

Devin Montero

From: Mayors Against Illegal Guns [info@mayorsagainstilllegalguns.org]
Sent: Monday, December 07, 2009 2:00 PM
To: Steve Lampi
Cc: Steve Lampi; wswenson@cityhall.nyc.gov
Subject: FW: Fort Hood Shootings Background and Conference Call
Attachments: Newsweek_11_9_09.pdf; ABC_News_11_12_09.pdf; MAIG Letter to Congress Opposing Tiahrt Amendments.pdf; MAIG Letter to Congress to Close Terror Gap.pdf; A_Blueprint_for_Federal_Action_on_Illegal_Guns (sm).pdf

Mayor Lampi,

Here is the first of 5 recent emails sent out to the coalition that I'll forward you today.

I've added your Bridgeman's address to our database, so you should be receiving all future coalition emails there, along with your city of Brooklyn Park address. I'm copying that address here. It has been in our database, so if it's correct, the emails should have been coming through. Please let me know if we have it wrong and I'll correct it. Again, my apologies for the communications breakdown here. Hopefully this will take care of it.

Please feel free to contact me if you ever have any questions, concerns or suggestions. My contact info is below, and I've cc'ed myself.

I'll forward the other emails to you in just a moment.

Thanks for taking the time to talk with me today,

Will

William Swenson
Senior Advisor to the Criminal Justice Coordinator
New York City Mayor's Office
Tel: 212-788-7434
Fax: 212-788-6815
www.mayorsagainstilllegalguns.org

From: Mayors Against Illegal Guns
Sent: Fri 11/13/2009 11:09 AM
To: Mayors Against Illegal Guns
Subject: Fort Hood Shootings Background and Conference Call

Dear coalition members and staff,

In the wake of last week's mass shooting at Fort Hood which left 13 people dead and 30 wounded, a number of mayors have been asking for facts about the case and how it may relate to Mayors Against Illegal Guns' agenda.

The facts about this tragic incident are still coming out, but in recent days there has been press attention about the failure of the federal government to share critical information that could have prevented the tragedy. Although circumstances surrounding the Fort Hood case are still under investigation, several facts are clear:

1. Major Nidal Malik Hasan, the alleged shooter, was able to pass a background check and purchase a gun, even though he may have been a terrorist suspect.
2. FBI was only allowed to maintain records of the background check performed on Mr. Hasan for 24 hours.
3. FBI counterterrorism officials were not aware that Major Hasan had purchased a gun.

Attached are Newsweek and ABC News articles that highlight these issues.

As you may know, Mayors Against Illegal Guns has advocated for federal policies to address some of the circumstances related to the Fort Hood shooting. The coalition has vigorously supported repealing the Tiahrt Amendments, which – among it restrictions prevent the FBI from maintaining purchaser background check records for more than 24 hours. In this case, new reports suggest that that the Tiahrt restrictions prevented FBI counterterrorism officials from learning that Major Hasan recently purchased a gun.

The coalition has also pushed for passage of legislation to close the Terror Gap, which would give the FBI the ability to block gun sales to suspected terrorists. The GAO reported that there have been 865 occasions in the last 5 years where terror suspects have successfully purchases guns and explosives from licensed dealers.

The Ft. Hood shooting also points to the general problems of information-sharing among federal law enforcement and between federal law enforcement and state and local police. In August 2009, Mayors Against Illegal Guns recommended 40 actions that the federal government could take to better enforce the laws on the books, including developing better protocols for sharing gun background-check and crime gun trace data.

For your reference, attached are:

- The coalition's letter in opposition to the Tiahrt Amendments.
- The coalition's letter in support of legislation to close the Terror Gap.
- And the coalition's "Blueprint for Federal Action" with the 40 recommendations to the Obama administration.

In order to brief coalition members and staff further and share ideas on how the coalition might highlight some of these measures, we would like to invite coalition members and staff to participate in a conference call on **Monday, November 16th at 3pm (EST)** to brief mayors about the Fort Hood shooting and to discuss the relationship between this incident and the coalition's federal agenda. **To receive instructions on how to participate in the call, please email: ddariotis@cityhall.nyc.gov.**

As always, if you have any questions or ideas about this or any other coalition matter, please do not hesitate to call us.

Once again, thank you for your continued commitment.

