

September 16, 2019

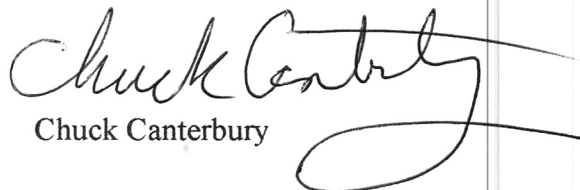
The Honorable Lindsay Graham  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

The Honorable Dianne Feinstein  
Ranking Member  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Chairman Graham and Ranking Member Feinstein:

Enclosed please find responses to Questions for the Record that I received from Ranking Member Feinstein and Senators Grassley, Sasse, Durbin, Whitehouse, Klobuchar, Coons, Hirono, Booker, and Harris, following my appearance before the Senate Committee on the Judiciary on July 31, 2019.

Sincerely,

A handwritten signature in black ink that reads "Chuck Canterbury". The signature is written in a cursive style with a large, sweeping flourish at the end.

Chuck Canterbury

**QUESTIONS FOR THE RECORD  
KENNETH CHARLES CANTERBURY, JR.  
NOMINEE TO BE DIRECTOR  
BUREAU OF ALCOHOL, TOBACCO, FIREARMS, & EXPLOSIVES**

**QUESTIONS FROM SENATOR GRASSLEY**

1. I'm sure that you're familiar with Operation Fast and Furious, when whistleblowers tried to report problems with gun walking and were ignored and suffered retaliation. This gun walking by the ATF led to the death of a U.S. Border Patrol Agent.

- a. What lessons were learned from the Operation Fast and Furious scandal and how would you ensure that a similar situation does not happen on your watch?

**RESPONSE: My knowledge of this investigation is based solely on information that was released publicly. If confirmed, I will be thoroughly engaged on all operational issues. I will ensure that communication between ATF leadership, personnel in the field, and the Department of Justice is comprehensive, effective, and focused on making decisions that enhance public safety.**

- b. What is your approach to whistleblowers and their role in preventing waste, fraud and abuse in the government?

**RESPONSE: I appreciate the important role that whistleblowers serve. I am committed to fostering an environment in which all personnel are encouraged to report waste, fraud, and abuse without the fear of retaliation.**

2. The heads of every agency should be aware that they are the face of their organizations to the Senate. It's expected that you ensure that an open dialogue is kept between our staffs. Over the last several weeks my staff has been attempting to receive a briefing from ATF concerning several issues, but nothing has been scheduled. Do you understand that if you're confirmed, you'll have a responsibility to answer all oversight letters and briefing requests in a timely manner? Do you understand that responsibility extends to all Senators, not just Chairmen of Committees?

**RESPONSE: I appreciate the important role of Congressional oversight and understand that the Department works to accommodate the information needs of Committees, acting through the Chairman, as well as individual Members, consistent with the Department's law enforcement, national security, and litigation responsibilities. If confirmed, I would work to accommodate your information needs consistent with longstanding Department practice.**

3. My staff has an outstanding request for an ATF briefing concerning counterfeit products. What steps will you take to ensure that my staff receives that briefing?

**RESPONSE:** Although I am not currently at the Department of Justice, I understand that representatives from ATF and the Department's Office of Legislative Affairs have spoken with your staff in an effort to resolve this request. If confirmed, I will make it a priority to ensure that ATF, consistent with Department of Justice policy, provides information responsive to your request.

4. Under current law, felons and fugitives can't lawfully purchase or obtain a firearm. The ATF plays an important role in identifying, investigating, and referring cases to the Justice Department when individuals unlawfully obtain – or attempt to illegally purchase – firearms. Can you describe what “lying and buying” means and, if confirmed, what your plans would be to prioritize prosecution of “lying and buying” offenses? Can you describe for us how this will reduce gun violence?

**RESPONSE:** “Lying and buying” occurs when an individual makes a false statement to a federal firearms licensee (FFL) when buying a firearm. “Lying and buying” cases often involve straw purchasing, in which a person purchasing a firearm from an FFL is actually purchasing it for a person prohibited from possessing a firearm. If confirmed, I will ensure that ATF continues to enforce the “lying and buying” provisions of federal law, consistent with the Department's priorities and appropriate allocation of available ATF resources. Doing so will help prevent federally prohibited persons from acquiring firearms, deter straw purchasing, and help ATF solve violent crimes by ensuring that firearms can be traced to the actual purchaser.

5. How should efforts be coordinated in the event of a mass shooting, or similar act of violence, that required both ATF and FBI presence and involvement?

**RESPONSE:** In my experience, ATF has always been a great partner to all law enforcement agencies, regardless of jurisdiction. If confirmed, I will continue that relationship with all of ATF's partners, including the FBI, to ensure that ATF effectively executes its public safety missions, particularly those relating to horrific events like mass shootings.

6. If confirmed, how will you make sure that ATF works closely with state and local police departments and other members of the law enforcement community? Why is engaging with state and local law enforcement important to reach the goal of reducing gun violence across the country?

**RESPONSE:** Throughout my experience as a law enforcement officer and President of the Fraternal Order of Police, ATF has been consistently recognized as an outstanding partner to local, state, tribal, and federal law enforcement. If confirmed, I will ensure

**that ATF continues to be an outstanding partner. I will also intensify focus on coordinating ATF's successful crime gun intelligence strategies with local and state partner agencies to optimize law enforcement's ability to disrupt gun violence in our communities. Additionally, I will maintain and enhance ATF's robust Task Force Officer program, which leverages combined ATF and local expertise to combat firearms violence and ensures that ATF is working closely with its local and state partners.**

7. One of the main ways criminals acquire guns is through a straw purchase. Would increased penalties for straw purchases and illegal firearms trafficking deter criminals? How would strengthening these laws be helpful to law enforcement?

**RESPONSE: If confirmed, I will ensure that the men and women of ATF continue to enforce existing laws that prohibit straw purchases, and will apply the same commitment to any new legislation enacted by Congress to deter and punish straw purchasing.**

8. NICS often stops prohibited persons – like convicted felons, domestic abusers, and those who have been determined to have certain mental health problems – from purchasing firearms. But, it's is not always accurate or timely. I introduced the Protecting Communities and Preserving the Second Amendment Act with Senator Cruz that, among other things, improves and reauthorizes grants for the NICS database. Would such legislation be helpful to prevent gun violence? If so, why?

**RESPONSE: I understand the critical function served by the NICS database and that its effectiveness is wholly dependent on the information made available to it. I am not sufficiently familiar with this proposed legislation to opine on it. If confirmed, I will ensure that ATF is taking appropriate steps to enhance the efficacy of the background check system to help keep guns away from those legally prohibited from possessing them.**

9. The ATF helps identify ways to improve federal and state data reporting into NICS. If confirmed, what will you do as Director of ATF to improve federal reporting – and encourage state reporting – of data to the NICS database?

**RESPONSE: It is my understanding that the FBI is primarily responsible for the management of the reporting of federal and state data into the NICS system. If confirmed, I will ensure that ATF continues to assist and support the FBI's efforts to improve and encourage NICS reporting, including participation in collaborative engagements, sharing of information and intelligence, and timely responding to questions from local, state, and federal partners.**

10. I held a hearing in 2015 titled, "The Need to Reform Asset Forfeiture," at which you testified on behalf of the Fraternal Order of Police when you served as its President. At this hearing, you stated you wouldn't support legislation that ended the equitable sharing program. The ATF is an arm of law enforcement, and as such, can seize and forfeit property and assets used in criminal activity, and then benefit financially from that forfeiture. If confirmed, how will you monitor ATF's civil asset forfeiture program to make sure that officers aren't exceeding their powers, and aren't wrongfully incentivized to seize property that would financially benefit them? If confirmed, will you commit to working with me and my staff on reforms to federal civil asset forfeiture laws?

**RESPONSE:** Since the 2015 hearing you reference, the Department of Justice has updated its Asset Forfeiture Program guidelines to reflect changes and to promote efficient administration of the program. These improvements ensure that the Department uses asset forfeiture to the fullest extent possible to investigate, identify, seize and forfeit the assets of criminals and their organizations, while protecting the due process rights of all property owners. Asset forfeiture plays a critical role in disrupting and dismantling illegal enterprises, depriving criminals of the proceeds of illegal activity, deterring crime, and restoring property to victims. As an investigative law enforcement agency within the Department, ATF is subject to all of these program enhancements. If confirmed, I will make every effort to ensure that ATF complies with all Department policies.

11. At the hearing on July 31, you responded to a question by Senator Lee on civil asset forfeiture stating that "the adjudication process need[s] to be very swift and very quick," and that there needs to be a change in the adjudication proceedings for civil asset forfeiture. Can you expand on what changes you believe should be made to these proceedings and why those would help prevent abuse of the civil asset forfeiture program?

**RESPONSE:** As I have previously stated, I certainly do not want innocent people to lose their assets. If confirmed, I would be happy to work with your office, through the Department's Office of Legislative Affairs, on matters related to asset forfeiture.

**QUESTIONS FOR THE RECORD  
KENNETH CHARLES CANTERBURY, JR.  
NOMINEE TO BE DIRECTOR  
BUREAU OF ALCOHOL, TOBACCO, FIREARMS, & EXPLOSIVES**

**QUESTIONS FROM SENATOR SASSE**

1. In 2009, you testified in support of the nomination of Sonia Sotomayor to serve as Associate Justice of the Supreme Court. In response to concerns about her views on the Second Amendment, you criticized these concerns as “wild speculation” and asserted that you “take a back seat to no one in my reverence for the Second Amendment” and that if you “would not be supporting her here” if you “thought for an instant that Judge Sotomayor’s presence on the Court posed a threat my Second Amendment right.” Less than a year after her confirmation to the position to which you supported her nomination, Justice Sotomayor joined Justice Breyer’s dissent in *McDonald v. City of Chicago*, which “[ou]nd nothing in the Second Amendment’s text, history, or underlying rationale that could warrant characterizing it as ‘fundamental’ insofar as it seeks to protect the keeping and bearing of arms for private self-defense purposes.”
  - a. If the positions adopted by Justice Sotomayor in *McDonald* were embraced by a majority of the Supreme Court, do you believe that would represent—in your words—“a threat to [the] Second Amendment”?
  - b. In retrospect, do you still believe that those who questioned then-Judge Sotomayor’s commitment to individual rights under the Second Amendment were engaged in “wild speculation”?

