



A Coalition of Law Firms Jointly Representing Clients of the Lewiston, Maine Shootings

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Senator Susan Collins
413 Dirksen Senate Office Building
Washington, DC 20512

Senator Angus King
133 Hart Senate Office Building
Washington, DC 20512

Representative Chellie Pingree
2354 Rayburn House Office Building
Washington, DC 20512

Representative Jared Golden
1710 Longworth House Building
Washington, DC 20512

Dear Members of the Maine Congressional Delegation:

Thank you, once again, for taking the time to meet with the families of the victims of the October 25 mass shooting who traveled to Washington, D.C. last week. In addition to sharing their stories, the families asked for your assistance in requesting that the U.S. Army Inspector General or Department of Defense Inspector General immediately commence an objective investigation into the facts and circumstances that led to the October 25 mass shooting.

On December 8, 2023, the day following our meeting, you sent a letter to Army Inspector General, Lieutenant General Donna W. Martin, requesting that the Army commence such an objective investigation. On behalf of those families with whom you met on December 7, and all victims of the October 25 mass shooting, we want to thank you for sending this excellent letter so promptly following our meetings.

Nearly seven weeks have passed since the mass shooting in Lewiston and the Inspector General has not opened an investigation. In contrast, following the mass shooting in Sutherland Springs, Texas on November 5, 2017, where a former Air Force member killed 26 people and injured more than 22 others, the Secretary of Defense immediately requested the Inspector General for the

Department of Defense to investigate. On November 9, 2017, just 4 days after the shooting, the Inspector General for the Department of Defense announced it was opening an investigation. The families would like this investigation to be opened as soon as possible to ensure objectivity, transparency, and to ensure that critical information is not lost.

During some of the meetings, questions arose concerning the focus and scope of an IG investigation. Without any intent to limit the scope of such an investigation, we offered to provide you with a list of some specific questions that have been generated by information that has been publicly reported to date. We hope this list may be of assistance if the IG seeks additional direction or clarification from you regarding the scope of the investigation.

Unanswered Questions Generated by Publicly Reported Information

1. In mid-July 2023, Robert Card was on a training trip with his Army reserve unit at Camp Smith, near Peekskill, New York. After a violent confrontation with a fellow reservist and other erratic and concerning behaviors, Card's reserve unit brought him to the Keller Army Community Hospital, which then transferred him to a private psychiatric hospital in Westchester, NY (Four Winds Psychiatric Hospital) where he remained admitted for 14 days.
 - a. **Was Card brought for mental health evaluation and treatment by his reserve unit, and if so, under military regulations would such referral for mental health evaluation be considered a military order? See DOD Instruction 6490.04 (noting that "a command directed mental health evaluation (MHE) has the same status as any other military order").**
 - b. **Who in the Army Reserve chain of command received the warnings about Card's mental health issues, his threats to other Army reservists, his threats of violence, and who in the Army reserve chain of command made the decision and issued the Order(s) to have Card evaluated for his mental health and ultimately sent to a mental health hospital?**
 - c. **Did the Army perform an "Integrated Disability Evaluation System (IDES)" of Card? Or was any other kind of process, review, or evaluation performed by the Army of Card's mental health or suitability for service to determine his fitness to serve? (IDES is a joint DoD and VA disability evaluation process. Under this system, VA helps DoD determine if wounded, ill, or injured Service members are fit for continued Military service and provide disability benefits to Service members and Veterans, if appropriate).**

