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Withdrawal/Redaction Sheet

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001. fax cover sheet	From Gillian Price; re: Curio and Relic Report; [FBI] [Partial] (1 page)	05/27/1998	b(7)(C), b(6)
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COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Jose Cerda
OA/Box Number: 18930

FOLDER TITLE:

Curios and Relics [2]

2009-1305-F
jp3628

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

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P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or
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P5 Release would disclose confidential advice between the President
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information [(b)(4) of the FOIA]
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personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement
purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of
financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information
concerning wells [(b)(9) of the FOIA]

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FAX COVER PAGE

5/27/98
5/24/98

DEPARTMENT OF STATE
BUREAU OF POLITICAL-MILITARY AFFAIRS
OFFICE OF REGIONAL SECURITY AND ARMS TRANSFERS
PM/RSAT, ROOM 7424

TO: Tino Cuellar, Treasury FROM: Gillian Price, State
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SUBJECT:

Attached is the draft curio and relic report for everyone's review tomorrow. Please note that it is for official use only, as it is still in working format. Please forward to the relevant people in your agency. See you all tomorrow!

Gillian

NUMBER OF PAGES (include cover): 35

May 27, 1998

To the lucky receivers of this report:

Attached is a rough draft of the curio and relic report, in preparation for tomorrow's working group. We'll be meeting at 10:30 AM in the PM Conference Room (Rm. 7320).

We are missing a few elements that will be included in the final report, and brought to tomorrow's meeting:

1) Xeroxed pages with physical descriptions of each firearm to go with the section "The M-1 Garand, M-1 Carbine, and M-1911 Pistol." (From ATF)

2) Copies of ATF's "Curio or Relic List" publication that is a referenced tab in the report.

3) Graphs from Treasury to go with the "General Crime Issues" section.

LIMITED OFFICIAL USE**Curio and Relic Report
Scope Note**

This report has been compiled by the Department of State, in cooperation with the Department of Treasury and the Department of Justice. It represents the most recent, accessible information as requested by Congressional members and committees.

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Curio and Relic Firearms Questions

Questions addressed in this report were originally submitted through the 13 November 1997 Congressional Record (Conference Report language), through a 4 February 1998 letter addressed to the Secretary of State signed by Senators Lautenberg, Boxer, and Kerry along with Representatives Shays, McCarthy, Kennedy, Maloney, and Lowey (Tab A), and through oral discussions with congressional staff. A combined list of these questions is below:

- 1) The number of curio and relic license import applications processed and approved in the last 5 years.
- 2) The articles that were approved for importation as of the date of that report.
- 3) The number of applications disapproved and the reasons for such disapprovals.
- 4) An estimate of the number and the specific model of firearms, based upon current survey information from overseas missions available for importation from non-proscribed countries. ✓
- 5) A detailed explanation of the process by which an M1 Carbine can be converted into an illegal machine gun under the National Firearms Act or assault weapon, as defined in 18 U.S.C. 921(a)(30).
- 6) When providing information about the number of applications processed and approved in the last five years, please indicate who is submitting the applications, and provide a geographical distribution of the applicants. Please indicate whether or not imports are traceable. ✓
- 7) Please provide information about the firearms approved for importation by type (e.g. rifle, shotgun, pistol, or revolver) and characteristics (e.g. manual, semi-automatic, fully-automatic, clip-, belt-, or drum-fed). ✓
- 8) Include an assessment of weapon quality and street value as part of the overview of the availability of the firearms at issue. Please provide an analysis of the impact imports would have on the U.S. gun market and U.S. manufacturers. ✓
- 9) Explain the importance for the President and the Secretary of State to retain authority to retain control over firearms granted

or sold by the Government exclusively for foreign use, and never intended for private use.

10) Please provide an assessment of the extent to which applications for the importation of these weapons were approved or denied in the Bush and Reagan administrations.

11) Please include a description of any law enforcement or grand jury investigations of alleged illegal conduct related to the importation of M1 or M1911 firearms.

12) Provide an analysis of the number and types of weapons added to the list since 1980, the process by which they are added to the list, and entities that have petitioned to have weapons added to the list. ? ✓

13) Include a comprehensive overview of the number of homicides and violent crimes committed against police officers with M-1's or M-1911's, regardless of the manufacturer, or any other firearm on the curio and relic list.

14) Account for the difference between number of shipped curio and relic weapons, and numbers now in foreign inventories.

15) Discuss usability of curio and relic weapons, and how they are traced to crime.

16) Discuss relationship between the average price of weapons, their availability, and crime.

17) Describe the effect of the importation of these curio and relic weapons on domestic gun manufacturers.

18) Compare each M1 Garand, M1 Carbine, and M1911 pistol with its modern counterpart, and discuss whether a standard round will pierce a police vest.

19) Account for the loss of net proceeds during third party sale.

20) Include proscribed countries in discussion of weapons in foreign inventories.

The report is organized by combining the above questions that relate to each other under subheadings, then arbitrarily renumbering them in order. The answers to the questions were submitted by every agency with authorities or responsibilities related to the questions. The contents of this report, in its entirety, have been cleared by all the organizations (~~including~~)

USE STANDARD OMB
REFRAIN.

~~the White House~~ having jurisdiction related to the subject matter, in a working group of 28 May 1998.

Import Applications

1. The number of applications processed and approved in the last 5 years. *
2. The articles that were approved for importation as of the date of the report. *
3. The number of applications that were disapproved and the reasons for such disapprovals. *
4. Please indicate who is submitting the applications, and provide a geographical distribution of the applicants. Please indicate whether or not imports are traceable. (Indications of the traceability of the referenced firearms is addressed along with question #18 in a following section of this report.) *
5. Please provide an assessment of the extent to which applications for the importation of these weapons were approved or denied in the Bush and Reagan administrations.

* The Bureau of Alcohol, Tobacco, and Firearms' (ATF) import database is not designed to support the types of queries needed to retrieve the information in the form required to provide full and complete responses to information requested from items 1-4 above. ATF's database does not support queries to retrieve information based on the model designation of the firearms at issue (the M-1 Garand, the M-1 Carbine, and the 1911 Colt pistol), their status as surplus military firearms, or their country of manufacture (U.S.). Records of a more general nature are kept, however. Please refer to the attached examples (Tab B) of the type of data that ATF--as downloaded from Customs' Automated Commercial System database--can retrieve. In addition, State has included a recent snapshot of pending curio and relic license request cases that have been forwarded from ATF in Tab B, although there is no official regulation for such recordkeeping.

Reasons for disapproving a U.S.-origin curio and relic import application may be due to foreign policy concerns, or a

determination that the application is not in accordance with the Gun Control Act. The decision to ultimately approve or deny an import license lies with ATF. Decisions on U.S.-origin curio importation license requests are influenced by a recommendation by the Department of State if the item in question was originally transferred to another country through a government-to-government transfer like lend-lease or the military assistance program.

The inability to query ATF's database using such specific criteria also precludes an identification of importers who wish to import these specific firearms into the United States. Moreover, ATF cannot divulge the names of licensed firearms importers—the only entities allowed by law to import such firearms—as this information is considered proprietary. However, based on limited (and easily accessible) files, the following locations are available:

<u>Number of importers</u>	<u>State</u>
1	VA
2	WV
1	TN
1	SC
1	GA
1	FL
1	TX
1	NM
3	CA
1	WA
1	MN
1	IL
2	VT
2	NY
1	MA

Is this
really the
chart we
want?

These numbers are also available in a picture map in Tab B.

Foreign Inventories

6. An estimate of the number and the specific model of firearms, based on current survey information from overseas missions, available from non-proscribed countries. *

7. Include proscribed countries in discussion of weapons in foreign inventories. *

8. Account for the difference between number of shipped curio and relic weapons, and numbers now in foreign inventories. *

9. Account for the loss of net proceeds during any third party sale.

* M-1 Garands: 527,062 M-1 Carbines: 743,697 M-1911 Pistols: 231,965

?

The State Department surveyed posts in non-proscribed countries worldwide with directions to use all appropriate means in gathering the requested data.

These numbers are limited by the fact that some posts were unable to provide any data because of the given country's national security policies, or lack of current records. Further, the circumstances in some countries were not optimal for the necessary coordination between posts and that foreign military. In other instances, foreign officials were unresponsive to post's repeated queries, or simply reported that many of these firearms have been destroyed (or deteriorated beyond repair).

Obtaining accurate data from posts in proscribed countries is a highly difficult endeavor. The host governments usually are unwilling to release such information, and there is little likelihood that the USG can force an accurate response.

The above points highlight similar reasons behind the difference between numbers of shipped firearms to specific countries, with numbers now in foreign inventories, as well as the loss of net proceeds during a third party sale. Although strict end use and retransfer agreements are in place with any arms transfer from the United States to another country, illegal retransfers do occur. As a result, net proceeds would not be returned to the United States during such illicit third party sales.

STATEMENT
THAT WE
MUST ASSUME
WHAT WE
CAN'T
CONFIRMED
DESTROYED
IS STILL
IN EXAMINATION

That said, and in light of inconsistent recordkeeping of other governments, it is unrealistic to expect that weapons transferred forty years ago can still be accounted for in their entirety.

— ?

Adding to the Curio and Relic List

10. Provide an analysis of the number and types of weapons added to the curio and relic list since 1980, the process by which they are added to the list, and entities that have petitioned to have weapons added to the list.

From August 1980 through November 1996, there have been 300 types of handguns, rifles, and shotguns added to the Curio and Relic List, Section II: Firearms classified as Curios or Relics under 18 U.S.C. Chapter 44. The term "Curios or Relics" is defined in 27 CFR Section 178.11 (in ATF's Curio or Relic List, Tab C). The procedures for obtaining a curio or relic determination are set forth in 27 CFR Section 178.26 (in ATF's Curio or Relic List, Tab C).

→ MENTION OF '86 LANGUAGE + # BEFORE + AFTER LOOP HOLE

A request for curio or relic determination is reviewed by knowledgeable technical personnel to determine if the weapon in question meets one or more of the requirements for classification as a curio or relic. If the particular weapon is found to qualify, a letter of classification is prepared, reviewed and signed by the appropriate ATF management official. A description of the specific firearm or firearm type is then included in future editions of the Curio or Relic List.

Requests for curio or relic determinations are made by the general public, licensed firearm collectors, licensed firearm dealers, licensed firearm importers, and licensed firearm manufacturers.