--Staff of the coalition co-chairs.



FBI Counter-Terror Officials Were Never Told About Hasan's Gun Purchase

Michael Isikoff

Monday, November 09, 2009

Senior federal investigators confirmed Tuesday night that since last December, the FBI monitored from 10 to 20 “communications” between suspected Fort Hood shooter Nidal Malik Hasan and an overseas terror suspect known for preaching violence and expressing sympathy for Al Qaeda.

But although an FBI-led task force undertook an “assessment” of the Army psychiatrist as a result of those contacts, counter-terror officials concluded earlier this year that Hasan’s communications with the terror suspect were “protected” by “free speech” and did not warrant opening up a criminal investigation of him, the investigators said.

Still, counterterror officials were never told about one key piece of investigative information: that Hasan had purchased a high-powered semiautomatic pistol on Aug. 1, just weeks after he was transferred by the Army to Fort Hood. Such gun purchases automatically trigger a federally mandated background check.

Absent the federally collected data that Hasan was arming himself with a Belgian-made FN Herstal 5.7 pistol—a weapon that gun-control groups have portrayed as a “cop killer”—the bureau’s counterterrorism officials found there was insufficient grounds to raise additional concerns about Hassan within the government.

“From an investigative standpoint, there’s all kind of information we’d like to know,” said one senior U.S. government investigator when asked whether the federally collected gun data about Hasan’s weapons purchase might have influenced the bureau’s handling of his case.

The disclosure about the failure to share the data about Hasan’s purchase of the gun (one of two weapons he later used to kill 13 people last Thursday) is sure to be one of a host of issues that are likely to provoke public debate—and internal government reviews.

In a background briefing for reporters Tuesday night, investigators confirmed that FBI Director Bob Mueller had ordered a “red team,” set up to independently review the case, to assess how investigative information about Hasan was handled by the FBI and why more of it wasn’t shared and evaluated throughout the government.

The interest in Hasan's prior communications have been heightened because of the reported identity of the man with whom he was in contact: Anwar al-Awlaki, an American born radical imam now living in Yemen. According to the 9/11 Commission, Awlaki had meetings with two of the 9/11 hijackers and served as imam at two mosques—one in San Diego and another in Falls Church, Virginia—where three of them worshipped. Just this week, he posted an inflammatory sermon on his Web site praising Hasan as a “hero” for killing American soldiers.

At the briefing for reporters, three senior investigators (all of whom declined to be identified by name because of the ongoing probe) refused to confirm that Awlaki was the terror suspect with whom Hasan was in contact. (They and other federal officials also did nothing to dispute published reports by *The New York Times* and others that Awlaki was indeed the person in question.)

But they attempted to defend the FBI's handling of the case in the face of mounting questions. They said the communications between Hasan and the terror suspect — believed to be e-mails—appeared to be related to a research paper or master's thesis that the Army doctor was writing. They said there was nothing that leaped out to investigators as suggesting that he was about to mount any attack. “There was no smoking gun,” one of the investigators said. Absent any “predicate” that Hasan was planning to commit a terrorist act, the bureau—under its own guidelines—is barred from opening up even a preliminary investigation.

As to Hasan's weapons purchase, the investigators stressed that under existing federal law, there are tight restrictions imposed by Congress about sharing any such information even within the FBI. The FBI is required to assist states in conducting a background check of any gun purchaser to determine if they fall into any of a number of prohibited categories—including whether they have been convicted of a crime or have a history of mental illness. Hasan, who purchased the \$1,100 pistol under his own name, was approved for the purchase he made at the Guns Galore gunshop in Killeen, Texas.

But after the check is conducted, and an individual is cleared to buy his gun, the FBI cannot retain the data or share any information about the gun purchase—even with other bureau officials charged with preventing terror attacks.

The FBI has chafed under these restrictions in the past but has failed to have them eased due to fierce resistance from the gun lobby and its supporters in Congress (as well as, in the past, in the Bush administration.)

Whether the Hasan case prompts another look at those restrictions—by the Democratic controlled Congress or the Obama Justice Department—is one question sure to be asked in the weeks ahead.

