

**Devin Montero**

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**From:** Mayors Against Illegal Guns [info@mayorsagainstillegalguns.org]  
**Sent:** Wednesday, December 09, 2009 10:22 AM  
**To:** Mayors Against Illegal Guns  
**Subject:** 4 Editorials and Opinion Columns Support Closing the Terror Gap  
**Attachments:** Gilbert.pdf; Bloomberg Kean Op Ed.pdf; Washington Post Editorial\_12.6.09.pdf; NYTimes Editorial.pdf

Dear coalition members and staff,

Since the coalition's open letter regarding the Terror Gap and the Tiahrt Amendments ran two weeks ago, momentum has been building behind these common sense reforms.

As we discussed previously, the Terror Gap is a loophole in federal law that allows terror suspects to legally purchase guns. A May 2009 Government Accountability Office (GAO) report found that individuals on the terrorist watch list succeeded in purchasing guns and explosives from licensed dealers 865 times between 2004 and 2009. The Tiahrt Amendments are provisions in the federal budget that, among other restrictions, require the FBI to destroy gun background check records within 24 hours of a successful purchase.

We wanted to share with you four editorials and opinion columns that elaborate on the need to close the Terror Gap and repeal the Tiahrt Amendments in the wake of the Fort Hood shooting. On November 26<sup>th</sup>, Lewiston, Maine Mayor Larry Gilbert, a former federal law enforcement officer who served at Fort Hood during his days in the US Army urges Congress to support the coalition's agenda and to develop "the political will to do the right thing in protecting the people they are elected to serve." Former New Jersey Governor Thomas Kean, who served as Chairman of the 9/11 Commission, joined with coalition co-chair Mayor Michael Bloomberg in authoring a November 27<sup>th</sup> column, bringing to light how these restrictions have hampered law enforcement's ability to stop several incidents, including the tragedy at Fort Hood.

Two major editorial boards have also come out in full support of the coalition's agenda to close the Terror Gap and repeal the Tiahrt Amendments. A December 5th Washington Post editorial calls for closing the Terror Gap and repealing the Tiahrt restrictions, describing them as "potentially powerful proposals," while today's New York Times praises the coalition's efforts and calls on "Congress to show similar fortitude."

For your reference, copies of the opinion pieces and editorials are attached:

1. Column from Mayor Larry Gilbert, Twin City Times, November 26, 2009
2. Opinion-Editorial from Mayor Michael Bloomberg and Governor Thomas Kean, Washington Post, November 27, 2009. This opinion piece also ran in the Miami Herald and the Atlanta Journal-Constitution.

3. Washington Post, Editorial, December 5, 2009

4. New York Times, Editorial, December 9, 2009

As always, if you have any questions or ideas about this or any other coalition matter, please do not hesitate to call us. We are available to help in any way we can.

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Once again, thank you for your continued commitment.

--Staff of the coalition co-chairs.

# Ft. Hood massacre; Mayors Against Illegal Guns

By Laurent K. Gilbert Sr.  
MAYOR OF LEWISTON

Having served at Fort Hood, Texas during my first year in the U.S. Army, I was stunned to hear of the massacre of 13 people by a terrorist serving as a major in the same U.S. Army.

Major Nidal Malik Hasan was suspected of having terrorist links. The FBI had monitored Major Hasan, reviewing 10 to 20 communications between him and Anwar al Awlaki—an al Qaeda recruiter who acted as a "spiritual adviser" to two of the 9/11 hijackers.

Of course, Hasan had passed the federal background check in purchasing his gun. FBI counterterrorism officials were not notified when Hasan purchased a gun. He used that gun to kill 13 people and injure more than 30 others.

Former FBI Agent Brad Garrett told ABC News on November 12, 2009 that "the piece of information about the gun purchase could have been critical. He also said one of the problems is that the law sometimes restricts you in what you can do."

As a member of Mayors Against Illegal Guns (MAIG) along with some 500 mayors from around the country, we support common-sense gun legislation while still upholding the Second Amendment to the United States Constitution, which we all swear to uphold.

Throughout this past year, we have been advocating to the leadership in Congress such legislation that would close the "Terror Gap" in the background check system. In 2007, the Bush Administration asked Congress to give the FBI the power to block gun and explosives sales to terror suspects. You guessed it, Congress failed to act.