The M-1 Garand, M-1 Carbine, and M-1911 Pistol

11. Please provide information about the firearms approved for importation by type (e.g. rifle, shotgun, pistol, or revolver) and characteristics (e.g. manual, semi-automatic, fully-automatic, clip-, belt-, or drum-fed). *

12. Compare each M1 Garand, M1 Carbine, and M1911 pistol with its modern counterpart, and discuss whether a standard round will pierce a police vest. *

13. A detailed explanation of the process by which an M1 Carbine can be converted into an illegal machine gun under the National

Firearms Act or assault weapon, as defined in 18 U.S.C.
921(a)(30). *

The request for a discussion of each firearm's "usability" will also be discussed in this question via a general description of each firearm.

*

M-1 Garand: A commercial copy of the M-1 Garand was produced by Springfield Inc., Geneseo, Illinois, until 1990. The last suggested retail price from the manufacturer was \$761. The current edition of the Blue Book of Gun Values lists used gun prices for this commercial rifle from \$425 - \$725 depending on condition. The M-1 Garand is chambered to fire the .30-06 cartridge. Soft body armor normally worn by law enforcement personnel on a daily basis is not designed to provide protection against this level of threat. Level IV armor is designed to provide protection against .30-06 threat levels. This level armor is not the type worn on a daily basis. *

M-1 Carbine: Commercial copies of the M-1 Carbine have been produced by various U.S. manufacturers for more than 20 years. The rifle was most recently produced by Iver Johnson and was discontinued in 1993. The last suggested retail price from the manufacturer was \$350. The current edition of the Blue Book of Gun Values lists used gun prices for this commercial rifle from \$130 - \$285 depending on condition. The M-1 Carbine is chambered to fire the .30 Carbine caliber cartridge. Level III body armor is designed to provide protection against .30 Carbine caliber threats. This level armor is not the type worn on a daily basis.

In order to convert the Carbine into a fully automatic firearm, illegal parts are necessary. ATF has advised the following narrative (including necessary parts) by which this conversion takes place:

A semiautomatic U.S. Carbine, Caliber .30, M1, can normally be converted into a selective fire machinegun, by disassembling the firearm, removing 2 semiautomatic parts, installing 7 M2 selective fire parts, and then re-assembling the firearm. The conversion can be normally accomplished in approximately 15 minutes time without any special tools. Some M1 Carbines will require additional parts. *

M1 parts that must be removed include the M1 hammer, and the trigger housing retaining pin.

M1 parts that must be installed include:

- 1) M2 hammer
- 2) M2 disconnecter
- 3) M2 disconnecter spring
- 4) M2 disconnecter plunger
- 5) M2 disconnecter lever assembly
- 6) M2 selector
- 7) M2 selector spring

Additionally, the following parts may need to be replaced or added if not already installed:

- 1) M2 sear
- 2) M2 operating slide
- 3) M2 stock assembly
- 4) M2 trigger housing

Detailed instructions for normal conversion of an M1 Carbine into a machinegun are as follows:

- 1) Ensure that the firearm is unloaded and remove the magazine.
- 2) Loosen front barrel band and slide it forward.
- 3) Separate barreled action from buttstock.
- 4) Remove trigger housing retaining pin.
- 5) Remove trigger housing assembly from receiver.
- 6) Remove hammer spring and hammer spring plunger.
- 7) Remove hammer pin and hammer.
- 8) Assemble disconnecter, disconnecter spring, disconnecter plunger.
- 9) Insert disconnecter assembly in trigger housing.
- 10) Install M2 hammer in trigger housing.
- 11) Re-install hammer pin.
- 12) Re-install hammer spring and hammer spring plunger.
- 13) Re-install trigger housing in receiver.
- 14) Install disconnecter lever assembly.
- 15) Install selector.
- 16) Install selector spring.
- 17) Re-install barreled action in buttstock.
- 18) Re-install barrel band.

Any semiautomatic U.S. M1 Carbine can be converted into a semiautomatic assault weapon by replacing the fixed buttstock with a folding M1A1 type buttstock.

A semiautomatic M1 Carbine with a bayonet lug can be converted into a semiautomatic assault weapon by adding a flash suppresser or a grenade launcher.

7 M1911 pistol: The M1911 type pistol and variations (i.e. M1911A1) have been in continuous production since 1911. The weapon remains in production by various domestic and foreign manufacturers. Depending on the manufacturer and configuration of the weapon, current suggested retail price for M1911A1 type pistols ranges from \$430 - to over \$1000. The 18th edition of the Blue Book of Gun Values lists used gun prices for standard versions of this pistol from \$200 - \$550, depending on condition. The M1911 pistol is chambered for the .45 ACP caliber cartridge. Level II-A soft body armor is designed to provide protection against .45 ACP caliber threats. This level soft body armor is a common type available to law enforcement. However, since it is unknown what level of soft body armor is used by various law enforcement agencies, no conclusions concerning the threat posed by .45 ACP caliber ammunition should be drawn.

Values of Guns/Effect of Importation on Market

14. Include an assessment of weapon quality and street value as part of the overview of the availability of the firearms at issue. Please provide an analysis of the impact imports would have on the U.S. gun market and U.S. manufacturers. *

15. Describe the effect of the importation of these curio or relic weapons on domestic gun manufacturers.

* The firearms at issue, as manufactured, are of excellent quality. The "street value" of the weapons in lawful commerce is the selling price set by the importer and other segments of the commercial distribution chain. Selling price is dictated by a number of factors including cost to the importer, number of weapons available, condition of weapons, desired profit margins through the distribution chain, popularity of the weapon, and density of firearms available in the market place and other factors.

The 18th edition of the Blue Book of Gun Values lists the following used gun prices for the weapons at issue:

M-1 Garand: \$425 - \$725 depending on condition.

M-1 Carbine: \$130 - \$285 depending on condition.

M-1911 & M1911A1 pistols: \$200 - \$550 depending on condition.

If large numbers of the above weapons enter the commercial market the retail prices set by the importers/dealers will remain constant as long as the product moves. As sales slow, the prices will typically be reduced in an effort to keep the product moving from seller to consumer.

The impact on U.S. firearm manufacturers in general is that as more used firearms become available to the consumer, the sale of new firearms can suffer because the volume and variety of used weapons are available at lower prices. Manufacturers who produce weapons of the same or very similar type to the firearms at issue will see a more direct impact. For example, the M-1911/M-1911A1 pistol is currently manufactured by several different firms. The retail prices for new M1911/M1911A1 pistols range from \$430 to over \$1000 depending on configuration of the weapon. Used M1911/M1911A1 pistols at prices ranging from \$200 to \$500 can adversely affect those manufacturers who currently produce those weapons.

Controlling Firearms Transfers

16. Explain the importance for the President and the Secretary of State to retain authority to retain control over firearms granted or sold by the Government exclusively for foreign use, and never intended for private use.

Under the Arms Export Control Act and the Foreign Assistance Act, only the President and by executive order the Secretary of State have the authority to authorize transfers (by sale or grant) of defense articles by the United States Government to foreign countries as well as all proposals to retransfer such defense articles among foreign governments and, under highly unusual circumstances, among private parties.

These firearms have been sold exclusively for military use by allies and friendly foreign governments, and that authorizing retransfers to private parties simply does not serve U.S. foreign policy and national security purposes--thus raising concern.

To accentuate these points, Section 2 of the Arms Export Control Act specifically states that

"...the Secretary of State (taking into account other United States activities abroad, such as military assistance, economic assistance, and food for peace program) shall be responsible for the continuous supervision and general direction of sales, leases, financing, cooperative projects, and exports under this Act,...to the end that sales, financing, leases, cooperative projects, , and exports will be integrated with other United States activities and to that end the foreign policy of the United States would be best served thereby."

The above provisions establish a regime for USG furnishing of military weapons in order to strengthen the security of the U.S., and best serve U.S. foreign policy. Careful administration of the retransfer consent policy serves U.S. foreign policy interests by helping to prevent unfettered trafficking of U.S. military weapons (never intended or financed by the USG for private trade). In fact, the Arms Export Control Act states it as a policy of the United States to

"...exert leadership in the world community to bring about arrangements for reducing the international trade implements of war and...the burden of armaments."

Investigations/Crimes Linked to Law Enforcement

17. Please include a description of any law enforcement or grand jury investigations of alleged illegal conduct related to the importation of M1 or M1911 firearms. *

18. Include a comprehensive overview of the number of homicides and violent crimes committed against police officers with M-1's or M-1911's, regardless of the manufacturer, or any other firearm on the curio and relic list.

* Records dating from the past five years do not indicate any information regarding any alleged illegal conduct related to the importation of M1 or M1911 firearms over the last five years.

In a similar vein, there is no data in current official database holdings that can accurately address the number of homicides and violent crimes committed against police officers.

Current systems used by the Federal Bureau of Investigation (FBI) do not, in all cases, distinguish between models of rifles and handguns used in such crimes--in the same way that ATF's import database does not. From media reports, the Government is aware of over a dozen reported instances of crime against law-enforcement officers when a curio or relic was involved.

Every firearm has a serial number for tracing purposes, done in the following manner:

Each licensed manufacturer or licensed importer of any firearm manufactured or imported shall legibly identify each such firearm by engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed) or placed on the frame or the receiver thereof in a manner not susceptible of being readily obliterated, altered, or removed, an individual serial number placed by the manufacturer or importer on any other firearm, and by engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed) or placed on the frame, receiver, or barrel thereof in a manner not susceptible of being readily obliterated, altered, or removed, the model, if such designation has been made; the caliber or gauge; the name (or recognized abbreviation of same) of the manufacturer and also, when applicable, of the importer; in the case of a domestically made firearm, the city and State (or recognized abbreviation thereof) wherein the licensed manufacturer maintains its place of business; and in the case of an imported firearm, the name of the country in which manufactured and the city and State (or recognized abbreviation thereof) of the importer.

General Crime Issues

19. How are curio and relic weapons traced to crime? *

20. Describe relationship between the average price of weapons, their availability, and crime.

* Under the provisions of the 1968 Gun Control Act, ATF can trace firearms found at a crime scene through their serial numbers—if traces are requested by the relevant law enforcement agencies. However, trace data can be requested for purposes unrelated to crime and the information provided is not always specific or updated.

The ATF trace data currently is far from comprehensive. Although the presence of ATF trace data on a particular firearm may be a strong indication of the weapon's presence at a crime scene, the absence of trace data should not be taken as an indication that a weapon fails to be used in crime or other improper purposes.

Criminals use a wide variety of firearms to commit serious offenses. Weapons classified as curios or relics by ATF are among the weapons used in crime, and their importation may affect the use of these and other weapons in crime.

To address these issues, this section first discusses overall use of curio or relic weapons in crime using aggregate data, where such data are available. The section then turns to reviewing certain specific incidences of crime involving the use of firearms classified as curios or relics. Subsequently, the section provides a discussion of certain issues relevant to the relationship between weapons availability, price, and crime.

