

RESEARCH REPORT

DAVID H. CHIPMAN

NOMINEE FOR DIRECTOR OF THE BUREAU OF
ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES

JULY 1, 2021



MEMORANDUM

To: United States Senate
From: American Accountability Foundation
Re: Nomination of David Chipman for Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives
Date: July 1, 2021

Outlined below are a series of research findings that present several serious concerns that are potentially disqualifying regarding David Chipman, the President's nominee to lead the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF).

As the report below outlines, Mr. Chipman has a record of toxic, problematic, and discriminatory behavior at the ATF. These include credible allegations that Chipman told an African American agent at the Bureau that black agents could not have passed an examination without cheating. There are also serious concerns about the possibility that Chipman lost or had his service weapon stolen while stationed in Washington D.C. There are also concerns that Chipman attempted to secure an impermissible relocation benefit when he was transferred out of headquarters.

Chipman has also made a series of radical, inaccurate, and inflammatory comments that raise serious questions about his judgement and fitness to lead. Chipman has lied about firearms use at the Waco siege to push his gun control agenda, supported defunding the police and ending the war on drugs, supported arresting individuals before they have committed crimes, and supported radical left-wing groups and causes. And these are only the things we are aware of. Mr. Chipman has been aggressive in deleting or obscuring his social media history by deleting posts and blocking access. This leads one to ask: If Mr. Chipman is afraid of talking about his past, does it say something about his past?

Finally, Chipman has an ideological furor that is coupled with an inadequate understanding of firearms regulation, a troubling issue for someone who would head an agency with broad regulatory authority. Despite the Assault Weapon Ban being the most high-profile issue regarding guns on Capitol Hill, supposed firearms expert David Chipman could not give a clear answer to what an "Assault Weapon" is. Chipman has also regularly distorted technical issues related to firearms to promote a radical gun agenda.

We hope this information is helpful. If you have questions regarding the content, please do not hesitate to email us at: info@americanaccountabilityfoundation.com

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PROBLEMATIC PROFESSIONAL BEHAVIOR

Supporters of David Chipman's nomination to serve as the ATF Director are quick to cite his two decades of service as an ATF employee. The Chairman of the Committee cited just that experience at ATF when maintaining that Chipman is ready to lead that agency:¹

David Chipman has extensive experience working for the Bureau of Alcohol, Tobacco, Firearms and Explosives. He will be ready on day one to carry out a mission that every Senator should support: taking common sense, constitutional steps to make our communities safer.

If Chipman's tenure at ATF, and the insights it provides him, are what make him ready to lead on "day one" it is important to ensure that there is an even and full presentation of Chipman's history at the agency. Particularly it is important to ensure that Chipman does not have a history of behavior at the agency that would disqualify him.

Presented below are known issues in Mr. Chipman's professional history that have come to light.

Unknown and Undisclosed EEO Complaints

The White House and Mr. Chipman have been less than forthcoming in disclosing records related to disciplinary actions associated with Chipman, so much so that the agency is currently being sued for failing to comply with the Freedom of Information Act.²

Despite the failure to produce these documents, the Questions for the Record from the Senate Judiciary Committee show that Chipman has been the subject of at least two EEO complaints during his tenure.³

16. While you were at ATF, were you ever the subject of any EEOC complaints? If so, please explain.

RESPONSE: During my 15 years as a manager at ATF, I received two EEO complaints. Both complaints were resolved without any finding of discrimination and no disciplinary action was taken against me.

It is important to note that Chipman's statement that the complaints "were resolved without any finding of discrimination and no disciplinary action was taken against me" is a dodge. An EEO complaint being resolved without a finding of discrimination is similar to cases that often

¹ Durbin [Statement](#) to NPR

² "[Watchdog group files lawsuit to seek employment records for Biden's ATF nominee](#)", "ATF nom David Chipman said two employment complaints against him were resolved without discrimination or disciplinary action

³ Cruz [QFR Page 25](#)

settled without a finding of liability and often with a non-disclosure agreement. Senators have highlighted the problem these non-disclosure agreements create.⁴

Often, victims of public sector workplace sexual harassment choose to settle out of court. When they do, they are frequently forced to sign NDAs, which prevent an employer from disclosing the victim's personal information, but also prohibit victims from speaking out. The victims lose their voices. The harassers receive anonymity.

Just because a complaint was resolved without “finding of discrimination” does not mean that Mr. Chipman did not behave in a manner that would disqualify him from serving as the Director of ATF. Unfortunately, Chipman refused to provide the further detail Senator Cruz asked for in his Question for the Record.

While it is not yet clear what the subject matter of the EEO complaints were, Mr. Chipman has refused to turn over any details of the claims and continues to stonewall Senators and the American people. .

Refuses to Release His Personnel Records to the Senate

Mr. Chipman's personnel record and disciplinary history could shed important light on his service as a federal employee. Unfortunately Chipman is stonewalling the committee and refuses to share this important information with the committee.⁵

18. Are you willing to make your full personnel file from your time at ATF available to the Committee?

RESPONSE: My ATF personnel file is under the control of the federal government. As a nominee and private citizen, I have submitted more than 2,000 pages of responsive public and private records to the Committee. If I am confirmed, I will continue to be responsive and transparent with the Committee to the best of my ability, consistent with Department policies and practices.