**RESPONSE:** As you note, my testimony in support of then-Judge Sonia Sotomayor’s nomination to the Supreme Court occurred before the Supreme Court’s decision and the Justice’s dissent in *McDonald v. City of Chicago*. Upon Justice Sotomayor’s nomination, the Fraternal Order of Police’s executive board voted and determined that the organization was in support of her nomination. As FOP President, I expressed the support of the FOP through my testimony before this Committee.

2. In 2009, you also testified in support of the nomination of Eric Holder to serve as Attorney General. Prior to his 2009 nomination, Mr. Holder had served as Deputy Attorney General in the Clinton Administration, which had pushed for and enacted aggressive gun-control measures, and had signed in his personal capacity a brief in *District of Columbia v. Heller* that “disagree[d] with the . . . position . . . that the Second Amendment protects an individual right to keep and bear arms for purposes unrelated to a State’s operation of a well-regulated militia.”
  - a. Do you agree that the Department of Justice and the agencies under its purview play a critical role in protecting Americans’ Second Amendment rights?

- b. At the time of Mr. Holder's 2009 nomination, did you have confidence that he would serve as a committed guardian of Americans' Second Amendment rights? If so, how did you reconcile that conclusion with his record at the time?

**RESPONSE: Upon Mr. Holder's nomination, Fraternal Order of Police's executive board determined that the organization was in support of his nomination based upon his record as a judge and a prosecutor, and his expressed commitment to engage with the FOP and state and local law enforcement communities on public safety issues. As FOP President, I expressed the support of the FOP through my testimony before this Committee.**

3. In your hearing, you repeatedly referenced a distinction between the positions you have taken as President of the Fraternal Order of Police and positions that you may hold personally.
- a. Under what circumstances are you willing to advocate for policy positions that in your personal view restrict constitutionally enumerated individual rights?

**RESPONSE: I believe that the right to keep and bear firearms is a personal and individual right that is protected under the Second Amendment. I would not favor pursuing gun-control measures that violate the Second Amendment.**

4. You endorsed the First Step Act of 2018 as "a very good anti-crime bill that will improve our nation's criminal justice system."
- a. How does reducing mandatory sentences for drug traffickers under the Controlled Substances Act and for airborne and maritime drug traffickers under the Controlled Substances Import and Export Act "anti-crime"? How will these reductions "improve our nation's criminal justice system"?

**RESPONSE: The First Step Act comprehensively reforms many areas of our criminal justice system, including through sentencing reform. I agree with Attorney General Barr that "[o]ur communities are safer when we do a better job of rehabilitating offenders in our custody and preparing them for a successful transition to life after incarceration."**

- b. Please give your best estimate of what percentage of the federal prison population is made up of low-level, non-violent drug offenders.

**RESPONSE: I have not analyzed any relevant data or statistics and thus cannot estimate what percentage of offenders in BOP custody are incarcerated for "low-level" or "non-violent drug offenses."**

**QUESTIONS FOR THE RECORD  
KENNETH CHARLES CANTERBURY, JR.  
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**QUESTIONS FROM RANKING MEMBER FEINSTEIN**

1. This Congress, I introduced the *Extreme Risk Protection Order Act*, which would give grants to states to help them create and implement “extreme-risk laws.”

These laws are important tools that empower family members and law enforcement to ask courts to keep guns out of the hands of dangerous people.

Currently, seventeen states and the District of Columbia already have extreme-risk laws on the books. Earlier this year, this Committee held a hearing on these laws and Chairman Graham has repeatedly said that he supports them.

As ATF Director, will you support my bill to help states implement more extreme-risk laws?

**RESPONSE: It is critical that we get an effective system in place that keeps firearms out of the hands of mentally ill people who pose a demonstrable danger to themselves or others. A key part of any such system are laws that allow Extreme Risk Protection Orders to be obtained in appropriate circumstances. I am not sufficiently familiar with the specifics of your legislation, but if confirmed, I would be happy to work with your office on this, through the Department’s Office of Legislative Affairs.**

2. Many domestic violence abusers who have been convicted of a misdemeanor crime of domestic violence or who are subject to a protection order are still able to stockpile an arsenal of firearms and ammunition, despite being prohibited from possessing firearms or ammunition under federal firearms law.

Local domestic violence programs often attempt to help victims by seeking enforcement of federal law and removal of the firearms, but they are unable to get assistance from the ATF and other federal agencies. Similarly, local law enforcement is often overwhelmed by the sheer number of firearms in the possession of domestic violence offenders.

- a. As ATF Director, how will you improve the ATF’s response to cases like these, which are so likely to lead to homicides?

**RESPONSE: Domestic violence is an extremely serious problem. If confirmed, I assure you that ATF will continue to enforce the provisions of the Gun Control Act that prohibit domestic abuse offenders from possessing firearms. ATF will also work closely with local and state authorities to find ways to coordinate efforts on cases involving domestic abuse. These cases will be a priority for ATF under my leadership.**



- b. What kind of resources will you pledge to devote to make sure that guns are not as accessible to prohibited domestic abusers who pose a dangerous risk to those around them?

**RESPONSE: As I am not currently at ATF, I am not in a position to provide specific information related to resources. However, if confirmed, I will ensure that ATF utilizes all available investigative tools and resources to prevent firearms from falling into the hands of those who are legally prohibited from possessing them, particularly domestic abuse offenders. Under my leadership, retrieving firearms from these prohibited individuals will remain one of ATF's highest priorities.**

- c. What commitment can you make to have more ATF agents and ATF victim assistants trained and ready to respond to dangerous situations like these?

**RESPONSE: As I am not currently at ATF, I am not in a position to provide specific information related to resources. However, if confirmed, I will ensure that ATF continues to make every effort to prevent legally prohibited persons, particularly domestic abuse offenders, from accessing firearms. I am fully committed to educating ATF personnel on the rights and responsibilities afforded to all victims and witnesses.**

3. During your hearing before the Judiciary Committee, you indicated that, if confirmed to lead the ATF, you would ensure that ATF enforces those laws already enacted by Congress. You then stated to Senator Kennedy that you do not support any additional restrictions on guns.

If you are confirmed as ATF Director, in light of your personal opposition to additional restrictions on firearms, will you oppose any additional gun control measures proposed by Congress?

**RESPONSE : As with any legislative proposal, I would welcome the opportunity to work with my ATF colleagues, the Department, this Committee, and others in Congress should we identify additional tools needed to keep our nation safe. If confirmed, I will enforce all federal laws enacted by Congress and signed into law by the President.**

4. During your hearing, I asked whether you would support eliminating the three-day requirement that allows a gun dealer to transfer a gun without a completed background check, or extend it beyond three days. In response, you noted that you do not have an understanding of how these denials work. You also indicated you would look at the issue and review the denial system. These denials are a critical function of the ATF because they help to ensure that guns do not end up in the hands of people who are prohibited from possessing them.

You also mentioned at various points throughout the hearing that you were unfamiliar with the ATF regulatory process and that you plan to rely on a "full staff of experts."

- a. How do you plan to familiarize yourself with the denial system referenced above?

**RESPONSE: If confirmed, I will work closely with subject matter experts at ATF to gain a thorough understanding of the NICS denial process. This will include internal ATF briefings, meetings with the FBI's Criminal Justice Information Services subject matter experts, and regular strategic planning updates.**

- b. What steps do you plan to take to familiarize yourself with other critical aspects of the ATF regulatory process?

**RESPONSE: If confirmed, I will work closely with subject matter experts at ATF to gain a detailed understanding of ATF's regulatory functions. I will focus on learning the process ATF utilizes to make informed decisions on policies, rules and regulations and identifying ways in which they may be improved. My goal will be to continue to improve ATF's commitment to working with the firearms and explosives industries to ensure regulatory compliance through consistent engagement and communication.**

5. During your hearing, a number of Senators asked whether you support the federal assault weapons ban. When I first asked you the question, you answered that as ATF Director, you would "take my direction from Congress" and "make sure that the agents of Alcohol, Tobacco, and Firearms, and Explosives would enforce the laws as imposed by this body."

Shortly after, you were asked the same question by Senator Lee. When he asked if you are personally supportive of an assault weapons ban, you responded that as ATF Director, you "would much prefer to talk with the expert witnesses at ATF and the other professional staff before I would render an opinion on the ban." You concluded by stating that "as a law enforcement professional my job would be to enforce the laws that Congress implements."

Senator Cruz then later asked you again whether you would support an assault weapons ban. Your answer to him was simple: "No, sir." You went on to state that "my personal opinion was the law was not effective" (referring to the previous federal assault weapons ban in effect from 1994 to 2004).

- a. Do you support an assault weapons ban? Please answer only with a "Yes" or a "No."

**RESPONSE: In assessing any gun-control measure, I would look at its impact on crime and also consider its legality under the Second Amendment.**

- b. If you oppose an assault weapons ban, why?

**RESPONSE: Please see my response to Question 5a above.**

- c. Please explain the inconsistencies in your answers on whether you support or oppose an assault weapons ban.

**RESPONSE: Please see my response to Question 5a above.**

6. During your hearing, a number of Senators also asked you about your views on universal background checks. When I asked if you would support universal background checks as ATF Director, you discussed the mission of ATF to reduce violent crime and answered “we will enforce the laws as enacted by Congress.”

When Senator Lee asked you the same question shortly after, you responded that the NICS system should have the best information available to it and that you would need to review exact language to form an opinion on the background check issue.

Senator Leahy later asked you if background checks should be everywhere, to which you answered that current law does not require a background check for individual sales of firearms.

When Senator Cruz asked you at the end whether as ATF Director you would support extending federal background checks to private transactions, you simply responded “No, sir.” You went on to explain that you “believe in the Second Amendment and I believe that those individual sales are guaranteed under current law.”

- a. Do you support universal background checks? Please answer only with a “Yes” or a “No.”

**RESPONSE:** As the President has stated, we have a strong background check system. Based on my many years of experience in law enforcement, I believe that increasing the accuracy and completeness of the records available to the NICS will be most effective in preventing firearm sales to prohibited persons. Ensuring that NICS has access to accurate and complete records will enhance the effectiveness of the system and reduce the number of instances where a prohibited person is able to obtain a firearm.