<http://blog.newsweek.com/blogs/declassified/archive/2009/11/09/fbi-counter-terror-officials-were-never-told-about-hasan-s-gun-purchase.aspx>

July 1, 2009

The Honorable Nancy Pelosi
Office of the Speaker
235 Cannon House Office Building
Washington, D.C. 20515

The Honorable Harry Reid
Senate Majority Leader
522 Hart Senate Office Building
Washington, D.C. 20510

Re: 400 Mayors Call on Congress to Support H.R.2159/S.1317 and Close the "Terror Gap"

Dear Speaker Pelosi and Majority Leader Reid:

Just this month, the Government Accountability Office (GAO) released a report indicating that individuals on the terrorist watch list succeeded in purchasing guns and explosives from licensed dealers 865 times between 2004 and 2009. Despite these documented cases, the FBI still does not have the authority to block firearm sales to terror suspects – the same individuals who are considered too dangerous to board a plane.

As members of Mayors Against Illegal Guns, a bi-partisan coalition of more than 400 mayors in 44 states representing more than 56 million Americans, we urge Congress to close this "terror gap" by passing H.R.2159/S.1317. This critically important legislation, introduced by Senator Frank Lautenberg (D-NJ) and Representative Peter King (R-NY), would close the terror gap by giving the Department of Justice discretion to block sales to terror suspects on a case-by-case basis.

Federal law currently prohibits nine categories of dangerous persons from purchasing or possessing firearms, including convicted felons and persons with serious mental health problems. Remarkably, persons on the terrorist watch list are not currently prohibited, making the government powerless to stop gun sales to suspected terrorists.

This gap in gun background checks requires immediate attention. Terror suspects have already gunned down Americans in attacks within our own borders. Such attacks and planned attacks include:


- **Attack on an Army-Navy Recruiting Station in Little Rock, Arkansas:** On June 1, 2009, Abduhakim Mujahid Muhammad opened fire at an Army-Navy recruiting station in Little Rock, Arkansas killing one private and wounding another. Police found an SKS semiautomatic rifle, a .22-caliber rifle, and a .380-

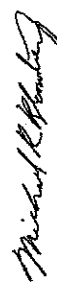
calber semiautomatic handgun in Muhammad's truck. At the time of the shooting, Muhammad was under investigation by the Joint Terrorism Task Force after having been arrested in Yemen with a fake Somali passport. Muhammad was charged with murder and 16 counts of terrorist acts on June 2, 2009.

- **Murder of a Yeshiva Student on the Brooklyn Bridge:** On March 1, 1994, Rashid Baz shot and killed 16-year old Ari Halberstam on an on-ramp to the Brooklyn Bridge. Baz was armed with a machine gun, a 9 mm pistol, and a "street sweeper" shotgun. The FBI later concluded the killing was a terrorist act motivated by anti-Semitism.
- **Murder at Empire State Building:** On February 23, 1997, Ali Abu Kamal opened fire on the observation deck of the Empire State Building with a handgun purchased in Florida, killing one tourist and wounding six others before killing himself. A note found in his pocket expressed hatred for the United States, Great Britain, Israel, and France.
- **Plot to Attack Fort Dix:** In 2007, six terror suspects were arrested for plotting an attack on Fort Dix after trying to buy M-16s, AK-47s, and handguns from a government informant. One of the six terror suspects pleaded guilty in October 2007 to providing firearms to illegal aliens. In December 2008, the other five suspects were convicted of conspiracy to kill U.S. military personnel.
- **Murder of CIA Employees outside CIA Headquarters in Langley, Virginia:** On January 25, 1993, Mir Aimal Kasi walked between two lanes of traffic at a red light near CIA Headquarters and opened fire with an assault rifle. He shot at point-blank range into five cars. Two CIA employees were killed and three others were wounded. Kasi then fled to Pakistan, where he remained at large until his arrest in 1997. He had been on the FBI's 10 Most Wanted List as a result of this shooting.

Congress needs to take immediate action to prevent more terror suspects from purchasing guns. We urge every member of Congress to keep guns out of the hands of terrorists by closing the terror gap and voting for H.R.2159/S.1317.

