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United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

August 2, 2021

Dear Senators:

I write in response to your request for a second hearing on David Chipman's nomination to serve as Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). Sadly, this request is just the latest in a string of efforts meant to unfairly derail Mr. Chipman's nomination and tarnish his record and reputation.

From the moment that President Biden nominated Mr. Chipman—a 25-year law enforcement veteran—to lead ATF, Senate Republicans and opponents of commonsense gun safety measures have launched vitriolic, baseless attacks against this highly credentialed nominee. Given the history of ATF nominations—only one nominee has ever been confirmed by the Senate to lead the agency since the position of Director was made subject to Senate confirmation—Mr. Chipman no doubt knew that his nomination path would be treacherous. But no one—least of all a nominee who has dedicated his life to combating illegal gun trafficking and protecting the men and women of law enforcement—deserves the kind of treatment that Mr. Chipman has had to endure.

Consider the following examples. Opponents of Mr. Chipman's nomination circulated an image of an armed agent in the aftermath of the raid of the Branch Davidian compound in Waco, Texas, claiming that the image depicted Chipman. It did not.

Those working to sink Mr. Chipman claimed he misplaced his service weapon as an ATF agent. He did not.

And some Republicans in the Senate have claimed Mr. Chipman has called for the arrest of individuals before they commit crimes. Once again, this is patently false. In reality, Mr. Chipman argued that individuals who lie on federal background check forms in order to obtain a gun should be prosecuted for doing so. That is called enforcing the law—it is in fact a crime to lie on background check forms.

Now comes the latest salvo—a claim published by an anti-gun safety website, allegedly based on the accounts of two anonymous individuals, that Mr. Chipman had made racially discriminatory remarks when he served at ATF.

As with the other claims manufactured by Mr. Chipman's opponents, there is no evidence to support these allegations. Committee staff from both sides of the aisle reviewed Mr. Chipman's extensive background investigation. After that review, both sides "cleared" the background investigation and agreed that Mr. Chipman's nomination should proceed to a hearing. Moreover, in response to a Question for the Record (QFR) submitted by Senator Cruz, Mr. Chipman acknowledged receiving two Equal Employment Opportunity (EEO) complaints, both of which he notes "were resolved without any finding of discrimination."

The letter also raises questions about Mr. Chipman's "effectiveness as a leader." But Mr. Chipman's career at ATF makes clear that he *was* an effective leader, as demonstrated by the support he has received from numerous former ATF agents, who, unlike the anonymous sources your letter cites, have come forward publicly. Criticism on extreme anti-gun safety websites of Mr. Chipman's ATF tenure appears to simply be another part of the orchestrated effort by the far right to oppose Mr. Chipman by any means necessary.

In this age of the Big Lie, does evidence count for anything?

Mr. Chipman is a decent, honest, and conscientious public servant. He and his family have endured attacks that no nominee should endure, including death threats. Yet through it all, he has remained committed to accepting this role. That commitment speaks volumes about Mr. Chipman's character and his dedication to the ATF, its mission, and the men and women who serve the agency every day.

The Committee will not hold a second hearing on Mr. Chipman's nomination based on baseless allegations by anonymous sources published in venues with an obvious agenda. ATF needs a Senate-confirmed leader, and Mr. Chipman is well-qualified and has been extensively vetted for the role. He deserves to be confirmed. And it is my fervent hope that Committee Republicans will quit embracing anonymously-sourced efforts to smear Mr. Chipman.

Sincerely,



Richard J. Durbin
Chair