- b. If you oppose universal background checks, why?

**RESPONSE:** Please see my response to Question 6a above.

- c. Please explain the inconsistencies in your answers on whether you support or oppose universal background checks.

**RESPONSE:** Please see my response to Question 6a above.

**QUESTIONS FOR THE RECORD  
KENNETH CHARLES CANTERBURY, JR.  
NOMINEE TO BE DIRECTOR  
BUREAU OF ALCOHOL, TOBACCO, FIREARMS, & EXPLOSIVES**

**QUESTIONS FROM SENATOR DURBIN**

1. At your hearing, you said “I don’t support any further gun restrictions personally.” Also, when you were asked “as ATF head, are you going to try to attempt to change current law administratively?” you answered “no sir, I will not.”

- a. Please explain why you made those statements and what you meant by them.

**RESPONSE:** My statements about additional gun restrictions reflect my personal views. With respect to the question about changing current law “administratively,” my answer reflects my understanding that ATF executes and administers statutes within its jurisdiction, and does not have independent administrative authority to change the law. Changing the law requires legislation from Congress. If confirmed as ATF Director, I will enforce and administer the laws within ATF’s jurisdiction fairly and consistently.

- b. Was it inappropriate for President Trump to call for ATF to take administrative action to issue a new rule banning bump stocks?

**RESPONSE:** Based on public reporting, my understanding is that the President directed the Department of Justice to review the classification of bump-stock devices following the Las Vegas tragedy, and that the Department and ATF did so appropriately. Based on the information available to the public, I understand that ATF’s re-examination of these devices was based primarily on public safety considerations, and that it reached its determination to re-classify them based upon all available information.

- c. Was it inappropriate for ATF to take administrative action to issue a new rule banning bump stocks?

**RESPONSE:** As I am not currently at ATF, I recognize that I do not have access to all information. It is my understanding that ATF followed the law in its review and re-classification of bump stock devices.

- d. If confirmed as ATF head, would you reject calls to administratively modify or rescind current ATF regulations in ways that weaken current law?

**RESPONSE:** If I am confirmed as ATF Director, I will enforce and administer the laws within ATF’s jurisdiction fairly and consistently.

- e. If you are confirmed, would you defend ATF regulations from legal challenge?

**RESPONSE: If confirmed, I will execute my duties as ATF Director in good faith and in compliance with the law.**

2. You have said in previous testimony before this Committee that “I take a back seat to no one in my reverence for the Second Amendment.” During our courtesy meeting before your hearing, I asked if you doubted the constitutionality of any of the gun laws or regulations currently on the books that ATF enforces. You told me that you did not. For the record, can you confirm that you do not doubt the constitutionality of the gun laws or regulations currently on the books that ATF enforces?

**RESPONSE: Consistent with extensive federal judicial precedent, I believe the firearm statutes ATF enforces and administers, the Gun Control Act and the National Firearms Act, are constitutional.**

3. On average, about 36,000 Americans are killed by guns every year and 76,000 more are injured. This is a public health epidemic, and we must act to reduce the number of shooting deaths.

One of the most effective ways to reduce unlawful shootings is to keep guns out of the hands of those prohibited by law from using them.

ATF has the responsibility to inspect federally licensed gun dealers to make sure they are following the laws and not selling guns to prohibited purchasers. Last year *The New York Times* reported that ATF inspections of gun dealers routinely found violations of law ranging from inadequate recordkeeping to illegal gun sales, but senior ATF officials were regularly overruling inspectors to let dealers keep their licenses. Reportedly, out of 11,000 dealer inspections between 2016-18, more than half uncovered violations of law yet less than one percent of dealers lost their license. Will you commit that, if you are confirmed, you will be tough on gun dealers who are not following the laws on the books?

**RESPONSE: If confirmed, I will ensure that ATF’s process for reviewing and administering revocation proceedings is fair and consistent and in accordance with all applicable federal regulations. If willful violations of federal law are uncovered in enforcement or inspection based investigations, I will require ATF to act swiftly to address them.**

4. The ATF has an important responsibility to enforce the gun laws on the books. This includes investigating federal gun crimes, breaking up gun trafficking networks, and regulating licensed gun dealers, among other responsibilities. It is a challenging mandate, and it is even more challenging in light of the gun lobby’s regular efforts to hamper the agency and limit its ability to do its job effectively. If confirmed, will you defend the men and women of the ATF against efforts by the gun lobby to keep them from doing their jobs effectively?

**RESPONSE: ATF’s core mission is to serve and protect the American public; the same mission to which I have devoted my career. The men and women of ATF have**

**consistently demonstrated that they are outstanding public servants, who are unquestionably dedicated to reducing firearm-related violent crime. If confirmed, I will stand with them in their dedicated and diligent work, and appropriately address any challenges that may impair their ability to fulfill ATF's crucial mission.**

5. In 2017 ATF reported that there were 577 burglaries from gun dealers, involving a total of 7,841 stolen guns. This was a 71 percent increase in gun dealer burglaries since 2013, and a 134 percent increase in the number of guns stolen. These stolen guns frequently end up being used in crime; one study found that between 2010 and 2015 over 9,700 guns recovered in crimes had been reported as lost or stolen from gun dealers.

I've introduced a bill, the SECURE Firearm Storage Act, that would require gun dealers to secure their inventory after hours. Do you agree that, in light of the increase in gun dealer burglaries, efforts should be undertaken to make sure gun dealers better secure their inventories?

**RESPONSE: Preventing and investigating burglaries of federal firearms licensees (FFLs) is vitally important and is a priority for ATF. I am not familiar with the details of your legislation, but if confirmed, I will ensure that ATF continues to work with FFLs to educate them on regulatory responsibilities and safety measures, and will continue to vigorously investigate burglaries of FFLs.**

6. According to ATF data, about 70 percent of firearms that were seized from crimes in Mexico and submitted to ATF for tracing came from the U.S.—a total of about 107,000 firearms between 2009-2017. A 2016 GAO report found that most of the traced crime guns were purchased legally in gun shops and at gun shows in the United States, and then trafficked illegally to Mexico. About half of crime guns recovered and traced from El Salvador and Honduras also originated in the United States.
  - a. If you are confirmed, will you make it an ATF priority to reduce the flow of illicit weapons over the Southern border?

**RESPONSE: Preventing illegal firearms trafficking is one of ATF's top priorities. If confirmed, I will ensure ATF continues its efforts to prevent illegal firearms trafficking, including that on our southern border.**

- b. Do you support strengthening penalties for straw purchasing and illicit gun trafficking?

**RESPONSE: If confirmed, I will ensure that the men and women of ATF continue to enforce existing laws that prohibit straw purchases, and will apply the same commitment to any new legislation enacted by Congress to deter and punish straw purchasing.**

- c. If you are confirmed, will you continue ATF's practice of requiring U.S. border state gun dealers to report to ATF when a purchaser buys multiple long guns?

**RESPONSE: I believe that the more intelligence and information a law enforcement agency receives, the more equipped it is to appropriately investigate all forms of criminal conduct. If confirmed, I will work with the Department of Justice and the subject matter experts at ATF to examine this issue further.**

7. The Chicago Police Department (CPD) is increasingly using ATF's NIBIN system to help generate leads in criminal investigations. It would help for CPD to be allowed to use the NIBIN National Correlation and Training Center (NNCTC) in Huntsville, Alabama, which has analysts working 24-7 to help local police departments analyze NIBIN requests. If you are confirmed, will you ensure that the Chicago Police Department will be allowed to use the NNCTC?

**RESPONSE: It is my understanding that homicides and shootings in Chicago have dropped significantly over the first three months of 2019, due in some measure to the collaboration between ATF and the Chicago Police Department utilizing the ATF Crime Gun Strike Force. If confirmed, I will continue to champion ATF's relentless fight against violent crime in Chicago and across the nation. I believe that the NIBIN National Correlation and Training Center (NNCTC) is providing vital assistance to local and state law enforcement. If confirmed, I will work to expand the capacity and efficiency of the NNCTC so that its ballistic correlation services are available to any law enforcement agency who requests them.**

8. One of the gun lobby's top priorities is to pass federal legislation mandating concealed carry reciprocity. This is the idea that anyone who is allowed to concealed carry in one state should be allowed to carry in every other state.

The problem is that concealed carry standards are different across the country. Some states have rigorous standards for training and background checks for concealed carry permit holders, and some states don't have any standards at all. So concealed carry reciprocity would mean a race to the bottom when it comes to standards for gun training and safety.

Letting untrained people without permits concealed carry in every American community poses a safety risk to their fellow citizens and to law enforcement. And it would propose enormous enforcement challenges for police officers. The National FOP has opposed federal legislation that would mandate concealed carry reciprocity across the nation.

Do you think it would be problematic to mandate concealed carry reciprocity so that people could concealed carry across the nation even if they had no permit, no safety training, and no application standards?

**RESPONSE: I believe that concealed carry reciprocity for persons 18 years of age or older is primarily a state issue, and is best addressed by local or state officials.**

**QUESTIONS FOR THE RECORD**  
**KENNETH CHARLES CANTERBURY, JR.**  
**NOMINEE TO BE DIRECTOR**  
**BUREAU OF ALCOHOL, TOBACCO, FIREARMS, & EXPLOSIVES**

**QUESTIONS FROM SENATOR WHITEHOUSE**

1. Since your testimony before the Senate Judiciary Committee on July 31, 2019, this country has suffered numerous acts of gun violence. This weekend alone, there were mass shootings in Dayton, Ohio and El Paso, Texas, and 59 people were shot in Chicago.
  - a. Have these incidents changed your position on the need for universal background checks?

**RESPONSE:** As the President has stated, we have a strong background check system. Based on my many years of experience in law enforcement, I believe that increasing the accuracy and completeness of the records available to the NICS will be most effective in preventing firearm sales to prohibited persons. Ensuring that NICS has access to accurate and complete records will enhance the effectiveness of the system and reduce the number of instances where a prohibited person is able to obtain a firearm.

- b. Have they changed your position on the need to eliminate the loophole that permits a gun to be sold if a background check is not completed within three days?

