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**THE SENATE
STATE OF ARKANSAS**

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TRANSPORTATION, TECHNOLOGY & LEGISLATIVE AFFAIRS
SENATE INTERIM COMMITTEE ON CHILDREN & YOUTH
LEGISLATIVE JOINT AUDITING

April 22, 2026

Honorable Donald J. Trump
President of the United States of America
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

RE: Request for DOJ Investigation into ATF Actions Resulting in the Death of Bryan Malinowski

Dear Mr. President:

As duly elected members of the Arkansas Legislature, we write to formally refer for investigation the March 19, 2024, actions of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) that resulted in the death of Arkansas resident Bryan Malinowski during the execution of a federal search warrant at his home in Little Rock.

This request is made pursuant to the Arkansas Legislature's constitutional responsibility to safeguard the lives and rights of Arkansas citizens and to exercise oversight where federal law enforcement actions within the state raise serious questions of legality, necessity, and accountability.

Summary of the Incident

On March 19, 2024, ATF executed a pre-dawn search warrant at the residence of Bryan and Maria Malinowski in Little Rock, Arkansas. Mr. Malinowski was the Executive Director of the Bill and Hillary Clinton National Airport and the highest paid municipal employee in the city, earning more than \$260,000 annually.

The ATF investigation concerned allegations that Mr. Malinowski occasionally sold firearms at weekend gun shows without a Federal Firearms License. He made no efforts to conceal his conduct. ATF's own search warrant affidavit documented only ten firearm sales associated with Mr. Malinowski, including sales to undercover ATF agents and firearms later recovered during unrelated law enforcement encounters. None of the firearms were used in violent criminal activity, and ATF possessed little or no evidence that Mr. Malinowski earned a profit from these transactions.

ATF was aware prior to the operation that Mr. Malinowski had no criminal history, no known propensity for violence, and no prior negative interactions with law enforcement.

Despite this, ATF executed the warrant using a pre-dawn dynamic entry. Agents knocked and announced on an exterior insulated glass storm door and initiated a forced entry only 28 seconds later, while the occupants were asleep in a rear bedroom of a large home. During the entry, agents deviated from their operational plan, including failing to lead with a ballistic shield marked "POLICE." Available recordings contain no audible police announcements after the forced entry began.

Awakened by the sound of the breach, Mr. Malinowski retrieved a handgun and encountered an armed silhouette entering his home. He fired toward the intruder's feet. An ATF agent immediately returned fire, striking Mr. Malinowski in the forehead and killing him. Mrs. Malinowski was standing only inches behind him.

Conflicting Post-Incident Narratives

Following the shooting, ATF publicly characterized Mr. Malinowski as a "significant gun trafficker" who knowingly fired on law enforcement officers. These public statements conflict with ATF's own search warrant affidavit and with statements made by agents to the Arkansas State Police indicating that they did not expect Mr. Malinowski to be dangerous and anticipated a routine warrant execution.

Subsequent testimony before the Arkansas Legislature by a law enforcement officer suggested that Mr. Malinowski intentionally chose to fire on officers performing lawful duties—an assertion that directly contradicts earlier statements and the factual record known prior to the raid.

These conflicting narratives have significantly undermined public confidence and demand independent review.

Issues of Serious Concern to the State of Arkansas

This incident raises numerous unresolved issues of grave concern to the State of Arkansas, including:

- **Threat Assessment:** ATF identified no exigent circumstances, no criminal history, and no credible risk of violence prior to deploying high risk tactics.
- **Choice of Tactics:** The use of a pre-dawn dynamic entry—normally reserved for dangerous suspects—appears irreconcilable with the known facts.
- **Execution Failures:** Agents deviated from the operations plan, failed to properly identify themselves, and failed to provide adequate notice to the occupants.
- **Alternative Enforcement Options:** Comparable cases involving suspected unlicensed firearm sales are frequently handled through warning or cease and desist letters rather than tactical raids.
- **Body Worn Camera Compliance:** Neither ATF nor Little Rock Police Department officers utilized body worn cameras during the operation, despite departmental policies absolutely requiring their use.
- **Potential Political Motivation:** Questions remain as to whether the timing and aggressiveness of the operation were influenced by the impending rollout of ATF's final rule redefining "engaged in the business" of selling firearms.