Again, Chipman's answer is a dodge. Of course, his personnel record is in the custody of the federal government. Without Mr. Chipman's consent, short of a subpoena from Congress, the committee is unable to examine his record. Chipman though, could complete a Privacy Act waiver allowing his record to be shared with the Committee.⁶ If Chipman was really confident his record at ATF showed a highly qualified candidate, he would have answered with, “Yes, I am confident that my Personnel Record will show that I am a uniquely qualified candidate whose record shows I am well suited to lead ATF. I will happily sign the appropriate paperwork to

⁴ [Sens. Kennedy and Sinema: Stop silencing sexual harassment victims](#)

⁵ *Ibid Cruz QFR*

⁶ Home > National Personnel Records Center (NPRC) > Official Personnel Folders (OPF), [Federal \(non-archival\) Holdings and Access](#)

release the information to the committee with their assurances that they will protect sensitive personal information about me.”

His failure to comply with the request, seems to only lead to the conclusion that Chipman believes there is something in his personnel record that would complicate or disqualify his confirmation.

Credible Claims of Having Lost His Firearm

In early June FoxNews and the Federalist reported that claims from Chipman’s colleagues that he had his service weapon stolen were being investigated by the Senate.⁷

Four GOP senators — Tom Cotton of Arkansas, Ted Cruz of Texas, Mike Lee of Utah, and Judiciary ranking member Chuck Grassley of Iowa all had the same question for the retired ATF agent -- did he ever misplace or have his firearm stolen?

Chipman wrote back to each senator with a definite "No," according to testimony obtained by Fox News.

But a Senate staffer said their office has received information suggesting that Chipman’s answer may not be true, and they are still looking into the matter.

A separate source familiar with the allegations told Fox News that "Senate staff continue their inquiries about Chipman’s mishandling of service weapons."

The Federalist further reported on the concerns.⁸

“We were told multiple times by his former colleagues that he had lost his service weapon,” Tom Jones, co-founder of the group, said in an interview. “We shared this information with the Senate, who has taken up the matter. Often a federal employee’s personnel file is made available to the Senate and would clear this and other disciplinary matters up. This week, Chipman refused the Senate’s request to provide his personnel file, which raises questions on this matter and what else he is hiding.”

ATF employees are told not to store firearms in their vehicles. According to those who spoke to Jones, Chipman left his weapon in his personal vehicle one night, and allegedly a handyman broke in and stole it.

Another source familiar with the bombshell allegations told The Federalist “Senate staff will continue inquiries about whether or not Chipman mishandled service weapons,” indicating that Republicans intend to keep gathering intel.

⁷ ["GOP Senators ask Biden ATF nominee if he ever lost possession of his service weapon; he denies it,"](#) Senators are continuing the investigate whether David Chipman ever misplaced or had his firearm taken

⁸ [Republican Senators Suspect Biden ATF Nominee Lost His Firearm As An Agent](#), JUNE 10, 2021 By Gabe Kaminsky

Again, Chipman's failure to make records available to the committee frustrates efforts to get to the bottom of issues surrounding Chipman's performance as an agent.

Racially Discriminatory Comments Against African American Agents

Shortly after Chipman's hearing there was reporting that during Chipman's time as a field agent in Detroit that he made deeply problematic comments questioning the abilities of African American agents to succeed on their own merits.⁹

Jones told the Daily Caller News Foundation he spoke with a former ATF agent who personally witnessed Chipman making the derogatory comment after reviewing results for candidates who had passed an assessment to become an assistant special agent in charge.

Jones said the former ATF agent recalled Chipman saying: "Wow, there were an unusually large number of African American agents that passed the exam this time. They must have been cheating."

According to Jones, the former ATF agent was "incensed" upon hearing Chipman's comment and reported the incident to the EEOC.

Chipman was the assistant special agent in charge of the Detroit Field Division at the time he allegedly made the derogatory comment.

...

Another former ATF agent who worked in the Detroit office at the time told the DCNF that Chipman's alleged comments about African Americans "spread like wildfire at the agency."

The former Detroit-based ATF agent, who wished to remain anonymous out of fear of retaliation, did not personally witness Chipman making the comment, but recalled colleagues talking about how Chipman "made this remark that all the African Americans must be cheating because there's no way they could get these scores."

"He made this remark in front of a bunch of witnesses," the former Detroit-based ATF agent said. "It spread like wildfire at the agency. It got tremendous blowback, as it should. Here you have a middle manager saying something like that with absolutely no proof."

These comments would seem to be something that ATF could easily have verified since they knew who worked closely with Chipman when he was in Detroit, yet they refused to deny the veracity of the comments instead stating, "The ATF declined to comment to the DCNF."

Attempted to Take an Impermissible \$44,000 Relocation Benefit from ATF

⁹ 'They Must Have Been Cheating': Watchdog Group Sues For Records Relating To Derogatory Comments Biden's ATF Pick Allegedly Made Against Black Agents, ANDREW KERR INVESTIGATIVE REPORTER, [June 22, 2021](#)

Documents drafted by Chipman show that when he was getting divorced and relocating from Washington DC to Detroit, Chipman attempted to extract an impermissible \$44,000 benefit from ATF that he was not entitled to. The language below is from a filing Chipman entered in his court case where he details how his then estranged wife thwarted his efforts to get the benefit. ¹⁰

	<p>demands and Mother withdrew her Motion, with prejudice.</p> <p>6. Mother and Mother's counsel then contacted Father's superiors to inform them that Father had not been living in the marital residence since the date of separation and to assert that Father was not entitled to the reimbursement under the federal government regulations. Father's superiors already had a copy of the parties' Agreement and knew that Father had not been in the marital home for quite some time. Nevertheless, they had been planning to reimburse Father for the settlement costs in the approximate amount of \$44,000. Upon receipt of Mother and Mother's counsel's correspondence, Father's superiors informed Father that they could not make the reimbursement.</p>	
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AAF has contacted Ms. Micki Chipman, David Chipman's ex-wife who is cordial with David, and her attorney, Heather Cooper,¹¹ asking both of them to release a copy of the full letter mentioned above, Ms. Chipman has refused to release the letter that her counsel sent to ATF.