Weapons such as the M-1 Carbine, M-1911 and 1911A pistol, and M-1 Garand rifles that are already in the U.S. have been used to commit crimes. Between September 1989 and mid 1997, the ATF's National Tracing Center traced approximately 1,900 M-1 Carbines or rifles and 2,670 M-1911 pistols recovered by law enforcement officers throughout the United States. Since January 1997 alone, ATF has traced 1,351 of these weapons.¹

Although the number of traces involving curio or relic weapons may appear small in comparison to the total number of traces conducted by ATF, this is partly because the existing policy against importation of such firearms limits the number of these currently available in the U.S. Moreover, even though ATF tracing statistics are a valuable source of information, they are far from comprehensive. In addition, as discussed elsewhere in this report, re-imported firearms are especially difficult to trace.² Hence, the number of traces requested involving certain firearms should not be taken as an indication of the full

¹ATF traces crime guns recovered by law enforcement agencies when officials request traces. A crime gun is defined, for the purposes of tracing, as any firearm that is illegally possessed, used in a crime, or suspected by law enforcement of being used in a crime.

²See *infra* section X.

magnitude of those firearms' use in crime. Even thus, as traces have increased over the past three years, the weapons in question have remained a fairly constant proportion of the total, indicating that the presence of such firearms at crime scenes is recurrent.³ Figure 1 indicates the proportion of traces for M-1 carbines, M-1 Garand rifles, and M-1911 and 1911A pistols relative to other firearms.

Some of the specific incidents where curio or relic firearms have been used to commit crimes underscore how these weapons can be used in crime. In particular, as detailed in a previous section, curio and relic firearms have been used to murder law enforcement officers. For example, in January 1997, two California Sheriff's Deputies, James Lehmann, Jr. and Michael Haugen, were killed with an M-1 carbine while responding to a domestic violence call. In 1994, Sgt. James Noyes of the New Hampshire State Police was killed in the line of duty by an M-1 carbine.

There may be a relationship between the availability of certain weapons, their price and quantity, and the use of such weapons in crime. The weapons in question are -- in the majority of cases -- fully functional firearms possessing features that could be attractive to criminal offenders. Moreover, these used and imported weapons present a generally less expensive alternative to weapons with comparable features. Finally, the influx of large quantities of inexpensive weapons with features that could be attractive to criminals makes it more likely these will become frequent crime guns.

³Bureau of Alcohol, Tobacco, and Firearms, National Tracing Center (1998).

Many curio or relic weapons are already likely to be particularly attractive to criminals because of certain characteristics, such as the ability to accept high-capacity magazines and, in the case of the M-1 carbine, the easy convertibility to full automatic fire. The M-1 carbine is a .30 semi-automatic rifle, weighing about 5.5 lbs., and accepts 15- or 30-round detachable magazines. The M-1911 and 1911A pistols are .45 caliber semiautomatic pistols, weighing about 2.5 lbs., and accept 7-round detachable magazines. The M-1 Garand is a .30-06 caliber semi-automatic rifle, weighing roughly 9.5 lbs., and accepting an 8 round clip.⁴

As these specifications indicate, some of the weapons in question essentially accept large capacity military magazines, a feature consistent with the weapons' original design as military combat firearms. On April 6, 1997, the Treasury Department released a study on the importation of assault-type weapons.⁵ The study concluded that large capacity military magazine weapons, should not be imported because they do not meet the sporting purposes standard for importation.⁶ The study indicated that weapons with the ability to accept large capacity military magazines are traced by ATF in increasing numbers.⁷

Moreover, some of the weapons in question may be attractive to criminals because their ammunition can be stopped only by vests that are not worn by law enforcement officers on a daily

⁴Although the M-1 Garand rifle is heavier than the M-1 carbine and accepts fewer rounds in a single clip, its price is generally lower and its longer barrel allows for more accurate shooting. The Garand may also hold appeal as a weapon specifically designed for war and used by domestic and overseas armed services.

⁵U.S. Department of the Treasury, *Study on the Sporting Suitability of Modified Semiautomatic Assault Rifles* (April 1998).

⁶18 U.S.C. section 925(d) sets strict standards for the importation of firearms into the United States. Because the weapons in question are covered under a separate provision of the 1968 Gun Control Act, they are not directly subject to the sporting purposes determination. Yet the analysis on large capacity magazines is still relevant to ascertain whether this feature makes a weapon potentially attractive to criminals.

⁷U.S. Department of the Treasury, *supra* note 5, at 33.

basis. Specifically, the M-1 carbine is designed to fire a .30 caliber carbine cartridge. Although Level III body armor is designed to provide protection against such ammunition, it is not the type of armor worn on a daily basis. The M-1 Garand rifle is built to fire .30-06 cartridges; Level IV body armor, also not worn on a daily basis, is the only commonly available armor designed to protect against these cartridges.⁸

In addition to criminals' potential interest in the features discussed above, criminals' possible use of these weapons may result from the relatively competitive pricing and functionality of the weapons. Although prices for curio and relic weapons vary, their overall level makes the weapons generally less expensive than comparable new weapons.⁹ The 18th Edition of the Blue Book on Gun Values lists the prices for the weapons in question as follows: M-1 carbine, \$130-\$285; M-1911 and 1911A pistols, \$200-\$550; and M-1 Garand, \$425-\$725. These prices all vary depending on condition. By contrast, the last suggested retail price for the M-1 Garand (produced through 1990) was \$761. The newer versions of the M-1 carbine (produced through 1990) retailed for \$350. Moreover, weapons comparable to M-1 carbine that have been converted to fully automatic fire are not available in the legal firearms market, but retail for larger amounts.¹⁰ The M-1911A pistol continues to be produced. The current suggested retail price ranges from \$430 to over \$1000. Figure 2 compares the price range means for each firearm type.¹¹ Thus, the importation of the weapons in question would lead to direct increases in the availability of inexpensive weapons including features sometimes preferred by criminals.

In addition to these direct effects, a reduction in the overall price level of certain weapons resulting from the

⁸Bureau of Alcohol, Tobacco, and Firearms (1998).

⁹Blue Book of Gun Values, 18th ed. (1997).

¹⁰Prices for comparable automatic weapons sold illegally could far exceed the price of an M-1 carbine, which is itself easily convertible into an automatic weapon. Although reliable estimates are difficult to obtain, the ATF Firearms Technology Office indicates that such prices could be as high as \$1000 in urban areas.

¹¹The price range mean is the mean value of the lowest and highest value given in the Blue Book of Gun Values 18th ed. (1997).

presence of greater quantities could make them more easily available to purchasers, including criminals. Like the prices of other commodities, firearms prices are affected by the supply of available firearms and demand for the weapons.¹² If demand remains constant, an increase in the supply of firearms would tend to decrease the price that firearms sellers could obtain for a weapon.¹³ Meanwhile, other factors being equal, the quantity of firearms demanded is affected by the price of such firearms. Thus, in general terms, the effect of a decrease in the price of weapons could have at least two consequences. First, individuals who are deciding between purchasing a firearm and not purchasing a firearm may be more likely to decide to make a purchase if the price is lower. Second, lower prices in a certain segment of the firearms market could make weapons from such a segment more attractive compared to other weapons.¹⁴

The specific changes in pricing of these models or comparable weapons depend on the actual changes in supply of the weapons.¹⁵ While it is not possible to anticipate how many weapons would be imported if the current policy were changed to allow the importation of these weapons, the Department of Defense has accurate information on how many weapons were originally provided to foreign governments. These amounts include 1,246,000

¹²See, e.g., Philip J. Cook et al., *Regulating Gun Markets*, 86 *J. Crim. L. & Criminology* 59 (1995).

¹³These commonly understood pricing pressures are exacerbated by the relative durability of guns, which force products entering the market (whether used or new) to compete with an existing stock of guns. *Ibid.* at 61 ("Guns are extremely durable, and some of the guns used in crime have been in the possession of the shooter for years or even decades.").

¹⁴Even assuming that overall demand for firearms were relatively less elastic than for other commodities, the demand for individual types of firearms is probably fairly elastic. Thus, substitution to the weapons in question would result from a reduction in the price of the M-1 carbine, M-1911 and 1911A, and M-1 garand weapons (as well as similar weapons that may also face price reductions resulting from the imported firearms).

¹⁵Figures currently are not available to calculate precisely the potential increase in quantity of weapons demanded that could result from additional quantities of curio or relic firearms. As above, prices can be affected by other factors beyond supply shifts (such as exogenous changes in demand).

M-1 carbines, 278,000 M-1911 and 1911A pistols, and 958,000 M-1 Garand rifles. By most accounts, the numbers are significant enough to affect the price and easy availability of these weapons throughout the United States.

TAB A

MAJORITY MEMBERS

BOB LIVINGSTON, LOUISIANA, CHAIRMAN
 JOSEPH B. BORDO, PENNSYLVANIA
 CAL SWAN, FLORIDA
 RALPH ABRAHAM, OHIO
 JERRY LINDER, CALIFORNIA
 JOHN EDWARDS PORTER, KENTUCKY
 HARVEY HOPKINS, KENTUCKY
 JIM GIBBS, NEW MEXICO
 FRANK R. WELLS, VIRGINIA
 TOM BULLEY, TEXAS
 JIM BOWEN, ARIZONA
 BOB FICKARD, CALIFORNIA
 ROBERT C. ALLAM, ALABAMA
 ANDREW T. WALKER, NEW YORK
 CHARLES R. TAYLOR, NORTH CAROLINA
 DAVID L. BOSSON, OHIO
 CHESTER A. STUCK, JR., OKLAHOMA
 ROBERT BOHLEN, TEXAS
 JOE SCHULLENBERG, MICHIGAN
 DAN BULLER, FLORIDA
 JIM BUCKLEY, ARIZONA
 JACK BRACSTON, COLORED
 PARKER HICKS, NEW JERSEY
 ROBERT F. WELLS, NEW JERSEY
 BOB B. WICKER, MICHIGAN
 ROBERT D. FORNER, NEW YORK
 GEORGE B. KETTERLITZ, JR., WASHINGTON
 MARK W. NEWMAN, WISCONSIN
 RANDY "DUNCAN" CLARK, CALIFORNIA
 TODD WALKER, KANSAS
 ZACH WALKER, KANSAS
 STEVE LUTHER, IOWA
 M. MORTIMER, KENTUCKY
 ROBERT E. ADAMS, ALABAMA