**RESPONSE:** Please see my response to Question 1a above.

- c. If you are confirmed as ATF Director, what steps will you take upon taking office to prevent similar acts of violence?

**RESPONSE:** In my many years of experience as a law enforcement professional, I have learned that one of the most valuable tools for the prevention of violent crime - particularly firearms-related violence - is intelligence sharing among local, state, tribal, and federal law enforcement. If confirmed, I will ensure ATF continues to focus on enhancing its capacity to appropriately share intelligence and information with all law enforcement partners. In particular, I will emphasize continued enhancement of ATF's Crime Gun Intelligence Centers (CGICs) and its National Integrated Ballistic Information Network (NIBIN). In my view, these two programs are the most crucial sources of actionable intelligence to identify, investigate, and prosecute firearm offenders, thereby preventing future firearms violence.

- d. What steps will you take to increase the speed and accuracy of background checks?



**RESPONSE: It is my understanding that the FBI administers the National Instant Criminal Background Check System (NICS), and I defer to their expertise in how best to improve the speed and accuracy of the system. If confirmed, I will encourage local and state governments to provide timely, accurate, and complete records to NICS to ensure prohibiting information is in the system.**

2. A critical part of preventing gun violence like we've seen in the last week is enforcing the existing laws governing the transfer of firearms. At the hearing last week, you committed to enforcing these laws. Last year, the *New York Times* reported that ATF supervisors routinely downgrade or weaken enforcement recommendations by field agents.<sup>1</sup> Instead, ATF management often issues repeated warnings to licensed firearms dealers who serially violate the law rather than revoking a license or taking other serious administrative action. This downgrading occurs even when dealers violate the law in significant and potentially dangerous ways—by failing to perform background checks, selling firearms to customers who stated they were felons, or otherwise seriously and repeatedly violated the law.

a. What will you do to investigate this disturbing pattern of reversing field agents' recommendations?

**RESPONSE: Since I am not currently at ATF, I am not familiar with the matters referenced in the article. If I am confirmed, I will review how ATF administers the license inspection and revocation process for firearms dealers, and determine if any programmatic changes are necessary to ensure consistency and fairness.**

b. What will you do to ensure that those recommendations are only downgraded for principled reasons?

**RESPONSE: Please see my response to Question 2a above.**

c. Will you provide this Committee with information and documents related to how field agents' recommendations are reviewed, how many times their recommendations are overruled, and why?

**RESPONSE: If I am confirmed, ATF will work with the Committee, through the Office of Legislative Affairs, to meet its information needs, consistent with the Department's law enforcement responsibilities.**

3. When a licensed firearms dealer is not complying with federal law, they often get multiple chances over a period of years before the ATF moves to revoke its license.<sup>2</sup> Yet these repeat violators are exactly the ones who should know they are breaking the law, because they have been cited before for the same violation and been told what to do to ameliorate it.

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<sup>1</sup> <https://www.nytimes.com/2018/06/03/us/atf-gun-store-violations.html>

<sup>2</sup> *Id.*

- a. Will you provide this Committee with information about how many repeat violators are permitted to keep their license?

**RESPONSE: If confirmed, I will ensure that ATF administers the regulations applicable to federal firearm licensees fairly and consistently. ATF will work with the Committee, through the Office of Legislative Affairs, to meet its information needs, consistent with the Department's law enforcement responsibilities.**

- b. What actions will you take to better deter repeat offenders?

**RESPONSE: If confirmed, I will fully review ATF's policies and practices in this area to ensure that ATF is administering regulations consistent with the requirements of the Gun Control Act, and is doing so in a manner that maximizes deterrence without compromising fairness. If changes are necessary to accomplish this standard, I will make them.**

4. Once the ATF actually decides to revoke a firearms dealer's license, the administrative process to revoke a license is equally lengthy—sometimes lasting as long as two years. This delay is troubling because licensed firearms dealers can continue to sell firearms while the revocation process is pending, and even for a period of time after the revocation.

- a. What steps will you take to address this delay?

**RESPONSE: My understanding is that the statute and regulations governing the license revocation process include set timelines for various administrative steps, thus ensuring due process for all licensees. If confirmed, I will ensure that ATF handles revocation procedures in the most effective and efficient manner allowed by statute and applicable regulations.**

- b. Will you update the Committee on the effect any policy reforms have on the timing of the process?

**RESPONSE: If I am confirmed, ATF will work with the Committee, through the Office of Legislative Affairs, to meet its information needs, consistent with the Department's law enforcement responsibilities.**

- c. Will you report back to the Committee on what the ATF does to ensure that licensed firearms dealers whose licenses have been revoked are selling their firearms in a legal and safe manner during the limited period they are still permitted to do so?

**RESPONSE: If I am confirmed, ATF will work with the Committee, through the Office of Legislative Affairs, to meet its information needs, consistent with the Department's law enforcement responsibilities.**

5. In order to enforce the existing gun laws, the ATF has to know where violations are occurring. ATF has stated that its benchmark is to inspect each licensed firearms dealer every

three to five years, depending on the risk factors associated with the location of that licensed firearms dealer. However, the ATF is not meeting that goal, and has not met it for years. In 2018, for example, the ATF inspected less than 10% of active licensed firearms dealers—and 58% of those inspected were found to be in violation of federal firearms laws.<sup>3</sup>

- a. Do you agree that ATF must ensure that it can inspect all licensed firearms dealers every three to five years at minimum?

**RESPONSE: Since I am not currently at ATF, I am not familiar with the optimum inspection cycle. If confirmed, I will examine this issue closely and work diligently to ensure that ATF utilizes all available resources to efficiently and effectively regulate firearm licensees.**

- b. What steps will you take to ensure that ATF meets this benchmark?

**RESPONSE: If confirmed, I will examine this issue closely and work diligently to ensure that ATF utilizes all available resources to efficiently and effectively regulate firearm licensees.**

- c. Will you commit to providing this Committee with information about the resources the ATF needs to meet this benchmark?

**RESPONSE: If I am confirmed, ATF will work with this Committee and the Appropriations Committees to address resource needs.**

6. Another important part of preventing gun violence is to ensure that the ATF investigates possible criminal activity as it becomes aware of it. Field investigators are encouraged to refer suspicious conduct identified during inspections to special agents for potential criminal enforcement. However, the ATF is currently not doing all it can to pursue those leads. A 2019 DOJ OIG found that 61% of these referrals receive “no response” from special agents.<sup>4</sup> While this is down from a 78% no response rate in 2004, it is still troublingly high. The OIG believes the continued high no response rate “indicates that some viable referrals may not receive follow-up, which could result in missed investigative leads.” The OIG identified inconsistent enforcement standards and a lack of staff accountability as responsible for perpetuating this problem.

- a. What will you do to ensure that the “no response” rate decreases and the ATF consistently pursues leads indicating possible criminal activity?

**RESPONSE: I take seriously all conclusions reached by the Department of Justice’s Office of the Inspector General. If confirmed, addressing the issues raised by the OIG’s report will be one of my priorities. I will work to ensure that all leads are appropriately investigated in an effective and timely manner.**

<sup>3</sup> <https://www.atf.gov/resource-center/fact-sheet/fact-sheet-facts-and-figures-fiscal-year-2018>

<sup>4</sup> <https://oig.justice.gov/reports/2019/e1902.pdf#page=1>

- b. Will you inform the committee of the ATF's efforts to reduce the "no response" rate and its progress in achieving that goal?

**RESPONSE: If I am confirmed, ATF will work with the Committee, through the Office of Legislative Affairs, to meet its information needs, consistent with law enforcement responsibilities.**

**QUESTIONS FOR THE RECORD  
KENNETH CHARLES CANTERBURY, JR.  
NOMINEE TO BE DIRECTOR  
BUREAU OF ALCOHOL, TOBACCO, FIREARMS, & EXPLOSIVES**

**QUESTIONS FROM SENATOR KLOBUCHAR**

1. I have led legislation for years to prevent people who have abused dating partners from buying or owning firearms. When a gun is present in situations of domestic abuse, a woman is five times more likely to be killed, and according to data released by the Justice Department, nearly half of women killed by romantic partners are killed by dating partners. But current law allows domestic abusers to buy a gun if they are not married to, or do not have children with, their victims.
  - a. Do you agree that abusive dating partners are just as dangerous as abusive spouses?

**RESPONSE: In response to the cited Department of Justice findings, yes.**

2. During a meeting on gun violence prevention at the White House last year, President Trump expressed support for my bill—which was also included in the bill to reauthorize the Violence Against Women Act that passed the House in April with the support of 33 Republicans.
  - a. If confirmed, will you commit to working within the Administration and with Congress on legislation to prevent abusive dating partners from being able to buy guns?

**RESPONSE: If confirmed, I would be happy to work with your office through the Department's Office of Legislative Affairs. ATF will continue to work tirelessly to keep guns away from dangerous individuals, particularly domestic violence abusers.**

**QUESTIONS FOR THE RECORD  
KENNETH CHARLES CANTERBURY, JR.  
NOMINEE TO BE DIRECTOR  
BUREAU OF ALCOHOL, TOBACCO, FIREARMS, & EXPLOSIVES**

**QUESTIONS FROM SENATOR COONS**

1. At the hearing on your nomination, you testified that the most important step in preventing firearms from getting into the wrong hands is information sharing with state and local partners. Senator Toomey and I introduced the NICS Denial Notification Act (S. 875), which would require federal law enforcement agencies to report to state and local law enforcement when an individual who is legally prohibited from purchasing a firearm fails a background check and “lies and tries” to purchase a firearm illegally.

- a. Do you agree with me that reporting NICS denials to state and local law enforcement is in the interest of public safety?

**RESPONSE: The sharing of investigative intelligence among law enforcement agencies is crucially important in the fight against violent crime.**

- b. If so, will you commit to working with state and local law enforcement to ensure that they have the information necessary to prosecute those who attempt to illegally purchase firearms?

**RESPONSE: If confirmed, ATF will continue to work with its state and local law enforcement partners to combat violent crime and to help keep guns away from people who are legally prohibited from having them.**

2. At the hearing on your nomination, you testified that when more information is provided to the NICS system, law enforcement agencies are better prepared to prevent prohibited firearm sales. You also testified that you would not support universal background checks as ATF Director.

- a. Do both statements accurately reflect your views on a universal background check system? Please explain.