Just last week, Attorney General Eric Holder endorsed "Terror Gap" legislation. In other words, those who are on the terrorist watch list and are not allowed to fly can go to a gun shop and legally purchase a gun. Does that make sense to you? It sure doesn't to me.

MAIG has also supported the repeal of the Tiahrt Amendments, which require the FBI to destroy records of background check within 24 hours. We support the Department of Justice to maintain those records for 90 days and longer for terror suspects. We believe it would save lives and give law enforcement the tools they need to keep us safe.

In March of this year, MAIG called on Congress to reform the Tiahrt Amendments, which are hidden in the FY 2010 budget bill. In July of this year,



Mayor Larry Gilbert

MAIG called on Congress to close the "Terror Gap." Yep, you're right; nothing has happened.

How many more people need to be massacred before Congress acts to protect us all? We are again calling on Congress and President Obama to act swiftly in enacting legislation that will close the "Terror Gap" and repeal the Tiahrt Amendments.

What is so difficult in enacting good, common-sense legislation? Well, in my opinion it is the very strong and powerful gun lobby, the National Rifle Association (NRA). It appears that they oppose any and all gun legislation, whether it makes good, common-sense or not.

Can you imagine

opposing legislation that would make body-armor-piercing bullets illegal? Yes, that ammunition is included in practice through bullet-resistant vests that our police officers wear while they are on the front lines of protecting us as citizens.

Back in October of this year, the NRA sent out post cards to their members and fired those of us who are members of MAIG. They laid out a number of false charges against MAIG and one of its founders, Mayor Michael Bloomberg of New York City.

The post card said that I had joined MAIG and that members should urge me and other members to "resign from this anti-gun group, but to date he has refused to do so despite having been informed about its

anti-gun agenda." It went on to say: "It is critical that your mayor disassociate himself from this anti-gun group and you can do your part by contacting his office today and urging him to withdraw his MAIG membership."

Well, I received several e-mails from Lewiston residents and others from throughout the state urging me to withdraw my membership. I answered them, explaining why I support good, common-sense gun legislation to keep guns out of the wrong hands while still supporting the Second Amendment that protects the right to keep and bear arms. The Second Amendment is not absolute in that it allows for good, common-sense restrictions.

When we, as members of MAIG, believe that the

laws need to be improved to protect people and to keep guns out of the wrong hands, we stand up and fight for good laws. We need to remove the handcuffs from law enforcement officer's hands.

It is clearly obvious that the NRA embarked on this campaign just prior to the November elections, when many of us mayors were running for re-election. I even got phone calls alluding to that. One man told me over the phone,

"I have my absentee ballot in my hand." He said he wanted to know if I would withdraw my membership in Mayors Against Illegal Guns. I told him absolutely not for the very reason I outlined above. I suspect he voted against me.

Unfortunately, too many members of Congress and our state legislators fear the NRA and refuse to support good, common-sense legislation that will keep guns out of the wrong hands and protect people. It is a very strong lobby. Now many organizations are rising up and supporting the majority of the electorate. See Guns, page 6

## Guns

Continued from page 5  
who overwhelmingly support good, common-sense legislation. Survey after survey has proven this fact.

It is high time that elected officials develop the intestinal fortitude and political will to do the right thing in protecting the people they are elected to serve. They might be

outdated that even though the NRA places fear in their re-election bid, they could and would be re-elected by doing the right thing.

Certainly Mayor Michael Bloomberg of New York and Mayor Thomas Menino of Boston, the two founders of MAIG, which is over 500 members strong, were recently re-elected this month, as I see. The NRA scare tactics placed upon us

failed and failed miserably. As a matter of fact, we are increasing our membership.

At the start of the year, we had 450 members now we have reached the 500 mark. Perhaps the NRA is our best recruiting tool.

I suspect this column will generate letters to the editor. I simply say, consider the source, but know who is trying to keep you safe, a responsibility that all of us

as mayors have as a priority.

In closing, I want to wish each and every one of you a very Happy Thanksgiving! Remember the old saying, "You are what you eat."