Congress of the United States

House of Representatives

Committee on Appropriations

Washington, DC 20515-6015

January 12, 1998

MINORITY MEMBERS

DAVID R. GALT, WISCONSIN
 ROBERT E. WATTS, ILLINOIS
 LOUIS STOKER, OHIO
 JOHN P. MARTIN, PENNSYLVANIA
 NORMAN D. BROWN, WASHINGTON
 MARTIN CLAY SANDOZ, MINNESOTA
 JAMES C. BROWN, CALIFORNIA
 MICHAEL J. CALIFORNIA
 WEA, BELL, NORTH CAROLINA
 EDWIN H. HENDER, NORTH CAROLINA
 ALAN B. MULLOCHAN, WEST VIRGINIA
 BARRY KAPLAN, OHIO
 DAVID E. WATTS, COLORADO
 BARRY WELLS, CALIFORNIA
 STEVE A. WICKS, OHIO
 THOMAS M. FUCHS, PENNSYLVANIA
 STEPHEN EDWARD TORRES, CALIFORNIA
 RITA M. LORRY, NEW YORK
 JOSE E. BERNARD, NEW YORK
 DONALD L. BERNARD, CONNECTICUT
 JAMES P. MORAN, VIRGINIA
 JOHN W. OLIVER, MASSACHUSETTS
 ED HASTON, ARIZONA
 CURTIS F. REED, FLORIDA
 DAVID F. PRICE, NORTH CAROLINA
 CHEY EDWARDS, TEXAS

CLERK AND STAFF DIRECTOR
 JAMES W. BYER

TELEPHONE
 (202) 225-4771

*Meggi
 Baker*

The Honorable Madeleine K. Albright
 Secretary
 U.S. Department Of State
 2201 C Street, NW
 Washington, DC 20520

Dear Secretary Albright:

We are writing regarding language included in the Conference Report to the Fiscal Year 1998 Appropriations Act for the Departments of Commerce, Justice, State, the Judiciary and Related Agencies.

As you may know, the Statement of Managers includes language requesting the Department of State, in consultation with the Bureau of Alcohol, Tobacco and Firearms, and the Federal Bureau of Investigation, to prepare a report with regard to information associated with applications for permits to import curio and relic firearms. Circumstances are such in the industry that this information is needed expeditiously. Therefore, we hope and would expect this reporting requirement to be fulfilled by February 27, 1998.

We would appreciate a timely submission of the report, and look forward to working with you on this and other issues of importance to the Department of State.

Most sincerely,

Harold Rogers
 Harold Rogers
 Chairman

Alan B. Mollohan
 Alan B. Mollohan
 Ranking Member

H10856

CONGRESSIONAL RECORD—HOUSE

November 13, 1997

Sec. 303.—The conference agreement includes section 303, identical in both the House and Senate-reported versions of the bill, allowing up to \$10,000 of salaries and expenses funds provided in this title to be used for official reception and representation expenses of the Judicial Conference of the United States.

Sec. 304.—The conference agreement includes section 304, as proposed in the Senate bill, which provides a permanent extension of the authority for the Judiciary Automation Fund. The House bill did not include any provision on this matter.

Sec. 305.—The conference agreement includes section 305, creating the Commission on Structural Alternatives for the Federal Courts of Appeals. The functions of the Commission are to study the present division of the United States into the several judicial circuits; study the structure and alignment of the Federal Court of Appeals system, with particular reference to the Ninth Circuit, and to report to the President and the Congress its recommendations for changes in circuit boundaries or structures. The Commission is to be made up of 5 members, to be appointed by the Chief Justice of the Supreme Court. The Commission is to conduct studies during the 10-month period beginning on the date on which a quorum of the Commission is appointed, and within the following 2-month period, submit its report to the President and the Congress. Not to exceed \$300,000 is authorized to be appropriated for the Commission, to remain available until expended. The House bill had no provision on this matter. The Senate bill contained a provision that realigned the current Ninth Circuit and established a new Twelfth Circuit.

Sec. 306.—The conference agreement includes section 306, as proposed in the Senate bill, authorizing federal judges to receive a salary adjustment, modified to include an additional provision appropriating \$5,000,000 for the cost of the salary adjustment, to be transferred to and merged with appropriations in this title. The House bill did not contain a provision on this matter.

Sec. 307.—The conference agreement includes a provision included in the Senate bill amending section 44(c) of title 28 of the U.S. Code to require that in each circuit, other than the Federal Judicial Circuit, there shall be at least one circuit judge appointed from each State in that circuit. The House bill had no provision on this matter.

Sec. 308.—The conference agreement includes a provision requiring public disclosure of court appointed attorney's fees, unless the court finds that consideration of the defendant's interests requires otherwise, as included in the Senate bill as section 121, modified to make the provision effective 60 days after enactment, apply to new cases, and sunset in two years. The provision, as included in the Senate bill, would have been effective immediately, would have applied to all cases, and would have been permanent. The House bill included no similar provision.

The conference agreement includes a short title for Title III of this Act, as included in the Senate bill. The House bill did not include a short title.

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS DIPLOMATIC AND CONSULAR PROGRAMS

The conference agreement includes a total of \$1,730,000,000 for Diplomatic and Consular Programs. This amount includes a direct appropriation of \$1,705,000,000, instead of \$1,706,577,000 as provided in the House bill and \$1,727,063,000 as provided in the Senate bill, including \$100,000 from the conference fund

for the International Center, as provided in both the House and the Senate bills; \$700,000 to be derived from registration fees, as provided in both the House and the Senate bills; and \$23,700,000, to remain available until expended, for increased security overseas, as provided in the House bill, to continue the antiterrorism initiatives included in the fiscal year 1997 appropriations Act.

The conference report specifies that in addition to funds otherwise available, \$34,855,000 shall be available for operation of existing base services and \$17,312,000, to remain available until expended, for enhancement of the Diplomatic Telecommunications Service. The House bill contained a provision specifying these amounts, but did not allow for other funds that might be available. The Senate bill did not contain a provision on this matter.

The conference report also includes a provision permitting the transfer of up to \$4,000,000 to the Emergencies in the Diplomatic and Consular Service account for emergency evacuations and terrorism rewards, as provided in the Senate bill. The House did not have a provision on this matter.

The conference report also includes a provision to collect and deposit as an offsetting collection to this account Machine Readable Visa fees in fiscal years 1998 and 1999 to recover authorized costs. The Senate bill included a similar provision but would have made it permanent. The House bill included a provision allowing deposit of MRV fees as an offsetting collection to this account in fiscal year 1998.

The conference report does not include a provision making not to exceed \$125,000 of the funds under this heading available for the Maui Pacific Center, as proposed in the Senate bill. The House bill did not contain a provision on this matter.

The conferees agree that the language in both the House and Senate reports under this heading is to be followed in expending fiscal year 1998 funds, with the following exceptions and additions.

The conferees endorse a modified plan for orphan adoptions in the Russian Far East proposed by the State Department in response to language in the Senate report. Consular officers in Vladivostok will forward approved immigrant visa applications to Moscow by courier for final processing. Final processing and return of immigrant visas to Vladivostok will occur within the 10-day waiting period after final adoption hearings. The State Department shall report back to the Appropriations Committees on the implementation of the proposed new adoption procedures not later than December 31, 1997. The conferees understand that the State Department has been reimbursing some, but not all, U.S. Bering Straits commissioners. The conferees direct the State Department to compensate all U.S. members of the Bering Straits Commission for costs associated with official duties. The conferees direct the State Department to provide the Appropriations Committees with an estimate of commissioner compensation in fiscal year 1998 not later than December 31, 1997.

The conferees are concerned over the situation in the Republic of Albania, specifically, reports that the new Socialist government is engaging in politically motivated purges of civil servants and allegations of repression of certain members of the opposition. As such, the conferees direct the State Department to maintain vigorous scrutiny of the human rights performance of the new government, particularly with respect to treatment of opposition political parties, and the exercise of freedom of the media and freedom of Assembly. The conferees further direct the State Department to report back to the Con-

gress on these issues within 180 days of enactment of the bill.

The State Department previously has requested by the conferees to ensure that a senior officer of the U.S. & Foreign Commercial Service (US&FCS) was nominated to be an ambassador. The conferees continue to recognize the professionalism and firm policy expertise of the US&FCS officer corps and believe that such an action is long overdue. Accordingly, the conferees expect the Department of State to select and nominate a US&FCS foreign service officer to be an ambassador by May 1, 1998.

SALARIES AND EXPENSES

The conference agreement includes a total of \$363,513,000 for Salaries and Expenses, as proposed in both the House and Senate bills. The conference agreement does not include a provision, as proposed in the House bill, to withhold \$1,370,360 from obligation until the Secretary designates foreign terrorist organizations as required by the Antiterrorism and Death Penalty Act of 1996. The conferees are aware that the Secretary has made such designation and submitted it to Congress. The Senate bill did not contain a provision on this matter.

The conferees adopt by reference the provisions of both the House and the Senate reports under this heading.

The Department of State, in consultation with the Bureau of Alcohol, Tobacco, and Firearms, and the Federal Bureau of Investigation, is directed to prepare a report on the implementation of 22 U.S.C. 2775(b)(1)(B) to the Appropriations Committees of both the House and the Senate, to include the following:

- (1) the number of applications processed and approved in the last 5 years;
- (2) the articles that were approved for importation as of the date of the report;
- (3) the number of applications disapproved and the reasons for such disapprovals;
- (4) an estimate of the number and the specific model of firearms, based upon current survey information from overseas mission available for importation from non-proscribed countries; and
- (5) a detailed explanation of the process which an M-1 carbine can be converted in an illegal machine gun under the National Firearms Act or assault weapon, as defined in 18 U.S.C. 921(a)(30).

CAPITAL INVESTMENT FUND

The conference agreement includes \$28,000,000 for the Capital Investment Fund instead of \$30,000,000 as proposed in House bill, and \$105,000,000 as proposed in Senate bill. The conferees adopt by reference the provisions of both the House and Senate reports under this heading.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes \$27,495,000 for the Office of Inspector General, which has jurisdiction over the Department of State, the United States Information Agency, and the Arms Control and Disarmament Agency, as proposed in the Senate bill, instead of \$28,300,000 as proposed in House bill.

REPRESENTATION ALLOWANCES

The conference agreement includes \$4,200,000 for Representation Allowances, instead of \$3,300,000 as proposed in the House bill and \$4,100,000 as proposed in the Senate bill.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

The conference agreement includes \$7,900,000 for Protection of Foreign Missions and Officials, as provided in both the House and Senate bills.