- d. **What specific New York statute or regulation provided the basis for Card's evaluation at the Army hospital and transfer and admission for fourteen days to the psychiatric hospital? (New York Mental Hygiene Law § 9.57 authorizes emergency room physicians to admit or transfer patients for immediate observation, care and treatment; § 9.39 permits emergency admissions of up to fifteen days to a psychiatric hospital for immediate observation, care, and treatment).**
- e. **Based upon the circumstances and legal basis of Card's hospitalization, transfer, and admission, was Card's admission a "commitment" for the purposes of the Gun Control Act of 1968? See 18 U.S.C. § 922(g) prohibiting the possession or purchase of firearms by anyone who has been "committed to a mental institution."**
- f. **If Card's admission to the psychiatric hospital was a "commitment," what responsibility did the Army have to report this commitment to any of the source databases used to track individuals who are "committed to mental institutions" for the purposes of enforcing the provisions of the Gun Control Act and the Brady Handgun Violence Prevention Act of 1993, 34 U.S.C. § 40901? And if so, did they report this history to the FBI?**
- g. **Overall, what is the rate of compliance within the Army of reporting those committed to mental institutions to these source databases?**
- h. **What policies and procedures does the Army Reserve have to ensure that individuals prohibited from possessing weapons by 18 U.S.C. § 922(g) do not have access to personal firearms and ammunition, and were these policies and procedures followed with respect to Card?**
- i. **Did any commanding officer and/or medical professional have reasonable grounds to believe Card was at risk for suicide or causing harm to others prior to October 25, 2023, and what information was collected about Card's privately owned firearms, ammunition, and other weapons pursuant to U.S. Army Reserve Commanding General Policy #20-14 Care of U.S. Army Reserve (USAR) Soldiers with Suicidal Ideations?**
- j. **Was a Command Directed Behavioral Health Evaluation performed with respect to Card at any point prior to October 25, 2023, and if so, what DA Form 3822s were generated and what were the recommendations on reduced access to weapons, restriction from access to military weapons, and encouragement to use gun**

locks, gun safes, and storage of personal weapons with the unit or other trusted sources?

- k. When and from what source did Card purchase the firearms used in his attack?**
- 2. After Card's psychiatric hospital admission in July, the Army determined Card was non-deployable and directed that while on military duty he be stripped of any weapons, ammunition, or participate in any live-fire activity.**
 - a. What were the circumstances that resulted in the determination that Card was non-deployable?**
 - b. Who in the Army chain of command made this determination?**
 - c. Given that the Army perceived Card to be a threat to himself and others on the military base, what obligations did the Army have to protect the community when he stepped off the military base?**
 - d. What policies, procedures, and regulations does the Army have that address situations when its members display overt warning signs of mental health issues and/or threaten violence against other members of the military, the community, or self-harm? If so, were such policies, procedures, and regulations followed with respect to Card?**
 - e. The U.S. Army Reserve Command's Surgeon Office and USARC medical management made multiple attempts to contact Card in the months following the events at Card's annual training in New York. What authority did the Army Reserve have over Card to compel his attendance at medical appointments, and was this authority exercised at any time following his medical discharge from New York?**
- 3. In September 2023, Card's reserve unit became aware that Card had physically assaulted a fellow service member, he was "hearing voices," he remained in possession of his weapons, and he had threatened to commit a mass shooting.**
 - a. Was Card's reserve unit required to initiate a referral for a mental health evaluation? (DOD Instruction 6490 states that "A commander or supervisor will refer a Service member for an emergency MHE as soon as is practicable whenever . . . [a] Service member, by actions or words, such as actual, attempted, or threatened violence, intends or is likely to cause serious injury to him or herself or others.")**

- b. **Why was there no command-directed referral for mental health evaluation in September 2023?**
 - c. **What is the process in place that the Army employs when performing a referral for a mental health evaluation under DOD Instruction 6490 or any other applicable instruction, manual, policy or procedure?**
 - d. **Overall, what is the rate of compliance within the Army of referring service members for emergency mental health evaluations when such service members are known to present a risk of serious injury to themselves or others?**
- 4. Card did not report to battle assembly in September or October of 2023.
 - a. **In light of the events of the preceding months, why was no command-directed referral for mental health evaluation following his failure to report for battle assembly in September and/or October 2023?**

We appreciate your continued efforts to push for an independent, objective, and transparent investigation into this tragedy. Please let us know if you have any questions or if there is anything further we can do to assist you.

Sincerely,



Travis M. Brennan
Benjamin Gideon