¹⁰ Chipman v. Chipman [CL No. 40220](#), Loudon County Virginia

¹¹ <https://www.cgglawyers.com/attorneys/heather-a-cooper/>

RADICAL STATEMENTS OUTSIDE THE MAINSTREAM

Before his nomination, David Chipman spoke very freely on social media outlining his views on a number of controversial issues. Unfortunately, Chipman has locked down his twitter account, frustrating a full examination of all the radical comments her has made. Despite the lock-down of his twitter account, there are some archived comments the are still available.

Additionally, AAF have received reports from whistleblowers that Chipman scrubbed radical comments he made on Facebook before his nomination was announced. An anonymous whistle-blower who contacted AAF stated that:

I struggled for some time whether or not to provide you any information, because I have known Dave for more than 25 years. We worked together at ATF and were friends, but ultimately I have decided that some of the things he has said need to be probed in his confirmation hearing, because he is not the Dave Chipman, professional law enforcement officer, that I have known for decades, but instead he has become consumed by social justice, "wokeness," and views he expressed on Facebook (FB) became so radical that I am gravely concerned about his ability to serve the nation in a role as important as ATF Director. I can tell you that back in January and February 2021, he began a concerted effort to scrub and delete posts which would paint him as extreme. I do not know if the technology exists to locate these deleted posts (perhaps with the internet "wayback" machine at archive.org or similar technology, but I am providing the substance of the posts in the hope that he can be questioned about them.

1. Most of the really extreme FB posts were made June-August 2020, specifically tied to often violent street protests, destruction of monuments, and vandalism of (federal) government property. All have been deleted and I did not screen shot them to save them.

2. I and other retirees from ATF got into a back and forth with Dave about the use of fire and explosives to damage and destroy statues and structures associated with the civil war, or of former leaders whom he felt were associated with slavery in some direct or indirect way. Dave stated the ends justified the means and that it was OK to destroy federal government property because of the negative psychological impact on what he regularly referred to to "BIPOC" people. When we said this was a violation of federal laws enforced by ATF and FBI which he himself used to enforce, he defended the actions saying the times required destruction and alternatives (such as moving statues to a museum, placing contextual plaques, etc.) were "not enough."

3. When I made a post (which others responded to) pushing back on his condoning of breaking federal law in the name of social justice, and asked what he would do about Mount Rushmore or Stone Mountain, he said that if it was up to him, he would use fighter jets to bomb them into rubble. This caused me great concern, and I and others said so (all posts scrubbed).

4. In discussions about groups like BLM, violence directed towards the police, and the Blue Line flags (symbolizing support for law enforcement) he expressed an ends justifies the means attitude. He specifically said it was not enough to not be racist, but that if you were not aggressively doing "anti-racism" work every day, and pushing back against anything which supported "institutional racism" then you were in fact a racist. I told him that was outrageous and offensive, sounded like it was from a critical race theory briefing, or Robin Diangelo's book "White Fragility."

Dave used to have a very pro law and order view and never expressed such extreme views while at ATF, but that changed several years after he retired. When he worked for Mayors Against Illegal Guns and later because a personal employee of Mike Bloomberg, he was not nearly so radical, and neither was he off the rails at Shotspotter, which is a tool that helps law enforcement. Really, the change came after he joined Giffords (his wife Tara, who works in the Office of the Director, has ties to Arizona and helped facilitate this). In meetings I had with him in the last few years (pre-COVID), he even bragged about how many death threats he has gotten; how people have threatened to rape his wife, kill his kids, etc., and he said that was a badge of honor that he was "getting to people" and "pissing them off." This **really** alarmed me.

Dave is extremely bright, and thinks outside the box, but after he got divorced, and then joined AA, he became very self righteous and almost evangelical in views that he holds; no more competing ideas and middle ground, and more like once he gets in his head that something is "right" he pursues it with a passion and fury. He should have made SAC, but he rubbed so many people the wrong way that they basically parked him as the IACP liaison and then made him a Division Chief in Lisiason Division, which at the time had 5 employees. He got the message he was going nowhere and retired in 2012. Given his recent strong views on gun control and almost hostility to people who view guns in a way he does not, I am very concerned he would politicize and seriously damage ATF, and that politicization would be a stigma from which ATF could never recover. While people are praising him effusively on his FB page, you will note only one person (his close friend, retired ATF agent and Johns Hopkins school mate Mark Jones) from ATF is doing so. No ATF people are praising him because of his views. Negative posts about Dave on the ATF FB page - and there are a great many - are quickly removed, which has angered people, accusing the moderators of censorship, and this includes resurfacing info about past sexual harassment and sexual misconduct with a female employee when he was ASAC in Detroit.

I have no idea if this is useful or not, but hope these appropriate questions will be asked. Dave should not be our director, something it pains me to say as we've never had a confirmed director (or appointed before the job became a Senate confirmed one), who is an ATF agent, but the damage Dave will cause has forced me to speak out. I have a job to protect and must unfortunately remain anonymous. I am going out on a limb even by giving you the information I have, and hope you will further sanitize it.

Chipman still has control over the Facebook account, and Facebook would likely have access to the posts mentioned above.