Congress of the United States
Washington, DC 20515

February 4, 1998

The Honorable Madeleine Albright
Secretary of State
Department of State, Room 7226
Washington, D.C. 20520

Dear Secretary Albright:

As you know, the conference agreement on the FY98 Commerce, Justice, State Appropriations law directs the Department of State, in consultation with the Bureau of Alcohol, Tobacco, and Firearms, and the Federal Bureau of Investigation to prepare a report on the implementation of 22 U.S.C. 2778(b)(1)(B).

To ensure that the report provided by the Administration is thorough and balanced, we believe additional factors, other than those included in the illustrative list outlined by the conferees, should be addressed in the report. To that end, we would urge you to include information on the issues outlined below in the report to the Appropriations Committee.

1. When providing information about the number of applications processed and approved in the last five years, please indicate who is submitting the applications (e.g. individuals, collectors, importers, gunsmiths etc.) and provide a geographical distribution of the applicants. Please indicate whether or not imports are traceable. If they are not traceable, please indicate what it would cost to stamp imports with a serial number for tracing purposes.
2. Please provide the information about the firearms approved for importation by type (e.g. rifle, shotgun, pistol, or revolver) and characteristics (e.g. manual, semi-automatic, fully-automatic, clip-, belt-, or drum-fed).
3. Please include an assessment of weapon quality and street value as part of the overview of the availability of the firearms at issue. Please provide an analysis of the impact imports would have on the U.S. gun market and U.S. manufacturers.
4. Please explain why it is important for the President and Secretary of State to retain authority to retain control over firearms granted or sold by the Government exclusively for foreign military use and never intended for private use.
5. Please provide an assessment of the extent to which applications for the importation of these weapons were approved or denied in the Bush and Reagan Administrations.
6. Please include a description of any law enforcement or grand jury investigations of alleged illegal conduct related to the importation of M-1 or M1911 firearms.

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202 647 2552

LEG AFFAIRS-II

003/003

The Honorable Madeleine Albright

February 4, 1998

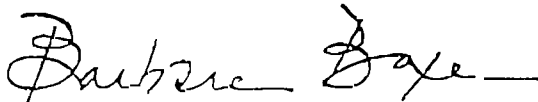
Page 2

7. Please provide an analysis of the number and types of weapons that have been added to the curios or relics list since 1980, the process by which those weapons are added to the list, and the entities that have petitioned to have weapons added to the list.

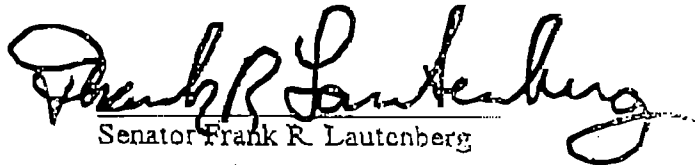
8. Please include a comprehensive overview of the number of homicides and violent crimes committed against police officers and against civilians with M1's or M1911's, regardless of the manufacturer, or any other firearm on the curios or relics lists.

We appreciate your effort to ensure that this report will be thorough and balanced. The information we are requesting will greatly inform the debate on this important issue in the Congress.

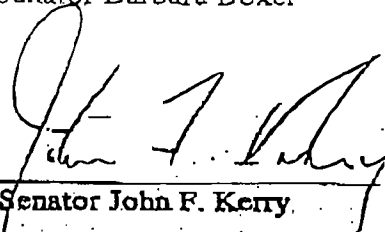
Sincerely,



Senator Barbara Boxer



Senator Frank R. Lautenberg



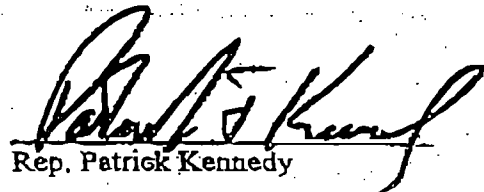
Senator John F. Kerry



Rep. Christopher Shays



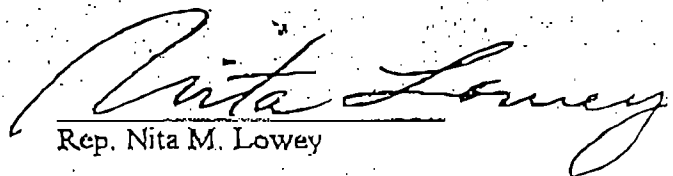
Rep. Carolyn McCarthy



Rep. Patrick Kennedy



Rep. Carolyn B. Maloney



Rep. Nita M. Lowey

TAB B

BATF FORM-6 License Requests										
Permit Number	Date Sent to DoS	Foreign Seller	Item #1	Quantity	Unit Cost	Total	Item #2	Quantity	Unit Cost	Total
98-00525	X 1/22/1998	Philippines	M1 Garand rifle	114316	60	6858960	Springfield Model 1903 .30-06	1333	30	39990
98-00296	X 2/3/1998	England	Browning M2 barrels (.50 cal.)	1500	10	15000				
97-11255	X 2/3/1998	Chile	M1 Garand rifle .30-06	970	115.47	112005.9				
98-01805	X 3/2/1998	S. Korea	M2 carbine parts	15000	25	375000				
97-10708	X 2/26/1998	Canada	Winchester M/97 12 gauge	450	69.97	31486.5				
98-01090	X 2/17/1998	Greece	Springfield .30-06 Model 1903	43000	40	1720000				
98-00448	X 2/17/1998	Virgin Islands	4API/1APIT .50 cal ammo	2500	200	500000				
98-00028	X 1/26/1998	S. Korea	.30-06 ball ammo	58000000	0.065	3770000				
98-00752	X 2/4/1998	S. Korea	.30-06 ammo	60000000						
98-00209	X 2/3/1998	Canada	M1 Garand rifle .30-06	1	450	450	Springfield .30-06 Model 1903	1	300	300
98-01763	X 3/16/1998	Denmark	M1 Garand rifle ("D" model)	850	125	106250				
98-01764	X 3/16/1998	Denmark	M1 Garand rifle .30-06	26850	45	1298250				
98-01766	X 3/16/1998	Denmark	Enfield P 17 .30-06 rifle	580	60	34800				
97-11322	X 2/3/1998	Greece	Springfield Model 1903-A3	30000	35	1050000				
97-10809	X 2/3/1998	Canada	Colt M1911 .45 ACP	1	140	140				
98-00014	X 2/3/1998	United Kingdom	Colt M1911A1 .45 ACP	1			VIS M.35 9mm	5		
98-00014	X 2/3/1998	United Kingdom	M.1937 7.65mm	1						
97-10643	X 2/3/1998	Canada	M1 Garand rifle .30-06	10						
97-10747	X 2/3/1998	Russia	.45 cal ACP ammo	50000000	0.03	1500000				
97-11097	X 2/3/1998	Greece	Springfield Model 1903	43000	40	1720000				
97-09862	X 2/3/1998	Virgin Islands	.30-06 tracer ammo	1490	0.05	74.5	.50 cal incendiary ammo	1000	0.2	200
97-09862	X 2/3/1998	Virgin Islands	.50 cal 4API/1ATIT	2500	0.2	500				
97-10669	X 2/3/1998	Greece	Springfield Model 1903 .30-06	47000	20	940000				
97-11808	X 2/3/1998	Turkey	M1 Garand rifle .30-06	20224	40	808960				
97-05683	X 9/25/1997	Germany	5.45 dummies	29700	0.104	3088.8				
97-06119	X 9/25/1997	Belgium	Aluminum dummies	1100	1.5	1650				
97-06237	X 9/24/1997	United Kingdom	3.5" bazooka, demil'd w/o rec.	2000	58	116000				
TOTALS			Rifles, rifle parts, & shotguns:	347093		15111592				
			Average cost per item:	43.53759						
			Ammunition:	1.68E+08		5775513				
			Average cost per round:	0.03437						
An 'X' denotes that the case has been forwarded to the legal staff for coordination and clearance.										

**IMPORTED FIREARMS
BY COUNTRY AND TYPE
JANUARY 1997 THROUGH DECEMBER 1997**

<u>COUNTRY OF EXPORTATION</u>	<u>SHOTGUNS</u>	<u>RIFLES</u>	<u>HANDGUNS</u>	<u>TOTAL FIREARMS</u>
BRAZIL	12,941	179	150,607	163,727
AUSTRIA	1	25,412	109,053	134,466
GERMANY	770	9,447	106,372	116,589
ITALY	75,426	6,747	26,882	109,055
CANADA	113	65,126	10,897	76,136
JAPAN	5,246	59,903	22	65,171
ROMANIA	0	46,396	9	46,405
CZECHOSLOVAKIA	25	38,263	994	39,282
ARGENTINA	0	2,957	22,505	25,462
BULGARIA	0	21,530	1,640	23,170
RUSSIA	0	16,000	0	16,000
FRANCE	17	15,705	73	15,795
SWEDEN	246	14,728	48	15,022
HUNGARY	0	4,509	10,131	14,640
CHILE	2	0	13,660	13,662
SPAIN	2,856	5	10,373	13,234
PORTUGAL	29	10,196	2,068	12,293
EGYPT	0	4,794	2,437	7,231
CHINA	6,848	0	0	6,848
ISRAEL	0	140	4,893	5,033
UNITED KINGDOM	440	3,393	236	4,069
FINLAND	0	3,765	0	3,765
PHILIPPINES	5	3,365	70	3,440
SWITZERLAND	1	2,145	524	2,670
BELGIUM	61	1,957	6	2,024
SOUTH KOREA	0	1,300	250	1,550
TURKEY	1,243	0	0	1,243
POLLAND	0	753	50	803
DENMARK	1	0	382	383
ALL OTHER COUNTRIES	25	222	0	392
TOTALS	106,296	358,937	474,327	939,560
SOURCE: ACS 3/26/98				

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS FIREARMS AND EXPLOSIVES IMPORTS BRANCH

IMPORTED FIREARMS BY COUNTRY AND TYPE JANUARY 1996 TO DECEMBER 1996

COUNTRY OF EXPORT	SHOTGUNS	RIFLES	HANDGUNS	TOTAL FIREARMS
AUSTRIA	0	457	182,463	182,920
ITALY	89,111	8,587	53,026	150,724
GERMANY	855	21,255	104,845	126,955
BRAZIL	16,521	3,535	89,006	109,062
CANADA	6,245	51,160	17,620	75,025
INDIA	1	72,206	0	72,207
FINLAND	0	25,415	0	25,415
SPAIN	2,980	303	13,492	16,775
SWEDEN	220	15,662	37	15,956
ARGENTINA	0	1,203	11,337	12,540
CHINA	45	12,110	0	12,155
HUNGARY	0	2,000	9,132	11,132
NETHERLANDS	16	6,709	1,950	8,675
IRELAND	0	8,001	0	8,001
NICARAGUA	0	6,600	0	6,600
BULGARIA	0	6,405	2	6,407
CZECHOSLOVAKIA	54	2,667	3,104	5,825
JAPAN	4,537	626	0	5,163
UNITED KINGDOM	1,924	3,083	1,462	5,007
SOUTH KOREA	0	3,103	1,517	4,620
TURKEY	3,832	101	0	3,933
EGYPT	0	3,606	0	3,606
POLAND	0	3,400	0	3,400
PHILIPPINES	200	2,522	5	2,727
ISRAEL	1,216	181	537	1,934
SWITZERLAND	1	280	887	1,168
GREECE	0	700	0	700
MEXICO	647	2	0	649
AUSTRALIA	5	640	0	645
ALL OTHERS	46	49	132	227
TOTALS	128,456	262,568	490,554	881,578

