



# Tragedy in Lewiston

## Analysis and reaction from the Sportsman's Alliance of Maine Institute for Legislative Action (SAM-ILA)

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### PART 1 – PREQUEL TO LEWISTON

*So many warning signals, so many unanswered questions*

## The Lewiston Tragedy and the Fallout for Maine Gun Owners and Our Future Security

*by David Trahan, SAM-ILA Executive Director*

### Introduction

As a Mainer, a law-abiding citizen, and compassionate human, I know I speak for my Board and members when I say how sorry and sad we are for those killed and wounded during the recent tragic shooting in Lewiston. To their families and loved ones, we send our sincere condolences and hope that this sad day will not be forgotten and that in the aftermath of this horrific event, positive changes will be made that will prevent such tragedies in the future.

Our organization will use all its resources and political influence to examine what happened at the New York military instillation, in the New York mental health hospital, as well as the New York and Sagadahoc County Sheriff's offices to determine where the public safety system or human judgement failed. On initial review, it appears the failures were many and obvious.

In this special edition, we will share police reports, press coverage, Legislative history of gun laws and any other educational materials that may help SAM members and the public become better informed.

Just a day after the tragedy in Lewiston, without any facts or details to determine a path of corrective action, gun control advocates seized on the day to push gun control proposals that had nothing to do with this tragic shooting, nor would have prevented it. That is simply political exploitation.

Some in the press aided this premature rush to judgement and focused on Maine's so-called Yellow Flag law as having failed. In truth, it was never used; nor were another

half dozen laws which could have been employed at the State and Federal levels to prevent this tragedy. Sadly, gun control advocates just could not let the facts stand in the way of their greater agenda!

As a result of this race to demonize firearms, the debate became one-dimensional and ignored glaring missteps or poor judgement by members of the military and

police officers in Maine.

After you read this piece, we have no doubt you will come to the same conclusion we did: our public safety system failed, from the military, in New York state, and then in Maine, which allowed a seriously disturbed individual to kill 18 innocent people and wound another 13.

### Lewiston Shooting Fallout: Is it a Gun Control Crisis or a Colossal Failure of our Public Safety Systems?

*Two Sagadahoc Sheriff's Incident Reports tell the story of Robert Card's escalating danger to the public and how the military, police, and our public safety systems responded.*

In the wake of the tragic shooting in Lewiston that took the lives of 18 and wounded 13 more, two debates are emerging. One from gun control activists that promotes a "so-called" assault weapons ban, expands background checks to private sales and transfers, limits magazine capacity, creates a 72-hour waiting period to purchase a firearm, and repeals Maine's Extreme Risk Protection Order process, the so-called "Yellow Flag" law.

The second debate is being driven by the Sportsman's Alliance of Maine, Institute for Legislative Action, Governor Mills, and Senator Collins to first evaluate all the facts surrounding this tragedy and any possible failures in the system. Then, based on the findings, recommend changes that could prevent another Lewiston type shooting.

To that end, just days after the shooting, SAM staff reviewed two police reports

from the Sagadahoc Sheriff's Department which revealed that months prior to the shooting, Robert Card had been losing his grip on reality and was growing more agitated and threatening violence. This escalation in behavior occurred for nearly a year and was noticed by his family, multiple police jurisdictions and several government agencies.

The reports showed his family and fellow soldiers raising the alarm, and for all intents and purposes revealed Robert Card was on a path to violence. The following timeline is taken from the two police reports referenced above. We have not included the names of officers or family members as there is an on-going investigation and such information does not add value to this report.

**Timeline - Police Incident Report 1 - Six Months Prior to the Lewiston Shooting**

On May 3, 2023, a Citizen Assist complaint, originating from a local public school address, was logged with the Sagadahoc County Sheriff's Office.

The first line of the narrative advises patrol: "USE CAUTION IF RESPONDING TO 1007 WEST ROAD-ROBERT CARD'S RESIDENCE-PARANOID BEHAVIOR AND HAS 10-15 FIREARMS IN HOUSE AND/OR TRUCK. ANSWERED THE DOOR WITH A GUN ON 5/4/23 WHEN FAMILY VISITED."