Radical Comments on Twitter – Lied to Congress About Rationale Behind Hiding and Deleting Tweets

Chipman made his Twitter account private in April of 2021. Chipman explained this in a question for the record to Senator Cotton.¹²

21. Did you discuss with anyone in the Biden administration or transition team anything related to setting your Twitter account to “private” or deleting or removing particular public posts?

RESPONSE: Yes. I decided to set my Twitter account to private because of violent threats I had received in the past and anticipated receiving once my nomination was made public. I notified officials at the Department of Justice that I intended to make my account private.

a. If so, did anyone in the Biden administration or transition team suggest that you set your Twitter account to “private” or delete or remove particular public posts?

RESPONSE: No.

This seems somewhat difficult to believe since his Facebook profile <https://www.facebook.com/david.chipman.9> still today accepts comments on his posts. The more likely answer that – and that borne out by the archival evidence – is that Chipman undertook a concerted effort to purge his twitter feed of comments he likely believed would be problematic for his nomination.

As of June 30, 2021 Twitter shows that Chipman has tweeted 115 times.¹³



¹² Cotton QFR page 19

¹³ <https://twitter.com/davidchipman>

Whereas an archive from October 27, 2016, over four years ago, shows that he has tweeted 1,815 times.¹⁴



Assuming Chipman did not tweet in the intervening four years – which this report will show later that he did – he would have purged at least 1700 tweets. He likely purged many more. There are likely numerous examples of why Chipman deleted his twitter history, but unfortunately archival websites have only captured a limited number of them.

Supports Defunding the Police and Stop Fighting Illegal Drugs

Last summer Chipman tweeted his support for defunding the police.



His comments on ending the drug war are peculiar for someone who will be leading the ATF considering the vital role that ATF playing in stemming the flow of illegal arms, the life blood of drug traffickers and narco-terrorists. If Chipman wants to “end the Drug War” can he reasonably be expected to prioritize drug related firearms trafficking.

Sided with Radicals Destroying Monuments Opposed Efforts Based on Rule of Law

¹⁴ http://web.archive.org/web/20161027205445if_/http://twitter.com/davidchipman

During the height of attacks on monuments by leftists attacking monuments, Chipman opposed law enforcement protecting monuments, and rather supported leaving them to vandals.¹⁵



Supports Radical Black Lives Matter Movement

Also last summer, Chipman came out in favor of the radical Black Lives Matter movement.



These problematic comments are likely only the tip of the iceberg, but until Chipman makes his tweets public and works with Twitter to recover the tweets he clearly deleted, the Senate and the American people will not have a full understanding of Chipman’s perspectives on law enforcement, social policy, and other important public policy issues.

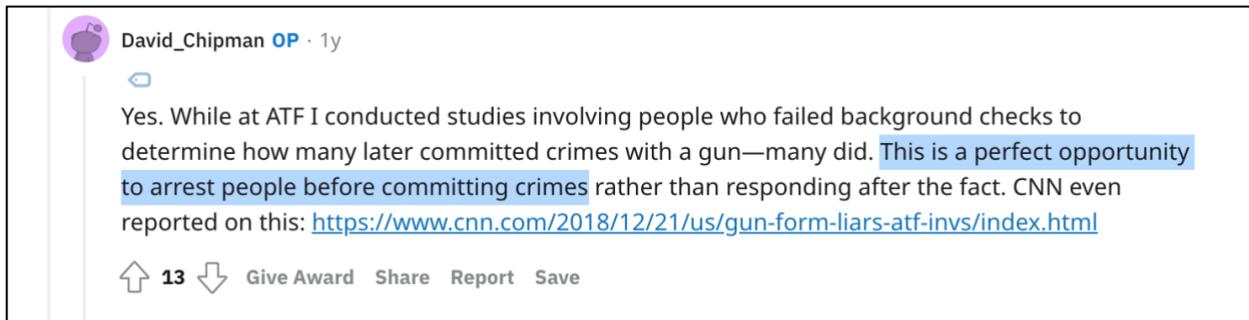
Discusses Orwellian “Pre-Crime” Arrests During Reddit AMA

During an Ask Me Anything forum on Reddit, Chipman was quoted opining that it would be appropriate for people to be arrested for failing a background check, which can happen without committing a crime, because many people who fail background checks later commit crimes. Chipman explicitly stated that he wanted to “arrest people before committing crimes”.¹⁶

¹⁵

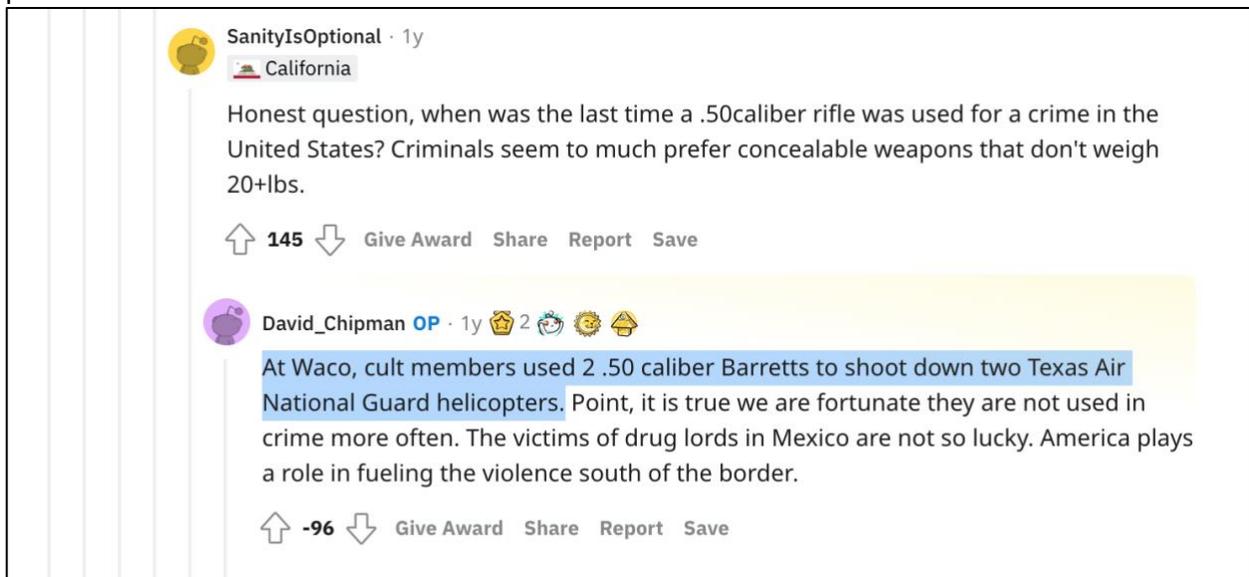
<https://web.archive.org/web/20200723021434/https://twitter.com/davidchipman/status/1285597857605734400>

