, 2017

The Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Chairman Grassley and Ranking Member Feinstein:

Enclosed please find responses to additional Questions for the Record that I received from Senator Durbin on September 12, 2017 following my appearance before the Senate Judiciary Committee on July 25, 2017.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian A. Benczkowski". The signature is stylized and cursive.

Brian A. Benczkowski

Senator Dick Durbin
Follow-up Questions for Brian Benczkowski
September 12, 2017

For questions with subparts, please answer each subpart separately.

1. I understand you advised Alfa Bank on the subject of defamation based on the allegations involving Alfa Bank that were included in the Steele dossier. You said in your written responses to Senator Whitehouse that you “did not independently investigate the allegations in the dossier and did fewer than five hours of work on this issue.” **What was the specific date or dates on which you performed work for Alfa Bank regarding the allegations included in the Steele dossier?**

Response: March 27-28 and May 10, 2017.

2. **As part of your work on the Steele dossier, did you read any documents regarding background of Alfa Bank officials mentioned in the dossier, including Mikhail Fridman, Pyotr (Petr) Aven and German Khan? If so, what document(s) did you read?**

Response: No. I did not independently investigate any of the allegations contained in the version of the Steele dossier published on the Internet by the organization *Buzzfeed*. Instead, my work focused on legal and procedural issues that were unconnected to whether the allegations in the dossier were true or false. Those issues included venue, the legal standards and burden of proof in defamation actions in various jurisdictions, and the discovery process.

3. **As part of your work on the Steele dossier, did you read any documents regarding the background of Oleg Govorun, who was mentioned in the Steele dossier? If so, what document(s) did you read?**

Response: Please see my response to Question 2.

4. **Did any other attorney or attorneys at Kirkland & Ellis independently investigate the allegations in the dossier and inform you of their findings at any point during your representation of Alfa Bank? If so, which attorney or attorneys did so and on what date were you informed of such findings?**

Response: No.

5. It is my understanding that if you are confirmed you plan to recuse yourself from matters involving Alfa Bank. I also understand that you have not committed to recuse yourself from any other matters relating to Russian interference in our election or Special Counsel Mueller’s investigation.

- a. **Is it correct that the Steele dossier included allegations that Alfa Bank and its officials had close ties to Vladimir Putin and advised Putin about U.S. policy?**

Response: The version of the Steele dossier that I read and which was published online by the organization *Buzzfeed* contained those allegations.

- b. If you answered affirmatively to question (a), how can your recusal from “any matter involving Alfa Bank” not also cover matters related to the investigation into the election interference that Vladimir Putin ordered against our nation in 2016?**

Response: I did not investigate any of the allegations in the Steele dossier and have no knowledge of whether any of the allegations in the dossier are true or false. As I explained, the scope of my work consisted of reading a document that was published on the Internet to provide legal advice unconnected to whether the allegations contained in that document were true or false. In my view, without more, the ethics rules do not require a recusal in those circumstances.

As I have testified previously and stated in response to written Questions for the Record, if I am confirmed and a matter comes before me in the Criminal Division where I believe recusal might be warranted, I will review the law and the specific facts, consult with career ethics officials at the Department, and recuse myself from any matter where such a recusal is appropriate.

6. In October 2016, the *New York Times* had reported that the FBI had investigated a stream of computer activity between Alfa Bank and the Trump Organization. Then, in March 2017, *CNN* reported that an FBI investigation was continuing into Alfa Bank’s alleged computer link with the Trump Organization.

- a. When you agreed to represent Alfa Bank in March 2017, were you aware of the public reports of FBI investigations regarding computer activity between Alfa Bank and the Trump Organization?**

Response: I became aware of the reports you describe shortly after I agreed to work on the matter.

- b. Did you ever inquire about whether the reports were accurate?**

Response: No. At the outset of my work, I was informed by my law partner that the bank had not been contacted by federal authorities and had no reason to believe it was the subject of an investigation. As I testified at my hearing, at no time during my work for the bank did I learn any information to suggest that the bank was or had been under federal investigation.

7. **Did you ever ask your colleagues at Kirkland & Ellis if Alfa Bank is, or has at any point been, the subject of a federal investigation? If so, what did your colleagues say?**

Response: Please see my response to Question 6b.

8. **Are you aware if Alfa Bank is, or has at any point been, the subject of a federal investigation?**

Response: Please see my response to Question 6b.

9. President Trump told *The New York Times* on July 19: “A special counsel should never have been appointed in this case.” **Do you agree with President Trump?**

Response: Because I am not currently in the Department and do not know the full scope of Special Counsel Mueller’s investigation or the specific facts considered when his appointment was made, I am not in a position to comment on the President’s statement.

As I stated at my hearing and in response to written Questions for the Record, if confirmed, I will provide all appropriate assistance in support of the Special Counsel that is requested of me by the Deputy Attorney General so that the Special Counsel’s investigation can be completed in a thorough and independent manner.

10. President Trump was asked by *The New York Times* on July 19: “if Mueller was looking at your finances and your family finances, unrelated to Russia....would that be a breach of what his actual charge is?” Trump responded, “I would say yeah, I would say yes.” **Do you agree with President Trump?**

Response: Please see my response to Question 9.

11.
a. **Have you read the unclassified version of the January 6 Intelligence Community report about Russian interference in the 2016 election?**

Response: Yes.

- b. **Do you agree with the report’s findings that Russia interfered in the election to help then-candidate Trump?**

Response: As I testified at my hearing, I have read the report and have no reason to question the conclusions that the intelligence community made therein.