

United States Senate

WASHINGTON, DC 20510

November 2, 2023

Lieutenant General Donna W. Martin
Inspector General
U.S. Department of the Army
1700 Army Pentagon, 3E588
Washington, D.C. 20310

Dear General Martin:

We write regarding the horrific mass shooting that occurred in Lewiston, Maine, on October 25, 2023. As we continue to grieve the needless loss of life that day, we must work to fully understand what happened—and what could have been done differently that might have prevented this tragedy—on the local, state, and federal levels.

The killer, Robert Card, was a Sergeant First Class in the U.S. Army Reserves, and press reports corroborated by the Army indicate that he exhibited troubling behaviors prior to the October 25 tragedy.¹ Mr. Card exhibited these behaviors over a period of months, including while training with his Army Reserve unit at Camp Smith in New York.² Indeed, Mr. Card was evaluated by Army health care clinicians who determined that he needed treatment, and Army personnel were aware that he had threatened to “shoot up” the Army facility located in Saco, Maine.³ Moreover, the Army “directed that while on military duty he should not have a weapon, handle ammunition or participate in live-fire activity.”⁴ This directive occurred more than two months before Mr. Card committed the largest mass shooting in Maine’s modern history.⁵

Despite these warning signs, and others, there was no apparent attempt to trigger the crisis intervention laws in New York (where Mr. Card was training and hospitalized) or Maine (where Mr. Card resided). These laws establish procedures to temporarily remove firearms from the possession of individuals who are a danger to themselves or others.

¹ See S. Loftus & V. Royzman, *Army barred Robert Card from handling guns 2 months before Lewiston mass shooting*, Bangor Daily News (Oct. 31, 2023), <https://tinyurl.com/pps32yv5>; U.S. Department of the Army, *SFC Robert Card – Updated Release* (Nov. 1, 2023) (enclosed).

² See S. Pezenik, et al., *Alleged Maine gunman displayed glaring mental health signals, threatening and violent behavior, in months leading up to shooting*, ABC News (Oct. 31, 2023), <https://tinyurl.com/hdwarfs2>; U.S. Department of the Army, *supra* note 1.

³ See Pezenik, *supra* note 2; U.S. Department of the Army, *supra* note 1.

⁴ U.S. Department of the Army, *supra* note 1.

⁵ *Id.*

Governor Janet Mills has announced the creation of an independent commission to evaluate “the facts of what happened on that tragic night, of the months that led up to it, and of the police response to it.”⁶ We fully support that effort. It is also important that we understand what occurred, or failed to occur, at the federal level, including within the Department of the Army.

As Congress exercises its oversight responsibilities and considers potential legislation, we request that your Office conduct a comprehensive review of the facts and events leading up to the Lewiston shooting to answer, at a minimum, the following questions:

1. What concerns were raised by (or to) Army personnel regarding Mr. Card, including with regard to his mental health? When were those concerns raised, and what actions were taken in response?
2. Were all existing Army regulations, policies, and procedures followed with regard to Mr. Card?
3. Under what circumstances does the Army report its personnel to the National Instant Criminal Background Check System (NICS)?
4. Under what circumstances would the Army seek to invoke a state’s crisis intervention laws to temporarily remove firearms from the possession of a soldier who is a danger to themselves or others? Were any attempts to invoke such laws made with regard to Mr. Card?
5. Is there anything that Army personnel should (or could) have done consistent with existing law to prevent the events of October 25, 2023?
6. Are there any existing laws, regulations, policies, or procedures that prevented the Army from alerting or communicating with any judicial, law enforcement, healthcare, or other entities that could have taken action to prevent the mass shooting on October 25, 2023?
7. What reforms or actions, if any, is the Army undertaking in response to the events of October 25, 2023? What actions does your Office believe the Army should take?

To the extent necessary, we urge you to coordinate your review with any other entities that may have relevant information.

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⁶ Office of Governor Janet T. Mills, *Governor Mills Announces Intent to Establish Independent Commission to Determine Facts Surrounding Lewiston Tragedy* (Nov. 1, 2023), <https://tinyurl.com/26em8bzp>.

Lieutenant General Donna W. Martin

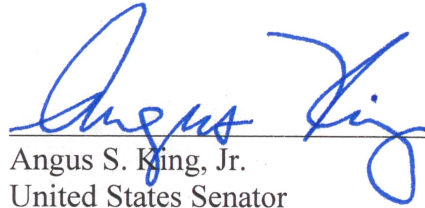
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Nothing we can do will bring back the lives lost in this tragedy, but we can work together to help prevent future shootings. Thank you for your attention, and we ask that you begin your work on this matter expeditiously.

Sincerely,



Susan M. Collins
United States Senator



Angus S. King, Jr.
United States Senator

Enclosure

CC: The Honorable Lloyd J. Austin III, Secretary of Defense
The Honorable Christine E. Wormuth, Secretary of the Army
The Honorable Robert P. Storch, Inspector General of the U.S. Department of Defense

SFC Robert Card – Updated Release (1 NOV)

General:

Robert Card II, a 40-year-old sergeant first class (SFC) in the Army Reserve, is suspected of carrying out mass shootings in Lewiston, Maine, killing 18 people inside a bowling alley and a bar. After a two-day manhunt, SFC Card was found deceased on October 27 with an apparent self-inflicted gunshot wound. The Army Reserve is currently conducting internal administrative investigations into SFC Card's death and the preceding events.