¹⁶ Chipman AMA [Comment](#) Regarding Pre-Crime Arrests



Distorts Waco Incidents During Reddit Forum to Make Political Point / Oppose War on Drugs

During an AMA forum, Chipman wholly distorted an event at the Waco siege to make a political point.¹⁷



No helicopters were shot down with a .50 rifle or any rifle.

Further, his comments that “America plays a role in fueling the violence south of the border” also seems consistent with other comments that has made about ending the drug war.

Problematic Comments Outside of Social Media

Chipman’s reason for nomination is that he is a former law enforcement officer who supports an aggressive regime of regulating and prohibiting firearms. Outlined below are some of the comments that go beyond his well know gun control positions into more problematic areas of policy.

¹⁷ Chipman AMA [Comment](#) .50 Cal. Helicopter Shoot-down

Denigrated New Gun Owners – Equated them to “Tiger King”

When discussing new gun owners in a video, Chipman stated:¹⁸

They might think that they’re die-hard, ready to go, but unfortunately they’re more like Tiger King and they’re putting themselves and their family in danger, and so what I would suggest for those people who were first time gun owners ... Hide it behind the cans of tuna and beef jerky that you’ve stored in the cabinet, and only bring that out if the zombies start to appear.”

While reasonable people can disagree about the requirements for gun safety classes and storage of firearms, Chipman’s *ad hominem* attacks on gun owners belies arrogance and disrespect that is unfitting of someone seeking a position of senior leadership in the federal government.

¹⁸ <https://cheddar.com/media/as-firearm-sales-spike-giffords-advocate-says-lock-those-guns-away>

NOT KNOWLEDGEABLE REGARDING THE TECHNICAL WORKINGS OF FIREARMS DESPITE 22 YEARS IN ATF

The leading selling point for Mr. Chipman as a gun control advocate is that he is a gun owner who worked as a life-long law enforcement agent. Chipman's career includes multiple stints at ATF in the firearms regulation division including, Chief, Firearm Programs Division, 2005–2006, Chief, Firearms Enforcement Branch, 2004–2005, and Chief, Policy Development and Evaluation Branch, 2002–2004. Despite these postings where he was directly involved in the regulation of firearms, Chipman has regularly and recently demonstrated an inability to demonstrate compelling technical knowledge related to firearms.

Cannot Define an Assault Weapon

Chief among Mr. Chipman's policy prescriptions is the banning of "assault weapons." While the team is inherently amorphous, if there were someone who one would expect could clearly provide a precise definition of what that class of weapons includes, it would be someone who spent twenty-two years working for ATF, four of those directly regulating firearms, and the wants to lead the agency that regulates firearms.

Despite those qualifications, Chipman's question during his committee hearing shows he is completely incapable of clearly answering the question.¹⁹

COTTON: I want to turn to a second matter now Mr Chipman you have called for an assault weapons ban I have a simple question for you what is an assault weapon?

CHIPMAN: Senator um an assault weapon would be in the context of the question you asked what congress defines it as.

COTTON: So you're asking us to ban assault weapons we have to write legislation can you tell me what is an assault weapon? How would you define it if you were the chair the head of the ATF - how have you defined it over the last several years IN your role as a gun control advocate?

CHIPMAN: Um senator if I'm confirmed as ATF director you know my recollection is the only process but by which ATF is weighed in is i know there's a demand letter three program which requires multiple reports multiple sale reports on the southwestern border. ATF in that program has defined an assault rifle as any semi-automatic rifle capable of accepting a detachable magazine um above the caliber of 22 which would include a 2-2-3 which is you know largely the ar-15 round.

¹⁹ Senator Cotton question: <https://www.youtube.com/watch?v=JZ-gPwxnAcA>
Senator Kennedy Question: <https://youtu.be/7V2BHxtYRHU?t=47>

COTTON: So you believe that every weapon that takes a detachable magazine that can take a 22 round or 556 in the military parlance should be defined as an assault weapon
CHIPMAN: Let me clarify what i believe i just said is any semi-automatic rifle
COTTON: Okay any semi-automatic rifle - that's the definition a detachable magazine that takes a 556 or 22 round should be defined as an assault weapon.
CHIPMAN: Senator um you asked me if ATF had used this term and i was sharing with you my knowledge of a program in which ATF has defined this term and it is in the demand letter three program and that rifle is a semi-automatic rifle capable of accepting a detachable magazine with a round greater than a 22 caliber and in those cases firearms dealers on the southwest border are required to make a multiple sale report to ATF.
COTTON: I'm amazed that that might be the definition of assault weapon that would basically cover every single modern sporting rifle in America today.

