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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

Chairman Richard J. Durbin
U.S. Senate Committee on the Judiciary
Dirksen 224
Washington, DC 20510

July 29, 2021

Dear Chairman Durbin,

We have recently received news reports about President Biden's nominee to be Director of the Bureau of Alcohol, Tobacco, and Firearms, David Chipman, that require the immediate attention of the Judiciary Committee. According to these reports, Mr. Chipman made racially insensitive comments while serving in ATF leadership.

It was first reported on June 22 that Mr. Chipman had made racially insensitive comments about the promotion of African American ATF agents. According to the report at the time, an anonymous ATF agent had remembered Mr. Chipman saying, "Wow, there were an unusually large number of African American agents that passed the exam this time. They must have been cheating."¹ These were serious charges, not to be taken lightly, but the fact is that it was an anonymous claim in the press without any corroboration.

That has changed. In a July 28 article at the independent news site *The Reload*, it was reported that multiple current and former ATF agents *corroborated* that they had heard that Mr. Chipman had made racially insensitive comments while serving in the Detroit field office of the agency.² The report says, "The agents, who have decades of experience at the agency, told *The Reload* they heard the accusation that Chipman denigrated black ATF agents up for promotion." One current ATF agent said, "[Chipman] made some comments that he was surprised by the number of African Americans who have made it onto a specific promotional list ... So, his insinuation was that they had to have cheated. Which is kind of despicable." The agent asked the reporter not to use his

¹ Andrew Kerr, 'They Must Have Been Cheating': Watchdog Group Sues For Records Relating To Derogatory Comments Biden's ATF Pick Allegedly Made Against Black Agents, Daily Caller, June 22, 2021, available at <https://dailycaller.com/2021/06/22/american-accountability-foundation-david-chipman/>.

² Stephen Gutowski, *ATF Agents Corroborate Existence of Racial Complaint Against Biden Director Nominee, Fear Reprisals and Hit to Agency Effectiveness*, *The Reload*, July 28, 2021, available at <https://thereload.com/atf-agents-corroborate-existence-of-racial-complaint-against-biden-director-nominee-fear-reprisals-and-hit-to-agency-effectiveness/>.

name because Mr. Chipman has “got a reputation for being a bully” and so the agent was worried about retaliation should Mr. Chipman be confirmed.

What’s more, beyond the alarming nature of these alleged comments, is the fact that these agents claim they affected his tenure at ATF. An unnamed agent told *The Reload* that Chipman “left Detroit because of that [controversy] ... He did not leave Detroit on the best of terms.” The article also notes that another agent, Rick Vasquez, remembered Mr. Chipman not arriving in Detroit on the best of terms either because “nobody else would take the job.” According to Agent Vasquez, “He got sent to Detroit against his will. I know that. Detroit has always been a mess.”

This report presents two issues that the Judiciary Committee must address:

- First, we have allegations that Mr. Chipman made racist statements about the abilities of African American ATF agents, the existence of which allegations have been confirmed by current and former ATF officials.
- Second, these allegations imply that an important field assignment in Mr. Chipman’s career was one that he allegedly was both forced first to take and then to relinquish.

The first issue gets to Mr. Chipman’s character and the second gets to his effectiveness as a leader. Both should be of paramount importance to the Judiciary Committee.

Mr. Chipman’s nomination was never reported from the Judiciary Committee; it failed by an even vote. This means his nomination is still here. Because the Judiciary Committee still has Mr. Chipman’s nomination it’s critical that we call him in for a public hearing to address these allegations before any move is made to advance his failed nomination to the Floor. Furthermore you as Chairman must lead the Judiciary Committee in calling on the Justice Department and Mr. Chipman to make public and transparent any such records referenced in these reports—in particular the two EEO complaints Mr. Chipman identified for Sen. Cruz and any related documents.

Sincerely,



Chuck Grassley
Ranking Member



Lindsey Graham



John Cornyn



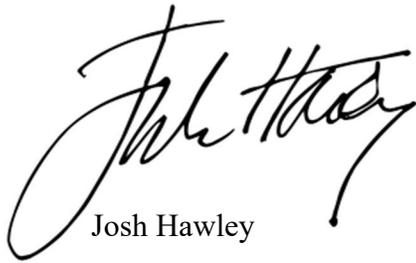
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Ted Cruz



Ben Sasse



Josh Hawley



Tom Cotton



John Kennedy



Thom Tillis



Marsha Blackburn