**RESPONSE: As I testified at the hearing, I believe that increasing the accuracy and completeness of the records in the existing NICS background check system is a highly effective way to prevent prohibited persons from obtaining firearms. With respect to a universal background check system, my statements reflect my personal views. If confirmed, I will enforce and administer the laws within ATF’s jurisdiction fairly and consistently.**

- b. Do you believe law enforcement agencies could more effectively prevent firearm sales to prohibited purchasers if background checks were required of all or almost all firearm transactions?

**RESPONSE: Based on my experience in law enforcement, I believe that increasing the accuracy and completeness of the records available to the NICS will be most effective in preventing firearm sales to prohibited persons. Additionally, the sharing of investigative intelligence among law enforcement agencies is crucially important in prohibiting firearms sales to prohibited persons.**

3. The Violence Reduction Network proved to be an effective program for cities like Wilmington to address violent crime and to access cutting-edge law-enforcement resources. For example, Wilmington was able to significantly increase its homicide clearance rate. If confirmed as ATF Director, how will you work to strengthen partnerships with state and local law enforcement to reduce violent crime and homicides in cities like Wilmington?

**RESPONSE: If confirmed, I will strongly support Department programs that enable local jurisdictions to receive coordinated training and technical assistance to enhance local violence reduction strategies. For example, the Department's National Public Safety Partnership (PSP) initiative provides communities with data driven strategies tailored to their unique local needs to address serious violent crime challenges. I believe that ATF has been a key partner in this initiative and, if confirmed, I will ensure that ATF's resources continue to assist local and state law enforcement partners in identifying trigger-pullers and removing violent offenders from America's streets.**

4. Department of Justice employees, including employees at the ATF, started undergoing mandatory implicit bias training in 2016. If confirmed, do you plan to participate in this training, and will you support requiring these trainings for all ATF agents?

**RESPONSE: Yes.**

5. The Death in Custody Reporting Act requires federal law enforcement agencies to report the death of any person detained by law enforcement, under arrest, in the process of being arrested, en route to being incarcerated or detained, or incarcerated at any correctional facility. The ATF is required to comply with these reporting requirements. How will you implement and enforce the Death in Custody Reporting Act?

**RESPONSE: I understand that ATF has already implemented procedures to comply with the Act. If confirmed, I will ensure ATF remains in compliance with the Act.**

**QUESTIONS FOR THE RECORD  
KENNETH CHARLES CANTERBURY, JR.  
NOMINEE TO BE DIRECTOR  
BUREAU OF ALCOHOL, TOBACCO, FIREARMS, & EXPLOSIVES**

**QUESTIONS FROM SENATOR HIRONO**

1. The Fraternal Order of Police asks presidential candidates to fill out questionnaires to explain their positions of policy matters of interest to the organization. In 2008 and 2012, the FOP questionnaires asked candidates about 922(g)(8) and (g)(9) -- the law prohibiting gun possession and purchase by a person subject to a domestic violence restraining order or convicted of a crime of domestic violence.

The questionnaires described this federal law as having “had no demonstrable impact in the fight against domestic violence to date” and said that “Because of liability concerns, good police officers are losing their jobs for minor offenses committed long before the law passed.”

- a. Do you consider domestic violence a minor offense?

**RESPONSE: No. Domestic violence is an extremely serious offense.**

- b. Do you believe 922(g)(8) and (9) should be enforced against all people, including police officers?

**RESPONSE: If confirmed, I will ensure ATF continues to equally enforce all laws enacted by Congress.**

2. Family members and law enforcement officers can often identify people who would pose a significant risk to themselves or others by possessing a gun. A growing number of state, including Hawaii, have enacted “extreme risk protection order” laws that enable a family member or police officer in this situation to obtain a civil court order temporarily preventing the person from having a gun, with full due process.

- a. Do you believe these laws enhance public safety?

**RESPONSE: It is critical that we get an effective system in place that keeps firearms out of the hands of mentally ill people who pose a danger to themselves or others. A key part of any such system are laws that allow Extreme Risk Protection Orders that provide appropriate due process to be obtained in appropriate circumstances.**

- b. Do you think we could help avoid some mass shootings if every state had one?

**RESPONSE: Please see my response to Question 2a above.**



3. ATF's current acting director Tom Brandon was asked earlier this year by a House Appropriations subcommittee about the three business days FBI is allowed to conduct a NICS check before a gun is eligible to be sold by default. He said if more time was allowed, there would be fewer delayed denials, giving ATF more time to "get the bad guys." He said, "The more time you have, the better you can make a decision."

- a. Do you agree with his comments? Why or why not?

**RESPONSE: Based on my many years of experience in law enforcement, I believe that increasing the accuracy and completeness of the records available to the NICS will be most effective in preventing firearm sales to prohibited persons. Ensuring that NICS has access to accurate and complete records will enhance the effectiveness of the system and reduce the number of instances where a prohibited person is able to obtain a firearm.**

4. In 2013, when supporting the nomination of former ATF director B. Todd Jones, you wrote to this committee about the importance of enforcing the gun laws that are on the books. Current federal law prohibits certain convicted criminals, including convicted felons and domestic abusers, from possessing firearms.

- a. Whose responsibility is it to ensure that these criminals surrender their firearms when they are convicted of these crimes?

**RESPONSE: It is my understanding that the respective court imposing sentencing, through the investigating agency, pre-trial services office, probation office, or court officer (sheriffs), has the initial responsibility to ensure the surrender of firearms. ATF would only become involved if it obtains evidence that the convicted person is still in possession of a firearm.**

5. In February of 2017, the Department of Justice issued new guidance regarding the meaning of the term "fugitive from justice" as used in our nation's gun laws.

- a. Is it your opinion that a person who is subject to an outstanding arrest warrant should be able to buy a gun without facing additional scrutiny?

**RESPONSE: Whether a person who is subject to an arrest warrant is able to purchase a firearm is a question of both federal and state law. If confirmed, I will ensure that ATF continues to enforce applicable federal law, including provisions that prohibit certain fugitives from possessing firearms.**

6. It has been estimated that in 2018 alone, approximately 1.2 million firearms were offered for sale by unlicensed individuals via the online marketplace Armslist.

- a. What is your strategy to ensure that Armslist is not exploited by persons dealing without a license and prohibited persons attempting to acquire a firearm absent record keeping or a background check?

**RESPONSE: I am aware that ATF regularly initiates investigations involving the illegal transfer of firearms via internet marketplaces and has established an Internet Investigations Center to specifically target these crimes. If confirmed, I will ensure ATF continues these investigative efforts.**

7. In the year 2000, ATF published a report called "Following the Gun." This report contained detailed information about firearms traffickers, firearms trafficking channels, and ATF's investigations into firearms trafficking. Since that time, ATF has not published any similar information.

- a. How could the kind of information in such a report be helpful to law enforcement working to trace trafficked firearms and investigate gun crimes?

**RESPONSE: I believe the collaborative sharing of intelligence information among local, state, tribal, and federal law enforcement agencies is critical to preventing the criminal misuse of firearms. ATF is known for its commitment to sharing intelligence with law enforcement partners. If confirmed, I will ensure ATF continues to develop and share intelligence information regarding criminal use of firearms, including trafficking, and will explore ways to further improve its intelligence sharing process.**

8. FOP has opposed federally mandated concealed carry reciprocity in the past.

- a. Do you believe it enhances public safety to allow individuals who can lawfully carry a concealed handgun at the age of 18 in their home state in every other state across the nation?

**RESPONSE: I believe that concealed carry reciprocity for persons 18 years of age or older is primarily a state issue and is best addressed by local or state officials.**

- b. Can you explain how a police officer would be able to determine whether a person they encounter would be legally eligible to carry a concealed handgun if concealed carry reciprocity was enacted?

**RESPONSE: Determining whether a person carrying a concealed firearm is in compliance with the laws of their state of residence would require training police officers in all state laws.**

- c. Do you support this policy?

**RESPONSE: Please see my response to Question 8a.**

9. ATF has reported that burglaries from licensed gun dealers are a growing public safety danger.

- a. Do you support regulations that would require gun dealers to secure their firearms against theft during non-business hours?

**RESPONSE: Securing business inventory and assets of a company during non-business hours is a good practice in any industry. I know that ATF Industry Operations Investigators educate and encourage federal firearms licensees (FFLs) to safely secure firearms to prevent the likelihood of theft. I am also generally aware of ATF publications designed to assist FFLs in security issues and loss prevention.**

- b. Would requirements that mandate annual inventories at licensed gun dealers help ATF streamline the inspection process, identify trafficking risks and draw attention to stolen and missing guns more quickly?

**RESPONSE: My understanding is that current federal law precludes ATF from requiring FFLs to conduct annual inventories regardless of whether such inventories would assist inspections or help to more quickly identify stolen or missing firearms.**

10. Law enforcement agencies across the country have seen an increase in the number of unserialized, untraceable guns being recovered from criminals. These guns, which are often made from unregulated parts, have enabled convicted felons and other dangerous people to skirt federal and state gun laws. According to the ATF, 30 percent of guns recovered in California are untraceable.

- a. How significant a threat is the proliferation of so-called “ghost guns” and 3-D printed guns?

**RESPONSE: As I am not currently at ATF, I am not familiar with the statistics on the frequency that “ghost guns” are recovered in criminal investigations. As a law enforcement professional, I know that the inability to trace un-serialized firearms reduces potential leads available to investigators in a criminal firearm investigation.**

- b. What should be done to address this threat?

**RESPONSE: The tracing of firearms is a vital tool to law enforcement, but it is not the only investigative tool available. ATF employs a variety of other investigative tools and techniques when self-made, un-serialized firearms are used in crimes. If confirmed, I will work with the subject matter experts at ATF and other law enforcement professionals to further evaluate this issue.**

**QUESTIONS FOR THE RECORD**  
**KENNETH CHARLES CANTERBURY, JR.**  
**NOMINEE TO BE DIRECTOR**  
**BUREAU OF ALCOHOL, TOBACCO, FIREARMS, & EXPLOSIVES**

**QUESTIONS FROM SENATOR BOOKER**

1. In 2014, in response to Officer Darren Wilson’s use of force resulting in the death of Michael Brown in Ferguson, Missouri, you stated that “Politicians have spent the months since the tragedy in Ferguson piously wringing their hands and bemoaning the lack of trust of police by the minority community.” You continued that “professional racists from all sides have seized on the moment to advance their often self-serving opinions of what is wrong in America.”
- a. Do you still stand by your criticism of “[p]oliticians bemoaning the lack of trust of police by the minority community” in the wake of Michael Brown’s death? If these comments were only offered as the position of the National Fraternal Order of Police, do you personally agree with these comments?