KENNEDY: Do you believe in banning assault weapons?
CHIPMAN: I do sir
KENNEDY: Okay, define assault weapons.
CHIPMAN: um assault weapons would be something that Members of Congress would define.
KENNEDY: Well how do you define it? You're going to be running the agency.
CHIPMAN: Senator i think this is a good question if i am confirmed as ATF director um
KENNEDY: i got 35 seconds left define it for me would you please
CHIPMAN: sir um
KENNEDY: what's an assault weapon?
CHIPMAN: yeah senator um the bill uh to ban assault what happens is what is your thousands of pages there's no way i could define an assault weapon
KENNEDY: You're going to run this agency and you don't have a definition of assault weapon?
CHIPMAN: But I would be enforcing the definition that Members of Congress passed.
KENNEDY: But you're going to be issuing rules and regulations -- just give me your definition
CHIPMAN: um i'll give you one definition that
KENNEDY: Give me your definitions.
CHIPMAN: one definition that atf current
KENNEDY: give me your definition
CHIPMAN: i can give you one definition
KENNEDY: if you won't answer my question how can I vote for you? I'm done Mr. chairman i don't think I'm going to get an answer

David Chipman's answers on "assault weapons" showed that as a fire-arms expert he just is not ready for prime time. The "Assault Weapon Ban" is one of the most hotly contested issues facing Congress in regards to the gun control, Chipman either not being prepared to or

incapable of answering a simple question about the definition of a weapon he seeks to regulate seriously undercuts his technical and policy *bone fides*.

Distorted Technical Information About Suppressors to Promote Activist Agenda

Chipman will reverse his “expert” opinion based on the cause of the day and who is supplying his paycheck. Chipman spent the last five years selling his services to Gifford’s left-wing, anti-gun group Americans for Responsible Solutions. While there, Chipman partnered with liberals around DC to crusade against suppressors.

In March 2017, Chipman's organization was called out for lying about suppressors by Washington Post’s fact checker saying, “...ARS is especially wrong to claim that legislation to make it easier to buy such devices “does nothing to protect hearing.”²⁰

The same day his organization lied about the effects of suppressors, Chipman was quoted saying,²¹

Anyone who has worked in law enforcement for as long as I have will tell you that silencers were not designed to protect hearing, they were designed to make it difficult for people to identify the sound of gunfire and locate active shooters.

For context, in 2017, politicians and activists threw every argument under the sun against suppressors to see what would stick. The Washington Post labeled their statements misleading with Three Pinocchios.

When “expert” testimony was needed to disparage suppressors as a form of hearing protection, Chipman stated clearly that suppressors are loud and dangerous. In a September 2017 House Natural Resources hearing, Rep. Hanabusa asked Chipman whether a person still needs ear protection when using a suppressor. He responded “absolutely” and “if they cared about their ears” – all the while calling them “silencers” throughout the hearing.²² His underlying assertion was that suppressors are far from quiet and could cause significant ear damage.

Two years later, Chipman reversed his “expert” opinion on suppressors describing how they are used for tactical stealth with muted sound attributes.²³

²⁰ <https://www.washingtonpost.com/news/fact-checker/wp/2017/03/20/are-firearms-with-a-silencer-quiet/>

²¹ <https://www.gillibrand.senate.gov/news/press/release/senator-gillibrand-vows-to-stop-congressional-effort-currently-underway-to-make-it-easier-for-criminals-to-obtain-gun-silencers>

²² <https://youtu.be/AhX3HgtOYpc?t=3318>

²³ https://www.pilotonline.com/news/virginia-beach-mass-shooting/article_5f0bde4e-8660-11e9-b20e-9ff07af186a9.html

*“The gun does not sound gun-like. It [suppressor] takes the edge out of the tone,’ Chipman said, adding that silencers are rarely used in mass shootings. ‘This is how I would describe it: **It makes a gun sort of sound like a nail gun.**” --*

And again:²⁴

*“Exactly how loud doesn’t matter, said David Chipman, now a senior policy adviser with Giffords Law Center to Prevent Gun Violence. **Silencers make gunshots harder to recognize. It changes the sound from a crack to more of a thud,** he said.*

*“David Chipman, a former special agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives says that the **primary use of suppressors is tactical.** He’s now a senior policy analyst at Giffords Law Center to Prevent Gun Violence.*

‘The primary purpose is for someone who is on the offensive to maintain the element of surprise longer, and if that’s the intention of an attacker at a workplace, it’s really a recipe for disaster,’ Chipman says.”

Firearms are loud, even with suppressors. As Glenn Kessler explained in his Washington Post fact-check, “A 30-decibel reduction in theory means an AR-15 rifle would have a noise equivalent of 132 decibels. That is considered equivalent to a gunshot or a jackhammer. A .22-caliber pistol would be 116 decibels, which is louder than a 100-watt car stereo. In all likelihood, the noise level is actually higher.”

Even Chipman’s former boss at ShotSpotter refuted the claim that suppressors are quiet: “In regard to gun silencers, it is more accurate to call them suppressors, as they suppress the impulsive sound of gunfire, not wholly eliminate it,” said Ralph Clark, the chief executive of ShotSpotter. “We have successfully if not inadvertently detected confirmed suppressed gunfire within our existing deployments.”

