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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

August 11, 2021

VIA ELECTRONIC TRANSMISSION

The Honorable Michael E. Horowitz
Inspector General
Department of Justice
950 Pennsylvania Ave. N.W.
Washington, D.C. 20530

Dear Inspector General Horowitz:

My office has received additional whistleblower reports that further corroborate allegations that President Biden's nominee to be the Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), David H. Chipman, has exhibited a pattern of extremely concerning racially biased behavior.¹ These new reports claim that Mr. Chipman filed a complaint with the Department of Justice Office of Inspector General (DOJ OIG) triggering an unwarranted investigation into an African American employee who he alleged, without evidence, cheated on an exam to become a GS-15. Whistleblowers report that the DOJ OIG's investigation, which lasted for approximately two years, significantly impeded the African American ATF employee's career by barring him from promotion and commendations. The only indication that the examinee had cheated was that his answers to the hypothetical questions posed by the panel were "just too good."

These allegations provide additional context to the information that the Republican members of the Senate Judiciary Committee described in a letter to Chairman Durbin on July 29, 2021.² In fact, it goes even further by providing evidence that Mr. Chipman acted upon alleged racial animus to effectively end the career of a longtime law-enforcement agent. Despite this,

¹ PN 274, David H. Chipman, of Virginia, to be Director, Bureau of Alcohol, Tobacco, Firearms, and Explosives (April 12, 2021), <https://www.congress.gov/nomination/117th-congress/274?q=%7B%22search%22%3A%22chipman%22%7D>; see also Stephen Gutowski, *Black ATF Agent Says Biden Nominee Falsely Accused Him of Cheating on Promotion Assessment*, THE RELOAD, (Aug. 11, 2021), <https://thereload.com/black-atf-agent-says-biden-nominee-falsely-accused-him-of-cheating-on-promotion-assessment/>

² Letter from Charles E. Grassley, Ranking Member Senate Committee on the Judiciary et al. to Dick Durbin, Chairman Senate Committee on the Judiciary (July 29, 2021), https://www.grassley.senate.gov/imo/media/doc/judiciary_republicans_to_chm.durbinchipman.pdf.

whistleblowers report that the DOJ OIG acted appropriately and conducted a thorough investigation into the complaint and provided the targeted ATF employee with a final letter of clearance.

The growing number of allegations regarding Mr. Chipman require a timely response. In order to fully evaluate Mr. Chipman's nomination it is necessary to review all corresponding records and reports that were created regarding the investigation into this complaint. For that reason, I request that you provide such records and respond to the below questions by August 25, 2021.

1. We have heard additional reports that Mr. Chipman was the target of an Equal Employment Opportunity Commission (EEOC) case involving race. Is DOJ OIG in possession of any such or similar documents or records regarding this alleged racial animus? If so, please provide these additional documents to the committee.
2. Is DOJ OIG aware of any other complaints filed by Mr. Chipman alleging that an ATF employee cheated on an exam or assessment?

Should you have any questions please reach out to Michael Fragoso or Danny Boatright of my Judiciary staff at (202) 224-5225. Thank you for your time and consideration regarding this important matter.

Sincerely,



Charles Grassley
Ranking Member
Senate Committee on the Judiciary

cc:

Senator Dick Durbin
Chairman
Senate Committee on the Judiciary

Mr. Marvin Richardson
Acting Director
Bureau of Alcohol, Tobacco,
Firearms, and Explosives