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The Honorable Kyrsten Sinema
United States Senate
317 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Mark Kelly
United States Senate
Dirksen Senate Office Suite B40B
Washington, D.C. 20510

Dear Senator Sinema and Senator Kelly:

President Biden recently nominated David Chipman to head the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I previously joined 20 of my colleagues in writing members of Senate leadership to emphasize the highly problematic nature of this action. Today, I write urging you to oppose his imprudent nomination as well.

Mr. Chipman, who has repeatedly articulated his hostility toward our Second Amendment, is unfit to serve in this capacity. His confirmation to lead the ATF would be viewed as a senseless attack on our Constitution, and on millions of law-abiding gun owners in Arizona and across the country.

As the ATF plays a significant role in upholding public safety in our communities, it has enormous influence in setting gun policy in America, including issuing rules and implementing regulations that impact millions of our citizens. Leading this important mission is a job for someone who understands the importance of holding illegal actors accountable, while also respecting law-abiding American's constitutional right to keep and bear arms. The ATF must work together with local police and lawful gun owners to keep our communities safe. This most certainly begins with a steadfast enforcement of our existing statutes and regulations.

Unfortunately, Mr. Chipman has demonstrated that he is not an unbiased actor and there are legitimate concerns that he would use the ATF, and its resources, to target law-abiding gun owners instead of prioritizing outlaws and criminal organizations that pose legitimate threats to public safety. Mr. Chipman has spent his recent career calling for radical gun control as an

outspoken senior policy advisor and lobbyist for various gun control groups, including anti-gun crusader Michael Bloomberg. More recently, Mr. Chipman has worked for an organization that defended Washington, D.C.'s complete ban on the possession of handguns, including in the home for self-defense. In the U.S. Supreme Court's landmark *Heller v. D.C.* decision, the court vehemently rejected these extreme positions and affirmed the right to own weapons for self-defense was an "inherent" right of all people.

"A constitutional guarantee subject to future judges' assessments of its usefulness is no constitutional guarantee at all," wrote the late Justice Antonin Scalia in the decision that found the Second Amendment to indeed be an individual right. "Constitutional rights are enshrined with the scope they were understood to have when the people adopted them, whether or not future legislatures or (yes) even future judges think that scope too broad."

I'm not sure Mr. Chipman even remembers that decision. In his recent Senate confirmation hearing, he essentially advocated for the ban of nearly all semi-automatic rifles larger than a .22 caliber and called for more burdensome regulations under the National Firearms Act for certain lawful and popular guns. By his own admission, his dramatic reinterpretation of the Second Amendment would likely require millions of American's to pay an additional tax, submit to fingerprinting, and re-register their currently legally-owned firearms with the federal government.

Of course actions speak volumes. During the height of the COVID-19 pandemic, as Americans strived to keep their families and property safe, Mr. Chipman mocked gun owners and their concerns. As a private citizen, he is entitled to his opinion and his personal campaign for more punishing firearm regulations.

The American people, however, deserve public servants who will faithfully enforce the law and uphold their constitutional rights -- especially when they serve as leaders of powerful federal regulatory agencies. I therefore, respectfully request that you oppose Mr. Chipman's nomination to lead the ATF and hope that you will support the appointment of a more suitable candidate.

Sincerely,



Mark Brnovich
Arizona Attorney General