Inadequacy of Civil Litigation

A civil action has been filed on behalf of the Malinowski estate, but the federal government has moved to dismiss the case by invoking sovereign immunity, the absence of a Bivens remedy, and qualified immunity for individual agents. If successful, these defenses would foreclose a full judicial examination of the underlying facts.

Moreover, the cognizable issues that can be raised in that litigation are a mere subset of the universe of issues raised by this incident. We are concerned about much more than what happened at the front door of the Malinowski home two years ago. We need to know who is ultimately responsible for making those decisions. We need to know if this can happen again.

As a result, civil litigation is unlikely to provide comprehensive transparency or accountability, leaving an independent DOJ investigation as the only viable mechanism for establishing a complete factual record in a timely manner.

Formal Request

On behalf of the citizens of Arkansas, we respectfully request that the Department of Justice be directed to:

1. Initiate an independent investigation into ATF's motivation, planning, authorization, and execution of the March 19, 2024, search warrant;
2. Assess compliance with DOJ policies, constitutional standards, and accepted law enforcement practices;
3. Evaluate whether systemic failures in training, supervision, or oversight contributed to this incident; and
4. Publicly report findings sufficient to restore confidence in federal law enforcement accountability within the State of Arkansas.

The loss of an Arkansas citizen's life during the investigation of alleged regulatory violations demands nothing less.

Respectfully submitted,



Mark Johnson
State Senator
District 17



Alan Clark
State Senator
District 7



Justin Boyd
State Senator
District 27



Steve Crowell
State Senator
District 3



Ronald Caldwell
State Senator
District 10



Breanne Davis
Senate Majority Whip
District 25



Tyler Dees
Assistant Pro Tempore
District 35



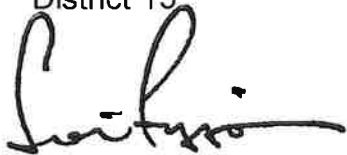
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State Senator
District 18



Jim Dotson
State Senator
District 34



Jane English
State Senator
District 13



Scott Flippo
State Senator
District 23



Ben Gilmore
State Senator
District 1



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District 16



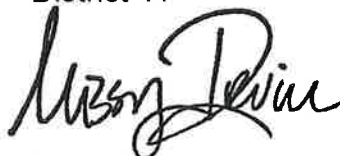
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President Pro Tempore
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District 4



Ricky Hill
State Senator
District 11



Missy Irvin
State Senator
District 24



Blake Johnson
Senate Majority Leader
District 21



Greg Leding
Senate Minority Leader
District 30



Matt McKee
State Senator
District 6



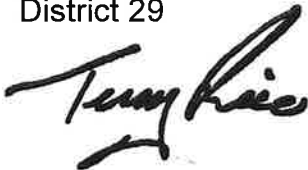
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District 22



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State Senator
District 31



Jim Petty
State Senator
District 29



Terry Rice
State Senator
District 5



Jamie Scott
State Senator
District 12



Brad C. Simon
State Senator
District 26



Matt Stone
Assistant Pro Tempore
District 2



Dan Sullivan
State Senator
District 20



Clarke Tucker
Assistant Pro Tempore
District 14



David Wallace
Assistant Pro Tempore
District 19

Senator Mark Johnson

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cc: The Honorable Todd Blanche
Acting Attorney General of the United States

The Honorable John Boozman
United States Senator

The Honorable Tom Cotton
United States Senator

The Honorable Rick Crawford
United States Representative

The Honorable French Hill
United States Representative

The Honorable Steve Womack
United States Representative

The Honorable Bruce Westerman
United States Representative