The officer's report details family members' concerns that Mr. Card is "starting to experience paranoia." They emphasized his "deteriorating mental health" and stressed they would like to remain anonymous. In the report, we learn the officer and family members agree to involve Card's Army Reserve command for assistance in getting Card help. The officer talked with members of the Army Reserve Center in Saco who expressed "considerable concern for Robert." The report states, "It sounded like they may be aware of his recent mental health decline." Ironically, some of these same reservists are police officers.

The report stated (this may be important later), "Robert is currently an Army Reservist assigned to a training unit in Saco and

...it has come to the Guard's attention that Card is having psychotic episodes where he is hearing voices that are insulting him, calling him a pedophile." "Card is also making threats to shoot up the Saco National Guard facility.

has historically instructed soldiers on the use of hand grenades."

The report alleges Card engaged in "heavy drinking" and "angry rants about having to shoot someone." An interesting twist offered by a family member then becomes part of the report with this statement, "all of Robert's paranoia/anger started around the same time he got hearing aids (for the first time) in February."

The reporting officer says, "I thought this was an odd coincidence and did some on-line research. I found that hearing loss-induced mental illness is a documented condition that can project itself in paranoid behavior." The officer reveals he shared this hearing aid/behavior theory with the military. A family friend and nurse believe "there is also a connection between the loss of hearing/mental health illness."

The first police report in May is the equivalent of the "canary in the coal mine"

and leaves a path of unanswered questions hanging in the air. In the report, three people referred to Card's loss of hearing corresponding with Mr. Card's paranoid behavior and all three witnesses reached the same conclusion—that it was connected. If they all concurred it could be the cause of Card's paranoia, did anyone (military or police) follow up?

How did this report not send up a warning flag with the military, and is there a process to do so? Why wasn't Mr. Card flagged at the time and prevented from participating in Reserve training that involved firearms, ammunition, and grenade training in July of the same year and just a few months after this May report?

**Timeline - Police Report 2, 9/15/23 - Welfare check requested by Maine National Guard, five weeks before the Lewiston shooting**

The first sentence from the police narrative: "I received a complaint from the Maine National Guard asking me to perform a welfare check on Robert Card." It goes on, "As of recent, it has come to the Guard's attention that Card is having psychotic episodes where he is hearing voices that are insulting him, calling him a pedophile." "Card is also making threats to shoot up the Saco National Guard facility. He had been committed (to a mental facility in New York) over the summer for a couple of weeks due to his altered mental state but has since been released."

**Time Out!** Making a credible threat against a military facility is a felony. This accusation and other contributing factors established Probable Cause that a crime may have been committed and another may be imminent. Why was this complaint only a welfare check, not a warrant for his arrest, with a search warrant?

The responding deputy police officer reports going to Card's residence, finding no one home, handing off the complaint to the evening shift and then cutting and pasting a letter. Excerpts from this letter appear below.

"Card is one of my senior firearm instructors in Bravo Company in Saco. Card has been hearing voices calling him a pedophile and other insults. This hearing voices started in the spring and is only getting

**Three of Four in Maine's Congressional Delegation Now Support Some Version of a Ban on Semi-Automatic Firearms.**

Just after the Lewiston shooting, two of Maine's Congressional delegation changed their position on a "so-called" assault weapons ban. Senator Angus King, (I-Maine) who once wrote the best position paper we have seen on the reasons not to ban certain semi-automatic firearms, flipped his position and helped to introduce one of the most expansive semi-automatic bans in U.S history (the so-called "GOSAFE" bill).

Congressman Jared Golden, (D-Maine) who also took a strong position in opposition to such a ban in the past flipped his position to supporting a ban within hours of the Lewiston shooting. What is not clear though, is whether he supports Senator King's legislation. Initial reports are, he has very serious concerns with King's legislation. We will clarify Congressmen Golden's position before the next election.

Congresswoman Chellie Pingree, (D-Maine) has voted for and continues to make strong statements in support of all sorts of gun control measures.