Sincerely,


Thomas M. Menino
Mayor of Boston
Coalition Co.-Chair


Michael R. Bloomberg
Mayor of New York City
Coalition Co.-Chair

Cc: All other members of Congress

Members of Mayors Against Illegal Guns:

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 Mayor Thomas Henderson, Center Point, Alabama
 Mayor Carroll L. Watson, Lincoln, Alabama
 Mayor Samuel L. Jones, Mobile, Alabama
 Mayor Ron Davis, Tuskegee, Alabama
 Mayor Omar Neal, Tuskegee, Alabama
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 Mayor Patrick Hays, North Little Rock, Arkansas
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 Mayor Randall Wise, Niceville, Florida
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Mayor Jo Ann Torczek, Lindale, Ohio
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Mayor Joseph J. Cisek, Ellwood City, Pennsylvania
Mayor Winfield Iosch, Emmaus, Pennsylvania
Mayor Joseph Sinnott, Erie, Pennsylvania
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Mayor Betty T. Cain, New Alexandria, Pennsylvania
Mayor Frank E. Link, New Kensington, Pennsylvania
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Mayor Luke Ravensdale, Pitsburgh, Pennsylvania
Mayor Morris S. Williams, Pine Grove, Pennsylvania
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Mayor Walter Niedemeyer, Starlington, Pennsylvania
Mayor James C. Kennedy, South Coatesville, Pennsylvania
Mayor Charles Baughman, Stroudsburg, Pennsylvania
Mayor Luke Dugheim, Talamy, Pennsylvania
Mayor Jay R. Stover, Telford, Pennsylvania
Mayor Pamela Murphy, Thompston, Pennsylvania
Mayor Dale W. Deiter, Tower City, Pennsylvania
Mayor Adam B. Forgia, Turtle Creek, Pennsylvania
Mayor Mary Jane Haskins, Ulysses, Pennsylvania
Mayor Emerson Fetzels, Versailles, Pennsylvania
Mayor John Andzenik, West Mifflin, Pennsylvania
Mayor Shane J. Keller, West Reading, Pennsylvania
Mayor Thomas M. Leighton, Wilkes-Barre, Pennsylvania
Mayor John A. Thompson, Wilkensburg, Pennsylvania
Mayor Mitchell Magliski, Sr., Wind Gap, Pennsylvania
Mayor Larry Marzel, Windsor, Pennsylvania
Mayor Jacqueline B. Mosley, Yeading, Pennsylvania
Mayor John S. Brenner, York, Pennsylvania
Mayor David Citriline, Providence, Rhode Island
Mayor Joseph Riley, Charleston, South Carolina
Mayor Robert D. Coble, Columbia, South Carolina

Mayor Joseph T. McEhven, Jr., Sumter, South Carolina
Mayor Dave Munson, Stout Falls, South Dakota
Mayor David Shumaker, Bristol, Tennessee
Mayor Tom Beethan, Oak Ridge, Tennessee
Mayor A. C. Wilarton, Shelby County, Tennessee
Mayor Will Wynn, Austin, Texas
Mayor Bill White, Houston, Texas
Mayor Richard Ward, Hurst, Texas
Mayor Bob Kiss, Burlington, Vermont
Mayor Christopher C. Louras, Rutland City, Vermont
Mayor William B. Eshille, Alexandria, Virginia
Mayor Paul D. Fraim, Norfolk, Virginia
Mayor Annie M. Mickens, Petersburg, Virginia
Mayor James W. Hölley III, Portsmouth, Virginia
Mayor Dwight C. Jones, Richmond, Virginia
Mayor Peter B. Lewis, Auburn, Washington
Mayor Cary Bozeman, Bremerton, Washington
Mayor Greg Nickels, Seattle, Washington
Mayor Bill Baarsma, Tacoma, Washington
Mayor Royce E. Pollard, Vancouver, Washington
Mayor David Adler, Yakima, Washington
Mayor Tom Kennedy, Beaver Dam, Wisconsin
Mayor Jeff R. Speaker, Brookfield, Wisconsin
Mayor Thomas M. Taylor, Green Bay, Wisconsin
Mayor James J. Schmitt, Green Bay, Wisconsin
Mayor Dave Cielenicz, Madison, Wisconsin
Mayor Tom Barrett, Milwaukee, Wisconsin
Mayor Richard Johns, Ruidelander, Wisconsin
Mayor Andrew Halverson, Stevens Point, Wisconsin
Mayor David Ross, Superior, Wisconsin
Mayor Kristine M. Deiss, West Bend, Wisconsin
Mayor Ronald J. Kneger, Watertown, Wisconsin
Mayor Larry Nelson, Waukesha, Wisconsin