SOURCE: ACS 1/22/97

**IMPORTED FIREARMS
BY COUNTRY AND TYPE
JANUARY 1995 THROUGH DECEMBER 1995**

COUNTRY OF ORIGIN	SHOTGUNS	RIFLES	HANDGUNS	TOTAL FIREARMS
AUSTRIA	3	6,613	202,313	208,929
WEST GERMANY	1,444	6,672	171,819	179,935
ITALY	91,521	5,462	70,769	167,752
BRAZIL	18,972	172	125,170	144,314
RUSSIA	4,396	50,002	4,022	58,420
CANADA	157	30,630	23,520	54,307
UKRAINE	0	50,000	0	50,000
SPAIN	3,002	2	30,896	33,900
INDIA	0	30,824	0	30,824
CHINA	704	3,706	25,382	29,792
SWEDEN	208	18,066	991	19,265
UNITED KINGDOM	4,792	8,921	1,944	15,657
ARGENTINA	0	0	15,419	15,419
CZECHOSLOVAKIA	2	6,554	7,781	14,337
ISRAEL	0	0	12,753	12,753
FINLAND	2	10,423	0	10,425
JAPAN	7,675	1,316	39	9,030
HUNGARY	4	3,000	5,863	8,867
EGYPT	0	7,062	1,100	8,162
KOREA	1	3,000	4,017	7,018
FRANCE	39	6,607	17	6,663
TAIWAN	0	4,500	0	4,500
BULGARIA	0	3,571	636	4,207
PHILIPPINES	616	1,754	10	2,380
TURKEY	1,988	0	0	1,988
SWITZERLAND	0	151	1,587	1,738
ALL OTHER COUNTRIES	600	867	45	1,512
GREECE	0	1,310	0	1,310
TOTALS	136,126	261,185	706,093	1,103,404
01/23/96				

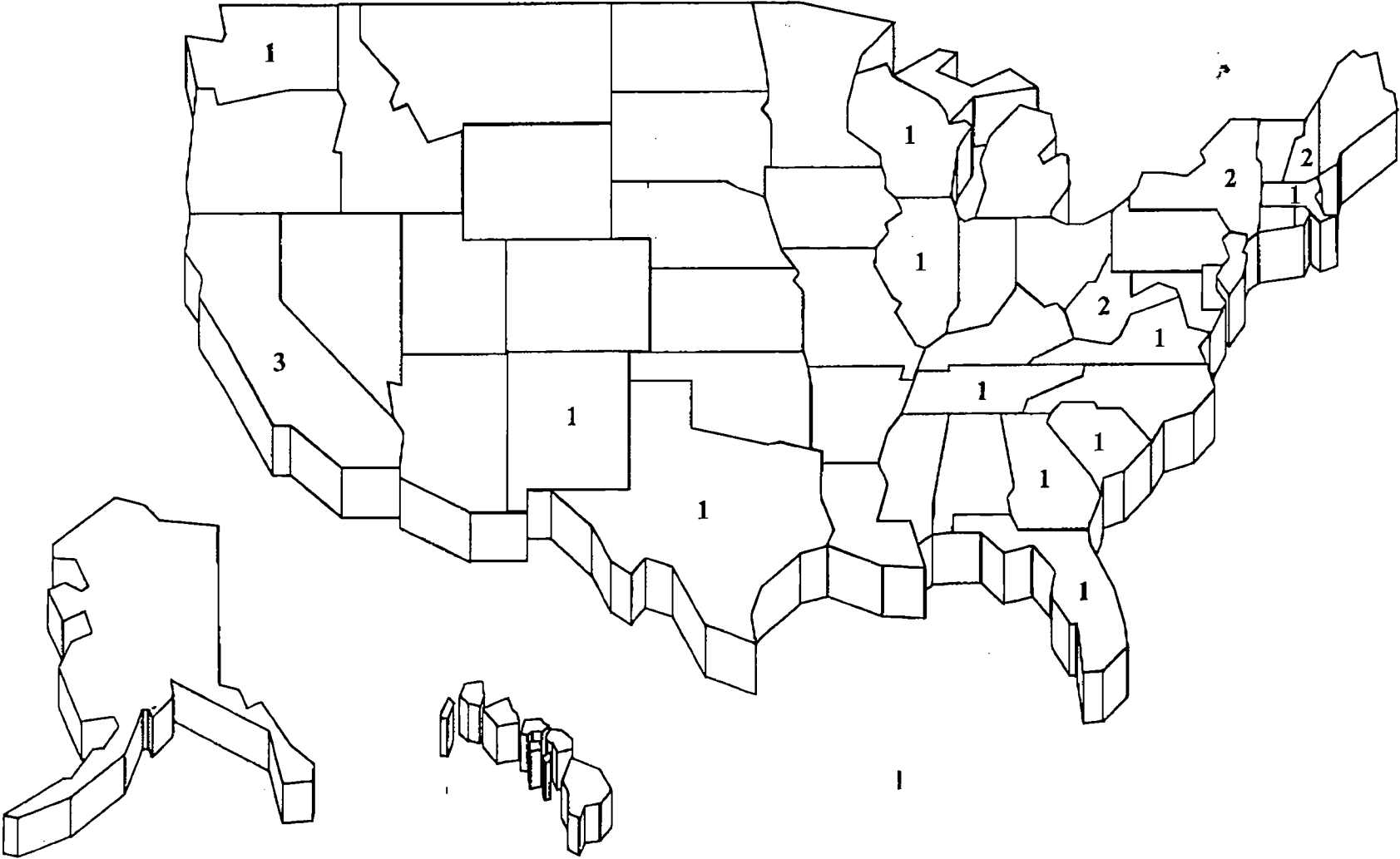
**IMPORTED FIREARMS
BY COUNTRY AND TYPE
JANUARY 1994 THROUGH DECEMBER 1994**

COUNTRY OF ORIGIN	SHOTGUNS	RIFLES	HANDGUNS	TOTAL FIREARMS
CHINA	15	408,655	33,522	442,192
RUSSIA	14,088	258,638	145,010	417,736
BRAZIL	25,940	2,836	216,781	245,557
AUSTRIA	0	24,545	191,143	215,688
WEST GERMANY	1,806	10,439	144,000	156,245
ITALY	64,667	5,207	55,328	125,202
UNITED KINGDOM	856	58,596	2,112	61,564
UKRAINE	0	40,000	5,000	45,000
CANADA	539	17,255	27,179	44,973
HUNGARY	9	2,100	41,377	43,486
SPAIN	3,745	410	36,848	41,003
PANAMA	36	10,493	21,723	32,252
SWEDEN	10	26,523	33	26,566
ARGENTINA	0	0	25,732	25,732
ISRAEL	0	0	22,720	22,720
JAPAN	7,783	11,601	1	19,385
CZECHOSLOVAKIA	0	17,000	0	17,000
KOREA	0	2,801	13,462	16,263
FINLAND	1	13,494	0	13,495
EGYPT	0	10,430	29	10,459
POLAND	0	10,001	1	10,002
PHILIPPINES	2684	5,793	1	8,478
IRELAND	426	2,900	2	3,328
SWITZERLAND	0	369	2,542	2,911
BULGARIA	1	1,629	5	1,635
ALL OTHER COUNTRIES	1,275	4,048	1,747	7,070
TOTALS	123,881	945,763	986,298	2,055,942
08/02/95				

**IMPORTED FIREARMS
BY COUNTRY AND TYPE
JANUARY 1993 THROUGH DECEMBER 1993**

COUNTRY OF ORIGIN	SHOTGUNS	RIFLES	HANDGUNS	TOTAL FIREARMS
CHINA	4,408	955,756	96,494	1,056,658
BRAZIL	17,618	46,120	195,597	259,335
ITALY	67,269	92,785	75,382	235,436
WEST GERMANY	2,347	37,614	140,980	180,941
AUSTRIA	2	280	165,861	166,143
JAPAN	8,276	73,069	37,351	118,696
BELGIUM	12,423	233	91,975	104,631
SPAIN	1,244	72,078	26,545	99,867
RUSSIA	11,668	41,514	42,183	95,365
PORTUGAL	32,055	9,800	40,287	82,142
SWITZERLAND	200	24,721	47,897	72,818
SWEDEN	45	29,691	42,628	72,364
ISRAEL	75	20,785	40,295	61,155
CZECHOSLOVAKIA	0	36,900	23,500	60,400
KOREA	17,235	0	35,053	52,288
CANADA	13,499	30,786	7,296	51,581
HUNGARY	0	7,400	25,504	32,904
UNITED KINGDOM	15,092	11,273	325	26,690
FINLAND	12,387	5,175	8,328	25,890
FRANCE	2,508	12,503	5	15,016
POLAND	1	7,500	17	7,518
BULGARIA	0	0	1,001	1,001
SCOTLAND	0	0	0	0
MEXICO	0	0	0	0
TOTALS	218,352	1,515,983	1,144,504	2,878,839
10/17/94				

Regular Curio & Relic Import Requesters



FAX COVER PAGE

5/12/98

DEPARTMENT OF STATE
BUREAU OF POLITICAL-MILITARY AFFAIRS
OFFICE OF REGIONAL SECURITY AND ARMS TRANSFERS
PM/RSAT, ROOM 7424

TO: Tino Cuellar, Treasury FROM: Gillian Price

FAX: 622-7301

FAX: (202) 647-4232

PHONE: (202) 647-2405

SUBJECT:

Tino: Here is your paper, and I have marked it up a bit, and underlined my additions. I think my comments accentuate all your points, while making the discussion of State's policy more exact. I have done this before going through the official channels here (which is necessary) because it will go a lot faster if State's policy is better articulated in your paper. Let me know what you think, and I'll be happy to explain my comments.