Senator Susan Collins has opposed such a ban in the very recent past and has not made a new statement recently.

We are very disappointed with Senator King and Congressman Golden for changing their positions without first learning the facts of the shooting and whether such a ban would have made a difference.

worse.” It goes on, “On July 15, 2023, while at West Point, Card was hanging out with several other soldiers at the hotel they were staying. In the parking lot, Card accused three of them of calling him a pedophile.” A shoving match ensued. When things calmed down Card said, “he would take care of it.” When pressed by officers/reservists what he meant by that statement, he would not answer. Card went on to lock himself in his hotel room and refused to answer. The next morning his fellow soldiers got a key to his room and opened the door. After another scrap, officers/reservists decided to call their commander and it was decided to take him to a mental health facility. He spent 14 days in that hospital.

It went on, “To my knowledge he has not sought any more treatment since being released.”

**Time Out!** We know very little about what happened that led to Card being committed to this facility. Was he forced into care, or did he voluntarily submit for evaluation? What were the diagnoses and treatment he received? Was he medicated, and what follow-up treatment was recommended? Did they explore his loss of hearing as the source of his altered mental status? Was his right to own and purchase firearms altered? What were the conditions of his release?

**Back to the deputy’s report and excerpted letter - Just before entering the Mental Health Facility in July 2023**

What comes next is disturbing. “Night before last, at approximately 02:30, another soldier who is friends with Card called to tell me that Card had assaulted him. They were driving home from the Casino when Card started talking about people calling him a pedophile.” When told to “knock it off,” he was going to get into trouble “talking about shooting up places,” Card punched him. Card’s friend got out of the car and made his own way home. Card also said to his friend,

“[he] has guns and is going to shoot up the drill center at Saco” and other places. He also said he was going to “get them.”

This next line in the report is also very important. The man Card assaulted says that Card said, “I was the reason he can’t buy guns anymore because of the commitment.”

**Time Out!** In this report, Card pushes a police officer and threatens to shoot people. The night before that incident, he assaults a friend by punching him and then makes an alleged felony threat against a military facility. He does this in front of Army reservists (who happen to be police officers in civilian life) with the knowledge of the military. Why didn’t they charge him with assault and/or criminal threatening? Either of the two could have been prohibiting offenses and diffused the mass shooting threat. That means his right to purchase and possess firearms would have been taken away.

**Conflict!**

*On October 30th, 2023, the Press Herald ran a story titled, “Police identify 2 AR-style rifles, handgun as weapons linked to Lewiston mass shooting.” In the story Matt O’Shaughnessy, public information officer at the Boston Office of the Bureau of Alcohol Tobacco and Firearms, says, “Card likely passed the background check to make other firearm purchases prior to when he was evaluated at the mental health facility.” This statement does not explain what happened before, during, and after Card was in the hospital. If Card was evaluated and found to be a danger to himself or others, it is almost always a condition of release that they relinquish their firearms, at least temporarily. New York has a traditional “Red Flag Law,” and mental health workers are mandated to initiate a “Red Flag” order in these cases. Did the military warn New York police about Card’s threats, and if so, why wasn’t he Red-Flagged in New York? How did he get to keep his guns?*

**Sagadahoc sheriff deputies had what they believed to be a very dangerous, unstable man inside his trailer. He had assaulted a fellow reservist and threatened to shoot up a military facility. Why didn’t they seek a warrant for his arrest, and a search warrant?**

Finally, the report continues, “On 9/16/23 at about 08:45 hours I went and checked to see if Card’s vehicle was in his yard on West Road. It was there. Upon making this observation I opted to have another unit back me up.” It went on, “Deputy arrived about 45 minutes later and we attempted contact with Card, without success. Card could be heard moving around inside the trailer but would not answer the door. Due to being in a disadvantageous position we decided to back away.”

The remainder of the September 15 deputy’s report is about trying to get his guns through family. That obviously did not work.

