



NATIONAL FRATERNAL ORDER OF POLICE®

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PATRICK YOES
NATIONAL PRESIDENT

JIM PASCO
EXECUTIVE DIRECTOR

23 May 2024

The Honorable James D. Jordan
Chairman
Committee on the Judiciary
Select Subcommittee on the Weaponization
of the Federal Government
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Stacey E. Plaskett
Ranking Member
Committee on the Judiciary
Select Subcommittee on the Weaponization
of the Federal Government
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman and Representative Plaskett,

I am writing on behalf of the members of the Fraternal Order of Police to share our concerns with the unfair disparagement of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) and its agents at a hearing held by the Select Subcommittee on the Weaponization of the Federal Government. Your opening remarks, Mr. Chairman, were uncharacteristic of you, given your consistent and vocal support of law enforcement.

It is clear that Members of Congress have differences of opinion with this Administration's policies, and, through the power of the purse and its oversight authority, Congress can and does make those policy disagreements very clear. However, in our view, your opening remarks at the hearing appeared to be inconsistent with the record and the facts that are known today. As you may know, ATF agents do not conduct compliance investigations, they are conducted by a separate component within ATF. The role of the agents like those deployed to Little Rock in March of this year is to seek out those who would illegally participate in purchase schemes or use other illicit means to put firearms into the hands of ineligible persons or those who wish to conceal their identity or their firearms purchase for nefarious purposes.

At the hearing, you and other Members of the Select Subcommittee raised several valid questions, but there was no mention of due process. There was no recognition of the ongoing investigation by the Arkansas State Police, the local district attorney, or the ATF. The focus on the hearing was rightly on the policies that put those agents in Arkansas on that day, but agents do not set ATF policy and they are entitled to due process before there is any conclusion of potential misconduct. It should also be noted that officers and detectives from the Little Rock Police Department also participated in the execution of this warrant, and they are also entitled to due process. We also need to remember that these agents were serving a warrant at a home that was known to house a large number of firearms by an individual under investigation for willful violations of Federal firearms law who was purchasing and selling firearms—six of which were ultimately linked to crimes.

This incident had a tragic and fatal conclusion. Law enforcement agencies serving warrants have the protection of life as their foremost priority, but agents who come under fire are trained and authorized to respond with deadly force. Brian Malinowski's death is a tragedy and

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should not have happened, but before we start finding fault, we need the investigation to reach conclusions and learn from any mistakes that did occur. This is what due process requires.

We want to continue to work with you to find the correct and healthy balance between the overseers and the overseen. We must ensure that our mutual goals of protecting the safety of the public is not compromised or complicated by miscommunications or unhelpful characterizations of the brave men and women of the ATF who put their lives on the line to protect our country and enforce the laws written by this body.

On behalf of the more than 373,000 members of the Fraternal Order of Police, I would ask that this letter be included in the hearing record. We would also implore that you and the Select Subcommittee bear in mind the importance of due process. If I can provide any additional information on this matter, please do not hesitate to contact me or Executive Director Jim Pasco in our Washington, D.C. office.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Yoes", with a large, sweeping flourish extending to the right.

Patrick Yoes
National President

cc: Gary Wolske, President, Ohio State Lodge
Greg Toyegas, National Trustee, Ohio State Lodge
Michael Essig, President, New York State Lodge
Joseph Battaglia, National Trustee, New York State Lodge