Don't forget the nap after lunch and then a wonderful afternoon and evening of football.

See Mayor Gilbert's personal blog at [www.MayorsLarryGilbert.com](http://www.MayorsLarryGilbert.com).

# The Washington Post

## Enabling the next Fort Hood?

Congress's curbs on gun data hurt investigations

By Michael Bloomberg and Thomas Kean  
Friday, November 27, 2009

The news from Fort Hood shocked the nation: American soldiers shot on American soil. Thirteen dead and 38 injured. It was almost too terrible to believe. Almost.

Unfortunately, the Fort Hood rampage was not the first time that our military personnel have been murdered in the United States this year. In June, Abdulhakim Mujahid Muhammad shot and killed an Army private and wounded another soldier at a military recruiting station in Little Rock.

In both cases, the loss of these young soldiers was compounded by a disturbing reality: The assailants had been under investigation by the FBI. In the more recent case, it would be easy enough to point fingers at the FBI. Its counterterrorism agents concluded that Maj. Nidal Hasan's communications with the radical cleric Anwar al-Aulaqi -- an al-Qaeda sympathizer who acted as a "spiritual adviser" to two of the Sept. 11, 2001, hijackers -- were for professional reasons.

A full investigation will reveal whether other red flags should have resulted in preventive action, but here is one thing we already know: A federal law repeatedly supported by Congress interfered with the FBI's ability to find out about Hasan's purchase of a handgun. Knowledge of that purchase might -- and should -- have triggered great scrutiny. And it could have saved lives.

During the Clinton administration, the FBI had access to records of gun background checks for up to 180 days. But in 2003, Congress began requiring that the records be destroyed within 24 hours. This requirement, one of the many restrictions on gun data sponsored by Rep. Todd Tiahrt (R-Kan.), meant that Hasan's investigators were blocked from searching records to determine whether he or other terrorist suspects had purchased guns. When Hasan walked out of Guns Galore in Killeen, Tex., the FBI had only 24 hours to recognize and flag the record -- and then it was gone, forever.

As former FBI agent Brad Garrett has said, "The piece of information about the gun could have been critical. One of the problems is that the law sometimes restricts you in what you can do."

The Tiahrt amendments passed by Congress interfere with preserving, sharing and investigating data on gun purchases by terrorist suspects. If that weren't bad enough,

Congress has also failed to close a gap in federal law that prevents the FBI from blocking a sale to an individual under investigation for terrorist activity.

The Bush administration asked Congress to authorize the FBI to block gun sales to terrorist suspects, to no avail. Last week, Attorney General Eric Holder reaffirmed the Obama administration's support for this legislation -- for good reason. A Government Accountability Office report published in June found that individuals on the terrorist watch list had purchased guns and explosives from licensed dealers in the United States on 865 occasions over the past five years.

The fatal lesson we learned on Sept. 11 was that, if we are going to protect innocent Americans from terrorists, we must break down the walls standing between federal agencies and effective investigative practices. The attack at Fort Hood was a tragic reminder that such walls still exist. Until Congress shows the political courage to tear them down, there will be more catastrophic breaches of national security and more tragic loss of life. If lawmakers fail to close gaps in the background check system and reform the Tiahrt amendments, the next terrorist shooting on American soil will be shocking, but it will not be surprising.

*Michael Bloomberg is mayor of New York and co-chair of Mayors Against Illegal Guns. Thomas Kean, a former governor of New Jersey, served as chairman of the Sept. 11 commission.*

[http://www.washingtonpost.com/wp-dyn/content/article/2009/11/25/AR2009112503655\\_pf.html](http://www.washingtonpost.com/wp-dyn/content/article/2009/11/25/AR2009112503655_pf.html)

# The Washington Post

## Target: Illegal guns

Smart proposals that could deny weapons to possible terrorists

Sunday, December 6, 2009

MAYORS AGAINST Illegal Guns, a bipartisan coalition of roughly 500 U.S. mayors, has been pushing for smart and sensible law enforcement solutions to reduce the number of illegal guns obtained by criminals or would-be criminals. Last month the mayors renewed their call for adoption of two relatively modest but potentially powerful proposals.