**RESPONSE: The statements referenced in your question were made in my position as President of the national Fraternal Order of Police, representing more than 330,000 rank and file state and local police officers. As a career law enforcement professional, I know that trust between communities and law enforcement is critical to combating crime and keeping people safe. Generally, I support efforts that build bridges between law enforcement and communities in order to strengthen that trust to better combat crime and keep our neighborhoods safe.**

- b. You said that “professional racists from all sides have seized on the moment to advance their often self-serving opinions of what is wrong with America.”
- i. What did you mean by those comments?

**RESPONSE: My prior statements speak for themselves. That being said, collaborative approaches, where law enforcement and communities work together, will help rebuild trust and make communities across the country safer for everyone.**

- ii. Who specifically were you referring to when you said “professional racists”?

**RESPONSE: See my response to Question 1b(i) above.**

2. In 2016, you also attributed the targeting of police officers in Dallas, Texas to “hate spewed on social media and even in the mainstream press,” especially following the “hate speech directed at [Officer Wilson] who was just doing his job.” In the same press release, you criticized President Obama for stating that “we need to ‘reduce the appearance or reality of racial bias in law enforcement.’” You characterized this statement by President Obama as a

“rush to judgement” and “inflammatory rhetoric.”

You also stated that the Obama Administration needed to “condemn the hateful, racist speech which has triggered this horrific violence against our nation’s police officers.” Finally, you quoted President Obama, who stated that after police shootings of minority citizens, “there is a big chunk of our fellow citizenry that feels as if because of the color of their skin they are not being treated the same.” You followed that with the statement that “Our nation’s law enforcement officers are not being treated the same. We’re being treated as an enemy—as targets to be eliminated—not because of the color of our skin, but the color of our uniform.”

In March 2015, the U.S. Department of Justice (DOJ) released its report detailing findings of rampant unlawful racial bias within the Ferguson Police Department against African Americans. Some of the findings included that between 2012 and 2014, “African Americans account for 85% of vehicle stops, 90% of citations, and 93% of arrests made by [Ferguson Police Department] officers.”<sup>5</sup> Additionally, from 2012 to 2014, “FPD issued four or more citations to African Americans on 73 occasions, but issued four or more citations to non-African Americans only twice.”<sup>6</sup> Almost 90% of all uses of force were against African Americans, and the DOJ unveiled “emails circulated by police supervisors and court staff that stereotype racial minorities as criminals, including one email that joked about an abortion by an African-American woman being a means of crime control.”<sup>7</sup>

- a. Given the findings detailed in the DOJ’s report, would it be reasonable for African-American residents of Ferguson, Missouri to have lacked trust in their police department?

**RESPONSE: While I have not studied the Department of Justice’s 2015 report on the Ferguson Police Department, it is my understanding that the Department’s investigation concluded that a myriad of factors contributed to the Police Department’s strained relationship with the community. Collaborative approaches, where law enforcement and community stakeholders work together, will help rebuild trust and make communities across the country safer for everyone.**

- b. If you had been an officer in the Ferguson Police Department before the killing of Michael Brown, how would you have handled the apparent widespread racial bias in the police force? What about if you were the police chief?

**RESPONSE: While I have not studied the Department of Justice’s 2015 report on the Ferguson Police Department, it is my understanding that the Department’s investigation concluded that a myriad of factors contributed to the Police Department’s strained relationship with the community. Racial bias has no legitimate role in policing and instances of racial bias in policing should not be**

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<sup>5</sup> DOJ Civil Rights Division Report on Its Investigation into the Ferguson, Missouri Police Department, *Investigation of the Ferguson Police Department* at 4 (March 4, 2015), available at [https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson\\_police\\_department\\_report.pdf](https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at 5.

**tolerated. If a subordinate officer engaged in enforcement activities in a discriminatory manner, such conduct should be addressed directly and swiftly, and disciplinary action taken as appropriate.**

- c. How can a police department work to restore trust with a community that has been targeted disproportionately because of the color of their skin?

**RESPONSE: Collaborative approaches, where law enforcement and community stakeholders work together, will help rebuild trust and make communities across the country safer for everyone.**

- d. Please elaborate on your characterization of President Obama's statements regarding racial bias as "inflammatory rhetoric," especially in light of findings such as those in the DOJ's report on the Ferguson Police Department. Do you still stand by these comments? If these comments were only offered as the position of the National Fraternal Order of Police, do you personally agree with these comments?

**RESPONSE: The statements referenced in your question were made in response to President Obama's statement after the July 7, 2016 attack on Dallas police officers, which resulted in the death of five officers, and injuries to nine other officers and two civilians. My comments sought to clarify an apparent conflation of societal issues by many public figures in their characterizations of the abhorrent July 2016 attack on our nation's law enforcement officers.**

- e. Please elaborate on what you meant by "racist speech." In doing so, please define what you mean by "racist."

**RESPONSE: Hate and race-based violence against any demographic cannot be tolerated. As the stated motive of the July 2016 shooter was to "kill white officers," I was referring to speech that may motivate such race-based attacks against our nation's law enforcement officers.**

3. In a 2014 letter to President Obama, you claimed that the Civil Rights Division of the Justice Department during the Obama Administration had "built obstacles to [trust between minority groups and law enforcement] with its aggressive and punitive approach."<sup>8</sup>
- a. Please elaborate on what you meant by these comments. Do you still stand by these comments? If these comments were only offered as the position of the National Fraternal Order of Police, do you personally agree with these comments?

**RESPONSE: I believe that collaborative approaches are the best way to rebuild trust between communities and law enforcement, which is critical to combatting violent crime and keeping people safe. I support the critical policies and programs that this Administration has implemented to strengthen these relationships, such as through**

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<sup>8</sup> Letter from Chuck Canterbury, President, National Fraternal Order of Police to President Barack Obama (Jan. 6, 2014) (SJQ attachment 12(c) at p. 729).

**the Office of Community Oriented Policing Services, the Office of Justice Programs, and the Project Safe Neighborhoods initiative.**

4. In 2009, you wrote an op-ed in which you wrote: “There is a mistaken perception that the ugliness of racism is an intrinsic art of the culture of law enforcement – a perception we must correct . . . and there is no evidence that prejudice is a systemic problem in U.S. law enforcement.”<sup>9</sup> In 2018, you also called the claim that there is systemic racial bias in law enforcement a “false narrative.”<sup>10</sup>

According to a Brookings Institution study, African Americans and whites use drugs at similar rates, yet blacks are 3.6 times more likely to be arrested for selling drugs and 2.5 times more likely to be arrested for possessing drugs than their white peers.<sup>11</sup> Notably, the same study found that whites are actually *more likely* than blacks to sell drugs.<sup>12</sup> These shocking statistics are reflected in our nation’s prisons and jails. Blacks are five times more likely than whites to be incarcerated in state prisons.<sup>13</sup> In my home state of New Jersey, the disparity between blacks and whites in the state prison systems is greater than 10 to 1.<sup>14</sup>

- a. Do you still stand by your comments on prejudice and implicit racial bias in law enforcement? If these comments were only offered as the position of the National Fraternal Order of Police, do you personally agree with these comments?

**RESPONSE: As a career-law enforcement professional, I stand by my statements that racial bias is not an intrinsic part of law enforcement, and racial profiling is not a legitimate law enforcement practice. I have always said that there is no place for racism in policing and that bad actors must be held accountable. That said, it is important to recognize that these bad actors do not represent the large majority of sworn police officers who bravely protect our communities with honor and integrity.**

- b. Do you believe there is implicit racial bias in our criminal justice system?

**RESPONSE: I am not familiar with the Brookings Institution study you cite, and I have not studied the effect of implicit biases on society’s institutions and systems. If confirmed, I will work with my colleagues at ATF and with the Department of Justice to examine racial disparities and any ATF policies that may contribute to them.**

- c. Do you believe people of color are disproportionately represented in our nation’s jails and

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<sup>9</sup> Kenneth Canterbury, *Profiling “Does Not Happen”*, USA TODAY, July 30, 2009 (SJQ attachment 12(a) at p. 83).

<sup>10</sup> *Nike’s New Ad Campaign Divides Law Enforcement*, NPR ALL THINGS CONSIDERED (Sept. 8, 2018) <https://www.npr.org/2018/09/08/645913813/nikes-new-ad-campaign-divides-law-enforcement>.

<sup>11</sup> Jonathan Rothwell, *How the War on Drugs Damages Black Social Mobility*, BROOKINGS INST. (Sept. 30, 2014), <https://www.brookings.edu/blog/social-mobility-memos/2014/09/30/how-the-war-on-drugs-damages-black-social-mobility>.

<sup>12</sup> *Id.*

<sup>13</sup> Ashley Nellis, *The Color of Justice: Racial and Ethnic Disparity in State Prisons*, SENTENCING PROJECT (June 14, 2016), <http://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons>.

<sup>14</sup> *Id.*

prisons?

- i. What do you believe accounts for these disparities?

**RESPONSE:** Please see my response to Question 4b above.

- d. Prior to your nomination, have you ever studied the issue of implicit racial bias in our criminal justice system? Please list what books, articles, or reports you have reviewed on this topic.

**RESPONSE:** Please see my response to Question 4b above.

- e. Please cite the books, articles, or reports you relied on to support the assertions made regarding racism and law enforcement in the 2009 op-ed.

**RESPONSE:** The 2009 editorial piece that you reference was based upon my decades of personal experience as a law enforcement officer and my work with law enforcement agencies and officers across the country.

5. As Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), you would be one of our nation's top law enforcement officials. What will you do to ensure that implicit racial bias does not play a role in our criminal justice sentence?

**RESPONSE:** I will always support unbiased law enforcement practices, which strengthen trust in law enforcement and foster collaborative efforts between law enforcement and communities to fight crime and ensure public safety. That said, I recognize the importance of investing in our law enforcement officers through training. If confirmed, I will ensure that all agents receive appropriate training so that the men and women of ATF can continue carrying out the agency's important mission of fighting violent crime.