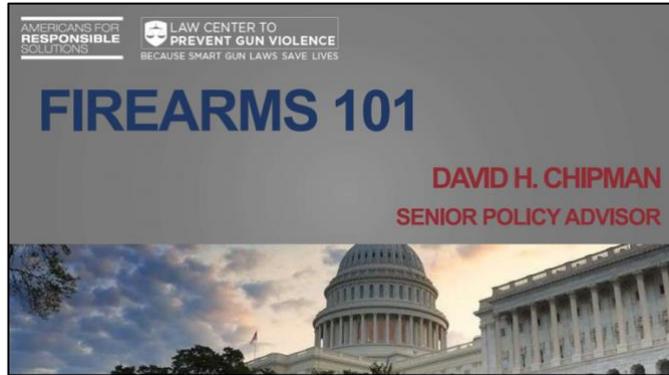
Fabricates Firearm Definitions to Stoke Fear

Flip-flopping on suppressors isn't Chipman's only example of crafting "expert" advice from thin air.

In a document retrieved by the American Accountability Foundation, Chipman is the author of a beginner educational course on guns titled "Firearms 101."²⁵

²⁴ <https://www.npr.org/2019/06/21/734509207/theres-pushback-after-virginia-governor-calls-for-gun-suppressor-ban>

²⁵ <http://wordpress.bidennoms.com/wp-content/uploads/2021/04/Firearms-101-AR15-is-an-assault-rifle.pdf>



In the presentation, Chipman lists out three categories of Firearms: "Handguns, Long Guns, and Registered NFA Weapons."



Then to invoke fear, Chipman shows slides labeled "Assault Weapons" with a picture of numerous ominous looking firearms. The kicker, not a single one of the labeled firearms is considered an "assault weapon" anywhere under federal law.



Firearms are not classified by how they look (no matter how scary), but by their functions and components as defined under law (18 U.S.C. Ch. 44). Chipman's old employer, the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), directly exposes Chipman's lies with their online identification chart for firearms under the National Firearms Act (NFA).²⁶

²⁶ <https://www.atf.gov/firearms/firearms-guide-identification-firearms-within-purview-national-firearms-act>

Two of the guns labeled in Chipman's presentation are actually under the category of a registered NFA firearms. According to ATF, both the [AK-47](#) and [MAC-10](#) are classified as a "machine guns" under the NFA when they have a fully automatic firing function. Also noted by ATF, when an AK-47 has a semi-automatic variation it falls under a separate designation, such as a rifle:

Special Note

Commercial semi-automatic variations are currently being imported s and are NOT classified as machine guns.

And the other "black scary gun" from Chipman's presentation, the AR-15, actually falls into numerous categories of firearms under the Gun Control Act depending on how it's built. It could be a pistol, rifle, a short barrel rifle, etc.... Lastly Chipman has an inexplicable category of weapons just labeled "Assault." It is unclear what exactly he means here other than possibly that the weapon is assaulting on the eyes of the viewer.

Chipman's entire career as an "expert" is built on his 25 year service with the ATF and any experience he gained during that time. His actions to conjure definitions out of thin air are deliberate and calculated in order to advance an agenda in direct contradiction of the truth.

TRADED ON HIS ACCESS AND CAREER AS A LAW ENFORCEMENT OFFICER TO WORK FOR A GOVERNMENT CONTRACTOR

Chipman used his ATF credentials as a government insider to launch himself into the for-profit space. As a “gun for hire”, he joined ShotSpotter as the Vice President of North American Sales from 2013-2016. During this time, he was responsible for expanding sales in cities across the United States and obtaining contracts with the Federal Government. Chipman’s job was simply to use his connections with law enforcement to peddle a reportedly lackluster technology that wastes millions of dollars across the country.

According to its [website](#), ShotSpotter is a company that designs gunshot detection technology to alert and inform police to gunfire in their community. The company is “spotty” with delivering on its promises according to many reports and court filings. Marketing its products to politicians and those close to power seem to be ShotSpotter’s only successful business strategy.

In 2016, Forbes wrote a thorough critique of the company, revealing ShotSpotter’s business strategy revolving around Chipman’s government access rather than a strong deliverable:²⁷

“Despite its presence in nearly every major metropolitan area of the country, there remains little external validation of ShotSpotter from researchers or government agencies, which often guide decisions made by local law enforcement...Clark [CEO] convinced Chipman to run ShotSpotter’s North America sales team in the summer of 2013. Bringing in someone with no sales experience who spent most of his career in law enforcement was a risky move. But it quickly paid off. In the two years that followed, bookings spiked under Chipman, as ShotSpotter inked contracts with new cities across the country. All the while, Chipman worked on his federal government contacts. He knew it would be an uphill battle...Ultimately, Chipman’s conversations with the ATF and other agencies failed to produce an agreement...Chipman quit his job at ShotSpotter in February [2016]...Without Chipman, Clark lost his best line of access to federal agencies, multiple people close to the CEO said.”