Sagadahoc sheriff deputies had what they believed to be a very dangerous, unstable man inside his trailer. He had assaulted a fellow reservist and threatened to shoot up a military facility. Why didn’t they seek a warrant for his arrest, and a search warrant?

The deputy at his trailer was so concerned for his safety, he called for backup and when Card did not answer, they felt they were in a “disadvantageous position.” So, they left.

**Time Out!** This makes no sense! If these deputies were concerned for their own security, wouldn’t they also be afraid for the public’s safety, Card’s family, and the threatened facilities? What did they do to protect the public? What happened in the preceding month and a half leading up to the Lewiston shooting to address complaints that Card’s mental health was deteriorating, and that he was becoming more violent? What triggered Card to follow through on his threats?

**SPORTSMAN’S ALLIANCE OF MAINE – INSTITUTE FOR LEGISLATIVE ACTION – “SAM-ILA”**

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## What SAM-ILA Is Doing to Answer These Very Important Questions

First, after reviewing these two Sagadahoc County Sheriff's Reports and because of the concerns expressed, we have reached out to Senator Collins and requested two separate actions be taken immediately. First, an independent federal inspector general investigation into the circumstances surrounding the military's handling of Robert Card. Senator Collins was joined by Senator King and together they drafted a letter asking for the investigation.

Second, we asked Senator Collins to introduce federal legislation requiring mandatory reporting when soldiers are deemed a threat to themselves or others.

The mandatory reporting would be to the Department of Public Safety in the state in which the military facility is located, and to the soldier's state of residency. The legislation would require all branches of the military to use the State's Extreme Risk Protection Order process when handling dangerous, potentially violent individuals experiencing a mental health crisis, where a person is deemed a risk to themselves or others. This legislation should also address how the soldier's rights to possess and purchase a firearm are handled during the crisis, with a process for the soldier to restore their firearm rights in the future.

Finally, a soldier's job, pay, and benefits should not be lost during this process. Soldiers are our heroes, and even heroes may have times in their lives when they need our help. The military must examine its culture to ensure there is not a stigma attached to men and women who experience a mental health crisis and need help! Robert Card needed help and he was surrounded by police officers and members of the military who witnessed his decline firsthand. There must be a more formal system of protocols that officers and fellow soldiers must follow. As we have learned, inaction can have tragic consequences.

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## Conclusion: What to Do Next?

Not many people know that during my twelve years as a legislator, I spearheaded the creation of Maine's Office of Program Evaluation and Government Accountability (OPEGA), and the only bi-partisan committee of the Legislature that oversees it. It has the most sweeping power of any committee, including subpoena powers and the power to compel and question witnesses. The reason I spent over a decade working on this effort is because I recognized government is inherently cumbersome and wasteful, as are most entities run by people and fueled by money. People make mistakes, both in judgment and action. Police and the military are no exception. At times, these entities and the people who run the government need to be held accountable. This is not a blame game, just the nature of the beast. The Robert Card story is a sad and tragic example of what happens when people, equipped with more than enough tools to do their job, fail to do so.

For nearly a year leading up to the Lewiston shooting, not only were there signs that Card was going to commit the most heinous of crimes, but he also telegraphed it. He was surrounded by Army officers and military personnel; some he assaulted, others he told he was going to shoot up people and places. At the same time, his mental health was deteriorating rapidly. Four family members, the military, and the police knew it. And three people specifically pointed to a potential cause for that

decline. Prior to the mass shooting, Card allegedly committed several felony crimes, including assault and terrorizing, yet he went uncharged. Instead, it appears he was given a pass repeatedly.

Some have claimed in the press that Maine's Yellow Flag law failed. It is a diversion and a deflection to make excuses for failures by these same public safety organizations and to promote a gun control agenda. Some critics within law enforcement had never even used the process. Truth is that the Yellow Flag law wasn't even the most appropriate tool to use in this case. Charging Mr. Card with assault or terrorizing, and serving an arrest warrant, was. It would have allowed the police to take him into custody for a mental health evaluation.