6. Just last year, you wrote that "The FOP also rejects the flawed premise that our Federal institutions are housing drug offenders for 'nonviolent' offenses. This is a pernicious myth. Drug trafficking is inherently violent."<sup>15</sup>

- a. Do you still stand by these comments?

**RESPONSE:** Throughout my decades of law enforcement experience, I have found that drug trafficking is often accompanied by other criminal activity, including violent criminal activity. I believe that drug trafficking is an inherently violent activity due to the volatile nature of the illicit drug market and the inherent risk that is created by competing with rival criminal organizations.

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<sup>15</sup> Letter from Chuck Canterbury, President, National Fraternal Order of Police to President Donald Trump (Feb. 15, 2018) (SJQ attachment 12(c) at p. 248).



- b. If these comments were only offered as the view of the National Fraternal Order of Police, do you personally agree with this analysis?

**RESPONSE: Please see my response to Question 6a above.**

- c. Why do you believe that *all* drug trafficking is inherently violent?

**RESPONSE: Please see my response to Question 6a above.**

7. According to a Pew Charitable Trusts fact sheet, in the 10 states with the largest declines in their incarceration rates, crime fell by an average of 14.4 percent.<sup>16</sup> In the 10 states that saw the largest increase in their incarceration rates, crime decreased by an average of 8.1 percent.<sup>17</sup>

- a. Do you believe there is a direct link between increases in a state's incarcerated population and decreased crime rates in that state? If you believe there is a direct link, please explain your views.
- b. Do you believe there is a direct link between decreases in a state's incarcerated population and decreased crime rates in that state? If you do not believe there is a direct link, please explain your views.

**RESPONSE: I have not studied this issue and do not know if there is a direct link between increases in a state's incarcerated population and decreased crime rates. Therefore, I have no basis on which to reach a conclusion on it.**

8. Do you believe it is an important goal for there to be demographic diversity among law enforcement personnel? If not, please explain your views.

**RESPONSE: Yes.**

9. Throughout your career, you have repeatedly advocated for increased usage of the death penalty. This includes support for the "Back the Blue Act,"<sup>18</sup> which would make murder and attempted murder of certain law enforcement officers a capital offense; "Eric's Law,"<sup>19</sup> which would allow a second jury to be impaneled for the sentencing phase for individuals convicted of murder of a federal law enforcement officer if the first jury deadlocked on whether to impose the death penalty; and advocating for the sentencing to death of individuals

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<sup>16</sup> Fact Sheet, *National Imprisonment and Crime Rates Continue To Fall*, PEW CHARITABLE TRUSTS (Dec. 29, 2016), <http://www.pewtrusts.org/en/research-and-analysis/fact-sheets/2016/12/national-imprisonment-and-crime-rates-continue-to-fall>.

<sup>17</sup> *Id.*

<sup>18</sup> Letter from Chuck Canterbury, President, National Fraternal Order of Police, to Congressman Ted Poe (Aug. 30, 2016) (SJQ attachment 12(c) at p. 504).

<sup>19</sup> Letter from Chuck Canterbury, President, National Fraternal Order of Police, to Senators Pat Toomey and John Cornyn (Feb. 20, 2018) (SJQ attachment 12(c) at p. 247).

such as Troy Davis.<sup>20</sup> Yet, in 1998, you stated that the death penalty “hasn’t proven to be a deterrent” to crime.<sup>21</sup>

- a. Do you still support the use of capital punishment, despite the fact that it “hasn’t proven to be a deterrent to crime?”

**RESPONSE: I believe in the enforcement of our nation’s laws as enacted by Congress, which has expressly authorized the death penalty through legislation adopted by both chambers of Congress and signed by the President. I support the use of capital punishment when a criminal has been convicted by a jury of his peers and sentenced to death, and after post-conviction remedies have been exhausted. Ensuring that convicted criminals serve their imposed sentences is imperative to bring justice to victims of the most horrific crimes.**

10. In 2007, you asked President George W. Bush to command the Department of Justice to conduct an inquiry into United States Attorney for the Western District of Texas Johnny Sutton for his decision to prosecute police officers accused of criminal misconduct.<sup>22</sup> One such officer, a sheriff’s deputy, shot and killed an undocumented immigrant.<sup>23</sup> At least two of the officers prosecuted by Sutton were convicted by juries.<sup>24</sup> You wrote that “If a United States Attorney is prosecuting U.S. law enforcement officers who defend themselves in life-threatening situations against Mexican nationals illegally present or conducting illegal activity within the borders of the United States—then we need to know about it.”<sup>25</sup>

- a. Do you believe that law enforcement officers should not be investigated – or prosecuted – for illegal conduct?

**RESPONSE: As a career law enforcement professional, I believe that every person should be held accountable for illegal conduct.**

- b. What bearing does an individual’s nationality have on a whether law enforcement officers are authorized to shoot and kill them?

**RESPONSE: None.**

- c. What bearing does an individual’s immigration status have on whether law enforcement

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<sup>20</sup> Kate Leslie & Craig Schneider, *Death Penalty*, ATLANTA JOURNAL AND CONSTITUTION, Sept. 17, 2011, at A1 (SJQ attachment 12(e) at p. 572).

<sup>21</sup> Elaine Gaston, *Does Right to Carry Gun Reduce Crime or Foster it? Question at Heart of Debate on Law*, MYRTLE BEACH SUN NEWS, Apr. 19, 1998, at 8A (SJQ attachment 12(e) at p. 968).

<sup>22</sup> Letter from Chuck Canterbury, President, National Fraternal Order of Police, to President George W. Bush (Mar. 16, 2007) (SJQ attachment 12(c) at p. 1316).

<sup>23</sup> See *id.*

<sup>24</sup> Louis Gilot, *Sentence Handed to Border Agents; Free Until Jan. 17*, EL PASO TIMES (Oct. 20 2006) [https://web.archive.org/web/20061102190758/http://dailybulletin.com/news/ci\\_4519632](https://web.archive.org/web/20061102190758/http://dailybulletin.com/news/ci_4519632).

<sup>25</sup> Letter from Chuck Canterbury, President, National Fraternal Order of Police, to President George W. Bush (Mar. 16, 2007) (SJQ attachment 12(c) at p. 1316).

officers are authorized to shoot and kill them?

**RESPONSE: None.**

- d. Should law enforcement officers be allowed to shoot any individual suspected of engaging in illegal activity?

**RESPONSE: No.**

11. During your hearing, you said that you are “not really familiar with the regulatory process.” When asked for clarification, you stated that you “don’t know the administrative process,” though you are “familiar with administrative procedure.”

- a. Shouldn’t the director of an administrative agency understand how that agency promulgates rules? Please explain why you are qualified to be the head of an administrative agency in spite of your lack of experience with administrative processes.

**RESPONSE: As a law enforcement professional with more than 40 years of experience as an officer, commander, and President of the Fraternal Order of Police, I understand both administrative procedures and the role of regulations in the administration of criminal laws. If confirmed, I will work with the subject matter experts at ATF and at the Department to obtain a robust understanding of the federal regulatory process to ensure decisions impacting ATF regulations are well-informed, well-vetted, consistent with the law, and promote public safety.**

- b. Please elaborate on your understanding of “administrative procedure,” and please explain how that differs from “the regulatory process” and the “administrative process.”

**RESPONSE: Please see my response to Question 11a above.**

12. In 2016 and 2017, you vehemently opposed the nomination of Debo Adebile to be Assistant Attorney General in charge of the Civil Rights Division at DOJ. You based your opposition to his nomination on his role in representing Mumia Abu-Jamal, who was convicted of murdering a law enforcement officer and subsequently sentenced to death. You wrote a letter to President Obama stating, “This nomination can be interpreted in only one way; it is a thumb in the eye of our nation’s law enforcement. It demonstrates a total lack of regard or empathy for those who strive to keep you and everyone else in our nation safe in your home and neighborhoods.”

- a. Do you believe that every criminal defendant has the right to an attorney?

**RESPONSE: I believe that the Fifth and Sixth Amendments, as drafted by our Founders and interpreted by the Supreme Court of the United States, enshrine the right of all criminal defendants to be represented by an attorney in criminal proceedings.**

- b. Do you believe the right to counsel, enshrined in the Sixth Amendment, should be qualified in any way based upon the alleged crime of the defendant?

**RESPONSE: No.**

- c. John Adams famously defended British soldiers who were on trial for killing his fellow Bostonians in 1770. His decision to do this was quite unpopular, however, in reflecting on that experience he said it was “one of the most gallant, generous, manly and disinterested actions of my whole life, and one of the best pieces of service I ever rendered my country.”
- i. Do you believe John Adams’ representation of the British soldiers was a “thumb in the eye” of his fellow Bostonians?
- ii. Do you believe John Adams’ representation of the British soldiers demonstrated “a total lack of regard or empathy for” those who were killed in the Boston Massacre?
- iii. How do you believe Debo Adegbile’s representation of Mumia Abu-Jamal differs from John Adams’ representation of the British soldiers in 1770?

**RESPONSE: I believe that all criminal defense lawyers serve a vital role in our nation’s criminal justice system. As President of the national Fraternal Order of Police, it was my responsibility to express the policy positions of the organization. The FOP’s membership decided Debo Adegbile’s prior professional experience, in the membership’s opinion, was incompatible with the role for which he was nominated, and thus FOP was unable to support his nomination.**

13. In 2013, you supported the nomination of B. Todd Jones to be Director of ATF. In support of his nomination, you wrote a letter that said that “we have denied ATF the proper resources and our nation and our children have paid the price.” Today, the Bureau is hindered by budgeting issues, policy riders restricting the use of trace data to investigate criminal use of guns, and laws restricting the ability of the agency to monitor guns lost and stolen from federal firearms dealers.

- a. Will you request an increase in funding in your budget requests if confirmed as Director of ATF?

**RESPONSE: As I am not currently at ATF, I am not in a position to provide specific information related to resources. If I am fortunate enough to be confirmed, I would welcome the opportunity to work with you if ATF identifies areas of additional need.**

- b. Will you support the repeal of policy riders that prevent the ATF from fully enforcing federal firearms laws?