SFC Card was a Petroleum Supply Specialist in the Army Reserve, enlisting in December 2002. He has no combat deployments. His awards include the Army Achievement Medal, Army Reserve Component Achievement Medal x2, Humanitarian Service Medal, National Defense Service Medal and Army Service Ribbon.

Unit:

SFC Card was assigned to the 3rd Battalion, 304th Infantry Regiment in Saco, Maine. There are approximately 70 Soldiers assigned to this unit. The 3-304 Battalion's main mission is to provide education and training to the U.S. Army's future officers. Unit personnel have no specific training requirements for assignment to this unit outside duty military occupational specialty (enlisted personnel) or branch qualifications (officers) and other professional military education for career advancement.

While his unit supported West Point summer training in July of 2023, there are no records to indicate he instructed or participated in any training. The Army did not train SFC Card as a firearms instructor, nor did he serve in that capacity for the Army.

Abbreviated Timeline:

- July 15, 2023: SFC Card traveled with his Army Reserve unit, the 3rd Battalion, 304th Infantry Regiment, to Camp Smith, New York, for their annual training. Shortly after their arrival and out of an abundance of caution, unit leadership directed and transported Card to a military medical treatment facility (Keller Army Community Hospital) at West Point in New York after SFC Card displayed erratic behavior.
- July 17, 2023: Unit leadership had knowledge that Card was at Four Winds Hospital in New York, a civilian sector hospital, not under the Army or Defense Health Agency (DHA). While his unit supported West Point summer training, there are no records to indicate that Card instructed or participated in any training.
- August 3, 2023: SFC Card returned to his home of record in Maine following discharge from Four Winds. The Army directed that while on military duty he should not have a weapon, handle ammunition or participate in live-fire activity.

SFC Robert Card – Updated Release (1 NOV)

The Army also declared him to be non-deployable. His company commander was notified of the restrictions.

- SFC Card did not report to battle assembly in September or October of 2023, reporting to his unit that he had work conflicts and was unable to attend. While SFC Card was eligible to retire as of March 2023 and received his 20-year letter, the Army has no records from Card requesting his retirement from service. Given that the Army Reserve was aware of Card's actions at West Point, they remained committed to providing care and support to him. 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 SFC Card's annual training.
- September 15, 2023: At the request of Card's unit after they became concerned for his well-being, the Sagadahoc County Sheriff's Office conducted a health and welfare check.

National Instant Criminal Background Check System (NICS) Requirements:

The Army is unaware of any actions that meet the requirements identified in Section 922 requiring reporting on SFC Card's actions prior to the shooting to the NICS database, such as court or committee-ordered institutionalization. 18 USC Section 922 prohibits certain individuals from possessing, purchasing, and transferring personal firearms and ammunition. Soldiers with qualifying prohibitors are entered into the NICS database. The NICS database is a federal law enforcement database that facilitates required background checks prior to the purchase of firearms by a Federal Firearms Licensed dealer.

18 USC Section 922 provides several situations that warrant reporting to NICS and that prohibit certain individuals from possessing, purchasing, and transferring personal firearms and ammunition. Generally, these include: indictment or conviction for a felony offense, unlawful use of controlled substances, dishonorable discharge from the Armed Forces, certain circumstances involving domestic violence, individuals who are found lacking mental responsibility or capacity to stand trial, or individuals committed to a mental institution by a lawful authority.

Administrative Separation & Mental Health Treatment:

At the time of his death, SFC Card was not facing an administrative separation.

AR 635-200 outlines the Army's medical fitness standards for accession and retention and includes behavioral health standards. If a condition is sufficiently serious, the Soldier may be entered into the Integrated Disability Evaluation System (IDES) to determine continued fitness for duty. In-patient hospitalization is not an immediate determinant for separation. Throughout the IDES process, Soldiers are afforded access to necessary medical and mental health treatment and support. The DHA and Army at-risk policies include a mandatory BH profile, to include no weapons/no ammo, for at

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least 30 days post-hospitalization. Based on clinical assessment the profile is either withdrawn or extended after those 30 days. The ability to deploy (which inherently includes carrying weapons) is included in all BH assessments for fitness. Mental health hospitalization and/or treatment is not an immediate disqualifier for service.

It is the responsibility of the DoD to ensure that policy and procedures are implemented in a manner that removes the stigma associated with service members seeking and receiving mental health services. The use of mental health services is considered, whenever possible, to be comparable to the use of other medical and health services. This extends to policy directed at ensuring fitness for duty, returning injured or ill service members to full duty status after appropriate treatment, and managing medical conditions that may endanger the service member, others or mission accomplishment.

Authority of Reserve Commanders and Soldiers:

Army Reserve commanders have authority over their non-deployed Soldiers only when they attend mandated training activities, following the guidelines under Title 10 of the U.S. Code. Mandated training includes scheduled weekend events, including battle assembly (weekend duty where Soldiers train with their units), annual training events (the standard two weeks for exercises or other specific missions) and other military requirements (medical appointments, schools, and Soldier readiness requirements).

Army Reserve Soldiers are not authorized access to military weapons unless they are conducting unit-level, mandatory weapons training, or authorized duty. As such, Card did not have any access to Army-issued weapons.