Regarding the report: Larry White from the imports branch has been very prompt and helpful in dealing with questions 1, 2, 3, and 6. He has sent me a few paragraphs, cleared by Ed Owen, basically saying that ATF's computer system is not geared to answer such questions, etc. We both think this is the best approach to answering the question, because it really can't be answered properly with the resources we have (unless Larry can manually go through all the hard copies). Please give me a call when you get this fax. Again, I appreciate all your help.

Gillian

NUMBER OF PAGES (include cover): 4

Importation of M1 Garands

The U.S. Government has Foreign Policy Authority to Keep Out Curio and Relic Firearms, Including M1 Garands:

- Despite their age and appearance, M1 Garands are still functional firearms that can be subjected to a variety of uses inconsistent with the aims of U.S. foreign policy.
- Through the Arms Export Control Act and the Foreign Assistance Act of 1961, the State Department monitors arms transfers, as delegated by the President; and has the authority to make recommendations, based on foreign policy, regarding the importation of firearms that were originally transferred through government-to-government arrangements. This includes authority to recommend against the importation of M1 Garands; although the ultimate decision to approve or deny an import request for an M1 Garand, or any other curio and relic, resides with ATF.

The State Department Currently Requires End Use Assurances and the Return of Net Proceeds for U.S. Origin Weapons.

- When the U.S. grants a government military weapons for foreign policy reasons, the State Department must ensure that there are no illegal third party transfers.
- In addition, since these weapons were originally provided at a discount or no cost to the foreign governments, the net proceeds of any sale must be returned to the U.S. government.
- As part of an existing process to fully evaluate the foreign policy implications of weapons transfers, the State Department requires that the recipient foreign governments request permission for weapons' retransfer and provide assurances of their end use, if the government wishes to retransfer them out of the country.
- These end-use assurances also require proof that such firearms will only be imported back into the U.S. for use by law enforcement agencies, or for static display.
- Denying authority to import weapons where foreign governments did not request permission for such a retransfer is a means of discouraging foreign governments from transferring weapons--provided by the U.S. government for foreign policy reasons and military use--without consent of the State Department.

- Moreover, the State Department is generally against retransfer of these weapons to the private sector not only because the logistics behind providing end-use assurances in perpetuity has proved staggering, but more importantly because these firearms were made for military use and not private use.
- The foreign governments involved generally have not presented the required retransfer requests and end use assurances for these weapons; nor has there been consistent agreement to return net proceeds to the U.S. government.
- If an importer alleges that the weapons were NOT originally part of a government-to-government transfer, then the burden is on the importer to prove this.
- The system of retransfer and end use authorization is the best way for the U.S. government to ensure that these weapons--even those that were manufactured years ago but are still functional--are not used improperly.

The 1968 Gun Control Act is not a Substitute for Assurances Currently Required by the State Department:

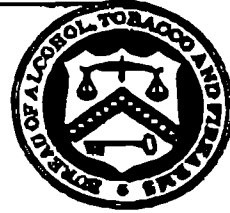
- As they currently exist, the system of requirements set up by the 1968 Gun Control Act administered by ATF are not a substitute for the end use and retransfer assurances currently required by the State Department.
- Under the provisions of the 1968 Gun Control Act, ATF can trace firearms found at crime scenes through their serial numbers--if traces are requested by the relevant law enforcement agencies. However, trace data can be requested for purposes unrelated to crime and the information provided is not always specific or updated.
- Thus, ATF could not monitor and assure the appropriate end use of M1 Garands or other curio or relic weapons imported into the U.S.

Curio and Relic Weapons, Including the M1 Garand, Can Be Deadly:

- Weapons known as curios and relics are generally of excellent quality and operating condition. Since January 1997, ATF responded to nearly 1,000 curios and relics trace requests from throughout the United States. (*Tino I say this because these trace requests were not necessarily from crime scenes--ATF has repeatedly said that trace requests can come from all kinds of different situations*)

- TOTAL P. 25
- ATF trace data currently is far from comprehensive. Although the presence of ATF trace data on a particular firearm may be a strong indication of the weapon's presence at a crime scene, the absence of trace data should not be taken as an indication that a weapon fails to be used in crime or other improper purposes.

Bureau of

ALCOHOL, TOBACCO AND FIREARMS650 Massachusetts Avenue, NW.
Washington, DC 20226

Headquarters

Date: May 12, 1998Number
of pages: 5
(including cover sheet)

From:

Office of the Director

Office phone: (202) 927-8700

To:

Mr. Jose' Cerda

FAX Numbers

From:

(202) 927-8876

To:

202-456-7028

Remarks

Subject: _____

Brad Buckles

MAY-12-1998 11:18

O.P.D.

202 622 7301 P.02/02

TALKING POINTS: CURIOS AND RELICS

DRAFT**Background:**

The letters you received from Senators Daschle, Rockefeller, Johnson and Representative Hefner request that you meet with the Presidents of two firearms import companies, Blue Sky Productions and Gibbs Rifle Company, regarding the importation of certain ~~firearms referred to as "curios and relics."~~ The Members would like you to consider a proposal these companies have to import a limited number of some of these firearms (125,000 M-1 Garands). We strongly recommend that you do not meet with these individuals. First -- and most importantly, it is unwise for White House officials to discuss the approval of specific permits for the importation of firearms with potential applicants. Second, the Administration has strongly opposed the importation of all curios and relics as matter of foreign policy, and exceptions to this policy on other grounds could serve to undermine this decision.

These ~~Curios and relics~~ are U.S.-manufactured military weapons ~~that~~ were given or sold at deep discounts to foreign governments since 1950, and include the M-1 carbine, M-1 Garand rifle, and the M-1911 .45 caliber pistol (see attached). The State Department estimates that there are 2.5 million of these firearms overseas, and the Treasury Department is concerned that a dramatic increase in the availability of these firearms represents a public safety threat. As a result, the Administration has exercised its authority to prohibit the importation of these weapons on foreign policy grounds -- twice threatening to veto spending bills over language requiring their importation. Last year, Congress directed the Departments of State and Treasury to report back with more details on the curios and relics issue.

Suggested Talking Points:

- Thank you for contacting me regarding the importation of ~~curios and relic~~ firearms on behalf of businesses located in your state. While I cannot not comment on any specific permit application before the State and Treasury Departments, I can speak to the Administration's overall policy on curios and relics.
- We have heard concerns from both sides of the gun debate over the importation of ~~curios and relics~~, including Senator Lautenberg and others, who strongly oppose the importation of these military surplus firearms.
- As I am sure you know, the Administration has also strongly opposed the importation of these firearms. State Department estimates show that a change in our policy could result in as many as 2.5 million of these firearms being eligible for importation.
- And while I appreciate the willingness of your constituents to address some of the Administrations concerns on this matter, allowing the importation of any of these military weapons -- even the M-1 Garand rifles -- could serve to undermine our broad authority ~~to keep out other dangerous firearms as a matter of foreign policy.~~ ~~keep out other~~ ~~to keep other firearms out of the U.S.~~

MAY-12-1998 09:05

O.P.D.

202 622 7301 P.04/09

DRAFT

- It is important to not that these weapons were provided to foreign governments for foreign policy purposes and with assurances that the U.S. Government would know of their re-transfer and end use. That is why the State Department has generally opposed the retransfer of these military weapons to the private sector, ~~where it is totally impossible to ensure that they will not be used improperly.~~
- The State Department, in consultation with the Treasury and Justice Departments, is in the process of finalizing a report on the ~~arms and policy~~ issue. It should provide the Administration and Congress with the most recent information on this matter and help us all make an informed decision.
- Also, I will make sure that Rahm Emanuel and the White House policy staff know of your concern with our policy, and I will ask them to give the matter further consideration.

US origin and for action

3

Suggested inserts

- ① US origin surplus military firearms. The firearms at issue are classified as "curios and relics" under federal law because their association with WWII and the Korean war. A 1984 amendment to the GCA expressly authorized the importation of surplus military curios and relics, but separate foreign policy laws prohibit resale of US origin firearms without the approval of the State Department
- ② Second, we are currently in litigation with a third importer in which we have asserted strong foreign policy reasons for denying similar permits. And, third
- ③ US origin military firearms classified as curios or relics.

MAY-12-1998 09:05

O.P.D.

202 622 7301 P.05/09

DRAFT

May 12, 1998

The Honorable Thomas Daschle
Democratic Leader
U.S. Senate
Washington, D.C. 20510

DRAFT

Dear Senator Daschle:

re. ~~US origin~~ ~~and relief~~
Thank you for your recent letter to me on the importation of certain ~~curio and relic~~ firearms. Several Members of Congress on both sides of the gun debate have voiced their concerns about this issue, and I appreciate hearing from you on this.

For two years now, the Administration has strongly opposed efforts to allow the importation of surplus military weapons, including M-1 carbines, M-1 Garands, and M-1911 .45 caliber pistols. These firearms were designed for military purposes, and millions were provided to foreign governments as a form of military aid over the past several decades. As a result, it has been the policy of this Administration -- as well as that of Presidents' Bush and Reagan -- to bar ~~foreign governments from exporting and selling~~ these American-made surplus military weapons in the U.S. commercial market.

Although I appreciate the willingness of your constituents to try and address some of the Administration's concerns on this matter, we remain concerned about the overall importation of these military weapons. You should know, however, that the Departments of Commerce, Justice and State -- as directed by Congress -- are finalizing a comprehensive report on the ~~curio and relic~~ issue. This report should provide the Administration and Congress with the most recent information on this matter and help us all make an informed decision.

Again, thank you for contacting me on this important matter. I have asked Rahm Emanuel and the White House policy staff to follow this matter closely.

Sincerely,

The importation of

(3)

of the importation of US origin military firearms.

DRAFT

MARK BARNES

Mark Barnes appears to have made a lucrative career out of lobbying for various gun groups. In the first half of 1997 alone, he was paid at least \$120,000 to lobby for the NRA. As a consultant to the NRA, Barnes coordinated with congressional Republicans during the Waco hearings in 1995. Many of the companies Barnes lobbies for have imported guns from foreign countries such as China, Russia and the Czech Republic.