**RESPONSE: Since I am not currently at ATF, I am not familiar with the specifics of the policy riders affecting ATF’s functions. If I am confirmed, I will evaluate the**

**impact of these policy riders on the agency's ability to carry out its mission.**

- i. For instance, would you support the repeal of a policy rider that would require firearms dealers to conduct inventories to determine if any guns are lost and stolen?

**RESPONSE: Please see response to 13b above.**

- ii. Would you support the repeal of a policy rider that would allow for the computerization of records of firearm dealers that have gone out of business?

**RESPONSE: Please see response to 13b above.**

- iii. Would you support the repeal of a policy rider that would allow the dissemination of data on the origins of firearms recovered at crime scenes to law enforcement?

**RESPONSE: Please see response to 13b above.**

14. If confirmed as Director of ATF, would you advocate for the passage of the Background Check Expansion Act?

**RESPONSE: I am not familiar with the details of this proposed legislation, but if confirmed, I will ensure that ATF is taking appropriate steps to enhance the efficacy of the background check system to help keep guns away from people who are legally prohibited from having them.**

15. When you were President of FOP, you opposed the Concealed Carry Reciprocity Act. If confirmed as Director of ATF, would you continue to oppose such legislation?

**RESPONSE: Since I am not currently with ATF, I would need to review the specifics of this proposed legislation as it relates to the functioning of the agency and its impact on public safety.**

**QUESTIONS FOR THE RECORD  
KENNETH CHARLES CANTERBURY, JR.  
NOMINEE TO BE DIRECTOR  
BUREAU OF ALCOHOL, TOBACCO, FIREARMS, & EXPLOSIVES**

**QUESTIONS FROM SENATOR HARRIS**

1. At your nominations hearing, Senator Hawley asked whether you supported the 1994 assault weapons ban. You responded that you did not personally support the 1994 ban on semi-automatic weapons. In response to questions from Senator Cruz, you also said that you would not support a federal assault weapons ban in the future.

Less than one week before your hearing, on July 28, 2019, a 19-year-old gunman killed four people and injured 13 others at the Gilroy Garlic Festival in Gilroy, California. The gunman opened fire with a WASR-10 semi-automatic rifle that he purchased legally in Fallon, Nevada three weeks before the festival. The sale and possession of semi-automatic rifles are banned in California, but legal in Nevada.

And since your nominations hearing, there have been two devastating mass shootings in El Paso, Texas, and Dayton, Ohio. In both shootings, the gunmen used semi-automatic weapons to carry out mass killings of civilians. In Dayton, the gunman used a semi-automatic firearm that allowed him to kill nine people in less than 30 seconds.

- a. In light of these events, do you retract your prior refusal to support a federal ban on assault weapons?

**RESPONSE: In assessing any gun-control measure, I would look at its impact on crime and also consider its legality under the Second Amendment.**

- b. Given the recent shooting in Gilroy, California, do you believe that states can effectively ban assault weapons without federal intervention?

**RESPONSE: Please see my response to Question 1a above.**

- c. If confirmed, will you commit to fully enforcing any assault weapons bans that are passed by Congress and enacted into law?

**RESPONSE: If confirmed, I will ensure that ATF enforces all federal laws within its statutorily defined jurisdiction.**

2. 17 states and the District of Columbia have enacted extreme risk protection order laws, which enable law enforcement and/or family members to identify people who pose a significant risk to themselves or others by possessing a gun and obtain a civil court order temporarily preventing the person from purchasing or possessing a gun.
  - a. Do you support state efforts to enact extreme risk protection laws?

**RESPONSE:** It is critical that we get an effective system in place that keeps firearms out of the hands of mentally ill people who pose a danger to themselves or others. A key part of any such system are laws that allow Extreme Risk Protection Orders that provide for appropriate due process to be obtained in appropriate circumstances. I am not familiar with the details of Senator Feinstein's Extreme Risk Protection Order Act of 2019, but if confirmed, I would be pleased to work with Congress regarding legislation that supports ATF's core mission of combatting violent crime.

- b. Do you support Senator Feinstein's Extreme Risk Protection Order Act of 2019?

**RESPONSE:** Please see my response to Question 2a above.

- c. Would you support efforts to create a federal extreme risk protection order statute?

**RESPONSE:** Please see my response to Question 2a above.

3. At your nominations hearing, you told Senator Leahy that you are not convinced that closing loopholes in the federal background check system would be helpful. In response to questions from Senator Cruz, you also said that you would not support background checks for individual firearm sales between people who are not dealers.

- a. To clarify your testimony, would you support background checks that extend to firearm sales at gun shows?

**RESPONSE:** As the President has stated, we have a strong background check system. Based on my many years of experience in law enforcement, I believe that increasing the accuracy and completeness of the records available to the NICS will be most effective in preventing firearm sales to prohibited persons. Ensuring that NICS has access to accurate and complete records will enhance the effectiveness of the system and reduce the number of instances where a prohibited person is able to obtain a firearm.

- b. To clarify your testimony, would you support background checks that extend to online firearm sales?

**RESPONSE:** As the President has stated, we have a strong background check system. Based on my many years of experience in law enforcement, I believe that increasing the accuracy and completeness of the records available to the NICS will be most effective in preventing firearm sales to prohibited persons. Ensuring that NICS has access to accurate and complete records will enhance the effectiveness of the system and reduce the number of instances where a prohibited person is able to obtain a firearm.

- c. If confirmed, will you commit to fully enforcing any laws that expand federal background checks in advance of firearm sales?

**RESPONSE: Yes, if I am confirmed, ATF will continue to enforce all laws passed by Congress.**

4. The 2008 and 2012 Fraternal Order of Police (FOP) presidential candidate questionnaires asked candidates about the Lautenberg Amendment, which prohibits gun possession or purchase by a person subject to a domestic violence restraining order or convicted of a misdemeanor crime of domestic violence. The questionnaires described this prohibitor as having “no demonstrable impact in the fight against domestic violence” and said that “because of liability concerns, good police officers are losing their job for minor offenses committed long before the bill passed.”

- a. Do you personally consider domestic violence a “minor offense”?

**RESPONSE: Domestic violence is an extremely serious problem, and if confirmed, I can assure you that ATF will continue to use all tools at its disposal to prevent firearms from falling into the hands of those who are prohibited from possessing them, including domestic abusers. ATF will continue to assign the highest priority to retrieving firearms from prohibited dangerous individuals.**

- b. Do you personally believe that firearm prohibitions on those who are subject to domestic violence restraining orders or have been convicted of a misdemeanor crime of domestic violence have “no demonstrable impact in the fight against domestic violence”?

**RESPONSE: Please see response to 4a above.**

- i. If yes, what data can you cite to support that position?

**RESPONSE: Please see response to 4a above.**

5. At your nominations hearing, Senator Hirono asked if you would support federal efforts to close the “boyfriend loophole.” You responded that you were under the impression that every person convicted of a domestic violence offense was already prohibited from purchasing firearms under federal law.

- a. Do you support efforts to extend current domestic violence prohibitions to dating partners, in addition to current and former spouses?

**RESPONSE: Domestic violence is an extremely serious problem, and if confirmed, I can assure you that ATF will continue to use all tools at its disposal to prevent firearms from falling into the hands of those who are prohibited from possessing them, including domestic abusers. ATF will enforce all laws passed by Congress.**



- b. To what extent does federal law prohibit people who have been convicted of stalking from purchasing firearms?

**RESPONSE: Federal law prohibits any person who has been convicted of a felony or a misdemeanor crime of domestic violence from receiving or possessing firearms. As those terms are defined, federal law would prohibit persons from purchasing firearms who have been convicted of felony stalking, or who have been convicted of misdemeanor stalking if the offense has the elements required to be a crime of domestic violence.**

- c. If confirmed, will you commit to fully enforcing laws that close or narrow purchasing loopholes based on prior domestic violence offenses?

**RESPONSE: If confirmed, I will ensure that ATF enforces all federal laws within its statutorily defined jurisdiction, including laws prohibiting the possession of firearms by domestic violence offenders.**

- d. Do you support reauthorization of the Violence Against Women Act, as passed by the House on April 4, 2019?

**RESPONSE: I am not familiar with all of the details of this legislation. If confirmed, I would welcome the opportunity to work with Congress, through the Office of Legislative Affairs, on this important issue.**

6. In testimony before a House Appropriations subcommittee, ATF's Acting Director Thomas Brandon testified that the agency cannot continue to do its job effectively at the funding levels that have been allocated in recent years.

- a. If confirmed, will you include additional resources for ATF in your budget requests?

**RESPONSE: As I am not currently at ATF, I am not in a position to provide specific information as to additional resources or personnel needed for ATF's operations. If confirmed, I would welcome the opportunity to work with you if ATF identifies areas of additional needs.**

- b. If confirmed, what organizational needs will you seek to address through your budget requests?

**RESPONSE: Please see my response to Question 6a above.**

- c. What specific departments and areas will you prioritize in your budget requests?

**RESPONSE: Please see my response to Question 6a above.**

7. At your nomination hearing, you told Senator Hawley that you are not familiar with the regulatory process of ATF.

- a. What is your understanding of the roles and responsibilities of ATF as compared to local law enforcement?

**RESPONSE: ATF administers and enforces federal statutes and regulations pertaining to firearms, explosives, arson, tobacco diversion, and alcohol diversion. ATF is a national law enforcement agency with limited, well-defined jurisdiction. Depending on its enabling authority, local law enforcement agencies generally enforce all state and municipal laws and ordinances involving criminal, traffic, and specifically designated regulatory matters. With some exceptions, local law enforcement authority is limited to specific geographic jurisdictions. ATF works closely with local law enforcement partners, focusing on reducing violent crime involving firearms, explosives, and arson. ATF and its local partners have a shared mission of serving and protecting the public.**

- b. If confirmed, would you consider using ATF's regulatory authority to enact new policy, such as the ban on bump stocks that came into effect in March 2019?

**RESPONSE: My understanding is that ATF's regulatory authority is limited by the statutes it administers. When ATF issues regulations pertaining to firearms, those regulations have a specific, limited purpose: to effectuate a specific provision of the underlying statute. If confirmed, I will faithfully administer and execute the laws passed by Congress.**