Alleged Fort Hood Shooter Bought Gun, Despite Ongoing Terrorism Investigation

FBI Terrorism Task Force Was Not Alerted When Hasan Purchased a Gun

By **PIERRE THOMAS** and **JASON RYAN**

WASHINGTON, Nov. 11, 2009

Sources tell ABC News that in August 2009, Maj. Nidal Malik Hasan walked into the Guns Galore gun store in Killeen, Texas, and legally purchased the FN Herstal tactical pistol that authorities believe was used to massacre soldiers at Fort Hood.

An FBI background check under the National Instant Background Check System was done when Hasan purchased the pistol -- but that information was never shared with the Joint Terrorism Task Force in Washington, which was aware that Hasan had repeatedly contacted a radical imam suspected of having ties to al Qaeda.

The FBI's Joint Terrorism Task Force ran down intelligence leads relating to Hasan late last year but closed the inquiry sometime in early 2009.

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

As investigators continue to examine whether there were missed signals in the Fort Hood shooting, some individuals are frustrated that there are still gaps in information-sharing, especially when it comes to looking at federal gun laws.

The Fort Hood shooting followed a June incident in Little Rock, Ark., where police say Abdulhakim Mujahid Muhammad opened fire at an Army recruiting station, killing a soldier. Muhammad was under FBI investigation for possible ties to terror and travel to Yemen.

A senior law enforcement official tells ABC News that Muhammad purchased a gun, in the weeks before the shooting, at a department store. An FBI background check was done -- but the FBI counterterrorism investigators working Muhammad's case were apparently unaware.

Federal Law Does Not Prohibit Suspected Terrorists From Buying Guns

Senior law enforcement officials say the Brady Law forbids them from widely sharing information about legal gun purchases.

"We need to be smarter about sharing information," said former 9/11 commissioner Richard Ben-Veniste. "It's very disturbing to see that the FBI is precluded from sharing information."

Current federal law does not prohibit people on the terrorist watch lists from purchasing guns unless there is a prohibiting factor, such as being a fugitive, having a felony conviction or charge, renouncing U.S. citizenship or having been determined as mentally impaired.

Earlier this year, Sen. Frank R. Lautenberg, D-N.J., introduced legislation which would prevent known or suspected terror suspects from purchasing firearms.

"If someone on any terrorist watch list tries to buy a weapon, law enforcement must be informed period," Lautenberg said in a statement Wednesday when contacted by ABC News. "If some people are being blocked from flying on an airplane, then we should certainly know when they are buying an assault weapon."

The FBI unit responsible for background checks on gun purchases does provide leads to the FBI about some high priority terrorism suspects; but that watch list is not inclusive of everyone the government may have concerns about.

FBI Director Robert S. Mueller III, at a June 4, 2009, Senate appropriations hearing, said on the issue, "We are notified when there is a -- appears to be a purchase of somebody who is affiliated with a terrorist group. But that is different than barring that individual from the outset from purchasing a weapon. But again, I have to defer to the Department of Justice in terms of the policy position that it is going to take on that issue."

In a statement, NRA spokesman Andrew Arulanandiam said, "It isn't surprising that, while the investigation is still ongoing and before all the facts are known, Sen. Lautenberg and the gun control lobby have rushed to exploit this sorrowful event."

NRA: Focus Should Be on Watch List and Process

Under the Brady Law, legal firearms purchases are checked with the FBI's National Instant Background Check System, which runs record checks through the FBI's National Crime Information Center. Part of the NCIC database checks the FBI's Violent Gang and Terrorist Organization File for individuals with gang or terrorism records.

According to a Feb. 13, 2007, Justice Department letter to Lautenberg, "The NICS had made changes in 2004 to its procedures so that counterterrorism agents were consulted about a person listed in the VGTOF seeking to buy a gun, to determine whether those

agents have prohibiting information about the individual that is not yet contained in the automated databases."

Arulanandam said, "The focus, rightfully, should be on the integrity of the watch list and the process as a whole."

<http://www.abonews.com/Politics/fur-hood-shooter-obtained-weapon-ongoing-terrorism-investigation/story?id=2058803>