Chipman signed on to ShotSpotter a company with a flimsy record of results because they paid him well for his government connections. Below are just a few of the reported examples of ShotSpotter’s enervated technologies before, during, and after Chipman’s tenure:

- **2010-2013, False Alarms in Newark NJ:** “A 2013 investigation of the effectiveness of ShotSpotter in Newark, New Jersey revealed that from 2010 to 2013, the system’s sensors alerted police 3,632 times, but only led to 17 actual arrests. According to the investigation, 75% of the gunshot alerts were false alarms.”²⁸

²⁷ <https://www.forbes.com/sites/mattdrange/2016/11/17/shotspotter-struggles-to-prove-impact-as-silicon-valley-answer-to-gun-violence/?sh=7ce9325431cb>

²⁸ <https://www.codastory.com/authoritarian-tech/gun-violence-police-shotspotter/>

- **2013, Trenton Cancels ShotSpotter:** “Trenton no longer uses ShotSpotter, but when the city did, Muschal said multiple police units would be deployed when the sensors went off. ‘And when you get there, it’s [nothing] more than a truck back firing...’”²⁹
- **2013, Miami-Dade Police Department Abandons ShotSpotter:** “‘There were instances in which the ShotSpotter did not identify gunfire when it should have,’ according to a statement. Just as bad, ShotSpotter frequently had officers searching for phantom shooters.”³⁰
- **2014, California Superior Court Judge John Kennedy:** “So my ruling is that the expert testimony that a gun was fired at particular location at a given time, based on the ShotSpotter technology, is not presently admissible in court, because it has not, at this point, reached general acceptance in the relevant scientific community.”³¹
- **2017, ShotSpotter Forensic Analyst Admits Bogus Metrics:** “‘Our guarantee [80% accuracy of the system] was put together by our sales and marketing department, not our engineers,’ Greene said. ‘We need to give them [customers] a number,’ Greene continued. ‘We have to tell them something. ... It’s not perfect. The dot on the map is simply a starting point.’”³²
- **2017, San Antonio Police Cut ShotSpotter From Budget:** “The reason: it simply wasn’t worth the cost, city officials say. In the 15 months it’s been in operation, officers have made only four arrests and confiscated seven weapons that can be attributed to ShotSpotter technology, Police Chief William McManus said. The technology itself cost about \$378,000. But the city spent another \$168,000 on officer overtime for the program, the chief said.”³³
- **2018, Fall River Mass. Police Department:** “We are not interested in paying \$120,000 a year, which is police officers, which is cameras, which is vehicles, for something that works less than 50 percent of the time,” Correia said.³⁴
- **2018, Rochester New York:** “County Court Judge Christopher Ciaccio decided that a key piece of the prosecution’s case — the city’s crime-fighting tool known as ShotSpotter — was not reliable enough. While the tool, which attempts to alert police to gunshots, may be viable in cases with other corroborating evidence of a crime, it became the linchpin of the case against Silvon Simmons, Ciaccio ruled.”³⁵
- **2018, ShotSpotter Hides Metrics:** “The NBC 6 Investigators tried to obtain the raw data from the Miami Police Department to conduct an independent analysis, but the company opposed its release saying it is proprietary information under its \$2.5 million contract with the city. It is not

²⁹ <https://www.wnyc.org/story/311533-gunshot-detection-sensors-newark-result-17-arrests-over-three-years/>

³⁰ <https://www.wnyc.org/story/311533-gunshot-detection-sensors-newark-result-17-arrests-over-three-years/>

³¹ <https://www.wnyc.org/story/311533-gunshot-detection-sensors-newark-result-17-arrests-over-three-years/>

³² <https://www.sfexaminer.com/news/courtroom-testimony-reveals-accuracy-of-sf-gunshot-sensors-a-marketing-ploy/>

³³ <https://www.expressnews.com/news/local/article/San-Antonio-police-cut-pricey-gunshot-detection-11824797.php>

³⁴ <https://www.govtech.com/public-safety/after-too-many-shots-missed-fall-river-mass-ends-deal-with-shotspotter.html>

³⁵ <https://www.democratandchronicle.com/story/news/2018/01/11/judge-reverses-conviction-man-who-shot-officer/1017531001/>

the first time. In a 2015 nationwide memo, obtained by Forbes, the company asked customers to respond to requests for records 'in a way that would not harm ShotSpotter business.'"³⁶

- **2021, Oakland CA Reconsiders ShotSpotter:** "'The annual report says you've got to justify this continued use,' said Hofer. 'To me that's the real issue, is, does this technology work? We're going to have to start saying no at some point to this technology that's just not worth the money.'"³⁷
- **2021, Gunshot Detection Systems Don't Work:** "Remarkably, there are no independent, peer-reviewed studies of ShotSpotter efficacy. There are, however, two prominent studies that conclude gunshot detection systems increase demands for police resources but do not result in reductions in violent crimes or increases in the number of confirmed shootings."³⁸
- **2021, MacArthur Justice Center Report After 13-Year Old Shot in Chicago:** "Their findings have not yet been released, but a preliminary report shared with The Hill suggested that more than 85 percent of ShotSpotter-initiated deployments do not lead to evidence of reportable incidents or crimes...Predictive policing systems like ShotSpotter are already coming under more scrutiny amid national outrage over police violence."³⁹

It is pretty typical for a company to pay an insider like Chipman for access to their relationships that will grease the wheels for government contracts, especially if their product is faulty and competitively underwhelming. Chipman's three-year stint with ShotSpotter is an example of how Chipman sold his "expertise" to the highest bidder, regardless of the product being peddled.

Whether ShotSpotter is a scam or a sad lesson in business marketing is less important. What is important is who David Chipman will sell out to next if selected to be the head of ATF. We would hope nobody, but his track record with ShotSpotter seems to indicate he enjoys using his law enforcement credentials to make a quick buck.

³⁶ <https://www.nbcmiami.com/news/local/thousands-gunshots-few-arrests-miami-police-nbc-investigators/170508/>

³⁷ <https://www.smartcitiesdive.com/news/oakland-ca-to-reconsider-totally-unproven-shotspotter-tech/594718/>

³⁸ <https://theintercept.com/2021/04/13/chicago-police-killing-boy-adam-toledo-shotspotter/>

³⁹ <https://thehill.com/homenews/state-watch/549612-police-technology-under-scrutiny-following-chicago-shooting>