Several people made mistakes. There is nothing that can be done now to undo what happened to the innocent souls in Lewiston, but what can bring some solace to the families and survivors of the worst shooting and loss of life in Maine's history is to extract every fact and lapse in judgement that may have contributed to this senseless tragedy. Also, we must identify every person involved, and find every military and police report as yet undiscovered. Compile all the information, subpoena every witness or participant if they resist, and more importantly, fill in the gaps where information is missing.

So many questions remain. The second police report references the military's

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efforts to convince Card to retire. Really? Give him a mental health discharge? More importantly, six weeks passed after the Sagadahoc Sheriff's Office encountered Card at his trailer but failed to act. What happened after that failed welfare check? Are there other encounters that occurred between Card, the military, or police? Who was there to help Card's family cope with his deteriorating mental state between mid-September and October 25? Did some event we are yet unaware of trigger Card? Did the military take the loss of hearing and hearing aid issue seriously? Card was 40 years old, hardly a candidate to prematurely lose his hearing. Was he a petroleum re-fueler as claimed by the military or a "senior firearm and grenade instructor" as his fellow reservists, unit commander, and family claimed? And did his military service contribute to his loss of hearing?

Until all the facts are known, and all

questions answered, we are unlikely to prevent future mass shootings. At first glance, it appears our public safety net was a colossal failure from beginning to end—not because the tools weren’t available to prevent it—but because people made mistakes. The system not only failed the innocent victims killed and wounded, but also Robert Card and his family—especially

his children and ex-wife—who tried to help him. If the police officers and military personnel were working within a flawed system designed to be secretive or unaccountable, they too were failed.

As the investigations move forward, gun control groups and some government workers may downplay the roles of the police and the military leading up to

this tragedy—it is natural to resist being held accountable. Change is frightening and—in some cases—people may lose their jobs. But unless we identify how the system failed, how can we prevent another mass shooting by another mentally disturbed individual? Certainly, focusing on firearms availability alone will not prevent another tragedy.

## Was Robert Card Rambo or Bambi?

Statements by the military after the Lewiston shooting contradict statements in the two Sagadahoc County Sheriffs police reports about Robert Card’s job and responsibilities in the military. The contradictions are significant and worthy of note. On October 27th, 2023, the Associated Press reporter, Aliss Higham, wrote an article titled, “Robert Card’s Military Background Revealed.” Below is an excerpt from the article and an excerpt from the police report. You decide what is going on.

The article quotes James LaPorta (AP reporter) on the social media platform “X” (formerly Twitter): “I sent a request to the Army for Robert Card’s releasable biographical data: ‘Sgt. 1st class Robert Card is 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.’” The article continues: “When asked to clarify by another X user whether Card’s achievements were “unremarkable,” LaPorta, replied: “Yeah. Pretty standard awards. I definitely wouldn’t use the term highly decorated.”

Army spokesperson Bryce Dubee said in a statement, “The army did not provide training for him as a firearms instructor, and nor did he serve in such capacity within the Army, the outlet reported.”

The description above by the military downplays Card’s training and lethality and is not the one his unit commander, family, and

fellow reservists quoted in the police reports used to describe Card. Here are some of the excerpts from the two police reports.

### **Report 1, Sagadahoc County Sheriff’s Office Report, 5/03/23**

Family: “Robert is currently an Army reservist assigned to a training unit in Saco and has historically instructed soldiers on the use of hand grenades.”

Officer’s comment after he notified a member of Card’s unit about his growing paranoia: “He thanked me for the notification because they are scheduled for an upcoming training exercise involving crew service weapons and grenades.”

### **Report 2, Sagadahoc County Office Report, 9/15/23**

Officer: “It should be noted that Card is a firearms instructor with the Guard so utmost caution must be utilized.”

These excerpts are from the Guard letter which is part of the report:

“Card is one of my senior firearms instructors in Bravo Company in Saco.”

Guard: “[redacted name] is concerned that Card is going to snap and commit a mass shooting.”

Guard: “I would rather err on the side of caution with regards to Card since he is a capable marksman and, if he should set his mind to carry out the threats made, he would be able to do it.”