The first aims to close the so-called "terror gap" in existing gun laws by prohibiting any one on the country's "no fly" list from being allowed to purchase a gun. Such a prohibition would allow the FBI to stop "people who are too dangerous to get on a plane from buying guns and explosives," said New York Mayor Michael R. Bloomberg, a co-founder of the mayors group. This proposal is a no-brainer.

A 2009 report by the General Accountability Office found 865 instances between 2004 and February 2009 where those on the terrorist watch list were able to buy a gun. The law currently bars convicted felons and immigrants who are in this country illegally, among others, from purchasing guns, but no mention is made of a suspected terrorist. Legislation to close this loophole, introduced by Sen. Frank Lautenberg (D-N.J.) and Rep. Carolyn McCarthy (D-N.Y.), has stalled.

The mayors are also arguing for elimination of a provision that forces the FBI to destroy within 24 hours any record of a background check performed on someone who passes the screening. The provision is part of the Tiahrt Amendment, a series of measures that place high hurdles in the way of law enforcement officials trying to discern where and when guns used in crimes were sold. Before the Tiahrt Amendment was passed, the FBI would routinely keep records of background checks on file for six months. Had this remained the practice, law enforcement agents who were tracking the activities of Maj. Nidal M. Hasan, the alleged gunman in the Fort Hood massacre, would have had the opportunity to see that he had purchased a weapon in August.

No one will ever know if knowledge of that purchase would have triggered an intervention that could have thwarted the Fort Hood attack. There should be no doubt, however, about the need for law enforcement officials to have access to this information.

[http://www.washingtonpost.com/wp-dyn/content/article/2009/12/05/AR2009120502656\\_pf.html](http://www.washingtonpost.com/wp-dyn/content/article/2009/12/05/AR2009120502656_pf.html)

# The New York Times

December 9, 2009

EDITORIAL

## The ‘Terror Gap’

Under federal law, people who pose a heightened risk of violence cannot buy or own firearms, including convicted felons, domestic abusers, the seriously mentally ill and several other categories. Suspected terrorist is not one them.

Individuals on the government’s terrorist watch list can be barred from boarding airplanes, but not from purchasing high-powered guns or explosives. Bipartisan legislation in both houses of Congress would end this ridiculous loophole, commonly known as the “terror gap.”

Introduced in the Senate by Frank Lautenberg, a New Jersey Democrat, and in the House by Representative Peter King, a Republican of Long Island, this reform was first offered in 2007 with support from the Bush administration, a rare departure from the gun lobby’s party line. The Obama administration has endorsed the bill.

This is no small problem. An audit by the Government Accountability Office released last June found that since 2004, people on the terrorism watch list succeeded in purchasing firearms 865 times in 963 attempts. The relatively few denials owed to another factor like a felony conviction. A 2005 G.A.O. review found people on the watch list were able to buy weapons in 35 of 44 attempts between February 2004 and June 2004.

The National Rifle Association has voiced opposition to the legislation. To justify its stance, the group cites a Justice Department inspector general's report in March that found thousands of people placed on the terrorism watch list erroneously while people with genuine ties to terrorism who should be on the list are left off. The Justice Department needs to improve that record. But the list's imperfections are no basis for preventing the government from blocking the sale of guns or explosives to those known or suspected of having terrorist ties.

The terror-gap measure is more modest and balanced than its opponents make it appear. It would not automatically disqualify people on the watch list from purchasing a weapon. Rather, the attorney general would be given discretionary power to deny the issuance of a firearm or explosives in instances when the government has reason to believe the person may use the weapon in connection with terrorism. The authority would have to be exercised according to written guidelines. Due process safeguards are built in to permit the affected person to challenge a denial.

Mayors Against Illegal Guns, the public safety coalition led by Mayor Michael Bloomberg, has started a drive to alert lawmakers and the public to the real issues here. We applaud the group's refusal to be intimidated by the N.R.A.'s political attacks, and we urge the Democrats who control Congress to show similar fortitude by scheduling prompt hearings.

[http://www.nytimes.com/2009/12/09/opinion/09wed2.html?\\_r=2&th&emc=th](http://www.nytimes.com/2009/12/09/opinion/09wed2.html?_r=2&th&emc=th)