BARNES' LOBBYING ACTIVITIES

Barnes Group Blasted President Clinton's Assault Weapons Ban. Mark Barnes, speaking as a lobbyist for the Firearms Importers Roundtable (FAIR) Trade Group, an association of about a dozen weapons importers, called President Clinton's assault weapons ban "an abuse of presidential authority." Barnes said that importers would go to Congress or the courts to limit the President's power to declare certain guns illegal. Barnes was reacting to President Clinton's announcement that his administration would ban the import of assault weapons that use large-capacity military magazines. [Times Newspapers Limited, 4/7/98; Commercial Appeal, 4/6/98; Dallas Morning News, 4/6/98]

FAIR Trade Group Criticized President Clinton for Banning Chinese Weapons. Bill McIntyre, spokesman for the Firearms Importers Roundtable, criticized President Clinton's gun policies. In 1994, President Clinton banned the import of Chinese weapons and persuaded Russia not to export dozens of guns to the U.S. in 1996. "This administration is decidedly anti-gun," said McIntyre. "It's made an effort to wipe out a lawful commercial enterprise," he said. [Washington Post, 11/19/96]

In 1996, Barnes Encouraged Stevens to Introduce Legislation to Allow Gun Imports. Mark Barnes, who worked for Sen. Ted Stevens (R-AK) in the early 1980s, persuaded Stevens in 1996 to introduce an industry-backed measure to allow millions of M-1s, M-1 carbines and M-1 911 pistols into the U.S. from any other country. The measure would also have forbidden federal officials from blocking the guns' entry into the U.S. [Austin American-Statesman, 11/23/96; Washington Post, 11/19/96; UPI, 12/21/84]

Barnes Lobbies for Several Firearms Importer/Manufacturers. According to the 1997 Mid-Year Lobbyist Report, Mark Barnes lobbies for several gun importers and manufacturers, including: Briklee Trading Co., Century International Arms, Firearms Importers Roundtable Trade Group, National Rifle Association, National Association of Arms Shows, New Helvetia Trade Groups, and Pacific Armament Corp. Barnes has in the past lobbied for at least one other firearms importer: the Lew Horton Distributing Co. [www.crp.org; Austin American-Statesman, 11/23/96]

DRAFT

- Barnes Lobbied for Firearms Importer That Wanted to Import Arms from Philippines.** In 1996, Mark Barnes, a lawyer, was hired by the Lew Horton Distributing Co. Inc., a firearms importer and distributor in Westboro, MA, to lobby on legislation affecting federally licensed firearms dealers as well as on bills affecting the importation of firearms and ammunition. The Lew Horton firm had applied to the Treasury Department for permission to import 820,000 M-1 Garands, M-1 carbine rifles and .45-caliber M1911 pistols from the Philippines, according to industry and federal officials. NOTE: DID WE GRANT THIS REQUEST? [Austin American-Statesman, 11/23/96; Political Finance & Lobby Reporter, 8/14/96; Washington Post, 11/19/96]
- In 1997, NRA Paid Barnes At Least \$120,000.** In the first half of 1997, the National Rifle Association paid Mark Barnes \$120,000 for his lobbying services. This funds went primarily to Barnes, but may have included Tammy Begun and Kirsten Rowe, who lobbied for the NRA with Barnes. [www.crp.org]

In 1995, Barnes Worked for the NRA, Coordinated with Congressional Republicans in Waco Hearings. In 1995, Mark Barnes worked as a lawyer for the National Rifle Association. During Congressional hearings on the 1993 assault on the Branch Davidian compound near Waco, TX, Barnes acted as a liaison between the NRA and Republican staffers working on the hearings. Democrats accused the NRA and the staff of the Government Reform and Oversight Committee -- which held the hearings with the Judiciary Committee -- of crossing an ethical line. "They planned the whole hearing together," said Rep. Charles E. Schumer, (D-NY). "The hearings, from the beginning, had an odor to them, and to me it's very clear that the NRA is the skunk." [Herald-Sun, 7/30/95]

Democrats Requested Investigation of NRA Involvement in Waco Hearings. Rep. Cardiss Collins (D-IL) requested an investigation of the involvement of the National Rifle Association in the Waco hearings. She noted two "serious incidents of unacceptable involvement by the NRA," including one involving Mark Barnes. Barnes became directly involved in the hearings when he helped arrange to subpoena a Texas social worker after an NRA consultant reported of a social worker who had visited the Branch Davidian compound before the raid. The social worker was not contacted directly by the Congressional committee before she received the subpoena. The NRA consultant, who had no ties to the Congressional committee, identified herself to the social worker as a member of "the Waco hearing team that is putting together the hearing." [Rep. Cardiss Collins (D-IL) Press Release, 7/19/95; Herald-Sun, 7/30/95]

- Barnes Lobbies for America's Biggest Importer of Chinese Rifles.** Mark Barnes also lobbies for Century International Arms, a gun manufacturer and importer that was called America's biggest importer of Chinese rifles by Newsweek in 1994. Century has also

DRAFT

imported guns from many other foreign countries, including the Czech Republic, Russia, and Turkey. [Shooting Industry, 9/94; Newsweek, 1/24/94; Omaha World Herald, 5/30/96; www.crp.org; Shooting Industry, 5/94]

Maine City Tried to Evict Century International Arms. In 1995, Bangor City Councilor Gerard Baldacci tried to get Century International Arms evicted from their Bangor location, saying that he was uncomfortable that the company was storing and reconfiguring foreign automatic firearms and artillery for resale free from federal oversight. A vote by Bangor city councilors for eviction was a tie, 4-4. [Bangor Daily News, 3/13/95]

Century Was Sued by Survivors of Victims of Illegally Obtained Handguns. Century International Arms and several other gun manufacturers were sued by several people who had lost relatives in crime incidents in which illegally obtained handguns were used. [Consumer Product Litigation Reporter, 5/96]

- **Barnes Lobbies for Organization That Oversees 500 Gun Shows a Year.** Mark Barnes is also a registered lobbyist of the Utah-based National Association of Arms Shows, run by Wallace Beinfeld. The organization oversees about 500 gun shows each year. The association was created in January 1996 after the Bureau of Alcohol, Tobacco and Firearms urged the industry to regulate gun shows itself. NOTE: DID WE ENCOURAGE THIS SPECIFIC GROUP? [Chicago Tribune, 12/30/97]

- **New Helvetia Trade Group Is a Sporting Goods Distributor.** Mark Barnes is a registered lobbyist for the New Helvetia Trade Group, a sporting goods distributor from Sacramento, CA. NOTE: IT IS NOT CLEAR IF THIS GROUP ALSO DISTRIBUTES GUNS. [www.crp.org; Business Journal-Sacramento, 9/21/92]



Barnes, Mark

CRP Home Page
Lobby Search

17 records found...

5/23/97	Registrant: <u>Barnes, Mark</u>	Client: <u>Firearms Importers Roundtable Trade Grp</u>	Reg Update			
5/23/97	Registrant: <u>Barnes, Mark</u>	Client: <u>National Assn of Arms Shows</u>	Reg Update			
5/23/97	Registrant: <u>Barnes, Mark</u>	Client: <u>National Rifle Assn</u>	Reg Update			
8/14/97	Registrant: <u>Barnes, Mark</u>	Client: <u>Century International Arms</u>	Report	1997 Mid-Year Report	Period Amount: No Activity	Year Amount:
8/14/97	Registrant: <u>Barnes, Mark</u>	Client: <u>Century International Arms</u>	Reg Update			
8/14/97	Registrant: <u>Barnes, Mark</u>	Client: <u>Briklee Trading Co</u>	Report	1997 Mid-Year Report	Period Amount: No Activity	Year Amount:
8/14/97	Registrant: <u>Barnes, Mark</u>	Client: <u>Briklee Trading Co</u>	Reg Update			
8/14/97	Registrant: <u>Barnes, Mark</u>	Client: <u>Firearms Importers Roundtable Trade Grp</u>	Report	1997 Mid-Year Report	Period Amount: < \$10,000	Year Amount:
8/14/97	Registrant: <u>Barnes, Mark</u>	Client: <u>Firearms Importers Roundtable Trade Grp</u>	Reg Update			
8/14/97	Registrant: <u>Barnes, Mark</u>	Client: <u>New Helvetia Trade Group</u>	Report	1997 Mid-Year Report	Period Amount: No Activity	Year Amount:
8/14/97	Registrant: <u>Barnes, Mark</u>	Client: <u>New Helvetia Trade Group</u>	Reg Update			
8/14/97	Registrant: <u>Barnes, Mark</u>	Client: <u>Pacific Armament Corp</u>	Report	1997 Mid-Year Report	Period Amount: No Activity	Year Amount:
8/14/97	Registrant: <u>Barnes, Mark</u>	Client: <u>Pacific Armament Corp</u>	Reg Update			
8/14/97	Registrant: <u>Barnes, Mark</u>	Client: <u>National Rifle Assn</u>	Report	1997 Mid-Year Report	Period Amount: \$120,000.00	Year Amount:
8/14/97	Registrant: <u>Barnes, Mark</u>	Client: <u>National Rifle Assn</u>	Reg Update			
8/14/97	Registrant: <u>Barnes, Mark</u>	Client: <u>National Assn of Arms Shows</u>	Report	1997 Mid-Year Report	Period Amount: < \$10,000	Year Amount:
8/14/97	Registrant: <u>Barnes, Mark</u>	Client: <u>Hamilton, Heather</u>	Reg Update			

Time of this request: 4/7/98 11:13:04 AM



Susan.Ginsburg @ MS01.DO.treas.sprint.com
03/27/98 04:30:00 PM

Record Type: Record

To: Jose Cerda III

cc:

Subject: Curios and Relics/State contact

Date: 03/27/1998 05:19 pm (Friday)

From: Susan Ginsburg

To: EX.MAIL."Cerda_J@a1.eop.gov"

Subject: Curios and Relics/State contact

I recommend your speaking with Lee Feinstein in S/P (Secretary's policy unit). 647-3599. I will also give his name to Tino to work with. We have worked together.

He works with us on gun policy export issues, which are of great interest to Jim Steinberg, and are generally handled by Dick Clark or currently by Dobbins at State ARA.

The specific recommendation is that Steinberg ensure the report is cleared through him.

I think though that in addition to him, either the Dep Sec or the Sec's COS should be alerted to this report and issue. This is because there might be another lightening strike on their approps bill (as opposed to ours) this time. I am trying to get some further advice as to other individuals to work with, for instance, closer to the leg process, and will be back in touch.

A pal of mine at State spotted Sununu in the building, he was the first year lobbyist for Lew Horton but was not seen last time. She couldn't confirm why he was there though, and it may have been unrelated.

FAX COVER PAGE

4/13/98

DEPARTMENT OF STATE
BUREAU OF POLITICAL-MILITARY AFFAIRS
OFFICE OF ARMS TRANSFER AND EXPORT CONTROL POLICY
ROOM 2422 (PM/ATEC)

TO: Peter Jacoby, Legislative Affairs
Jose Cerda, Domestic Policy Council

FROM: Gillian Price

FAX: 456-6468
456-7028

FAX: (202) 647-4232

PHONE: (202) 647-2405

SUBJECT:

Mr. Cerda and Mr. Jacoby:

Per the curio and relic conference call of this afternoon, here is the most recent tasking list for the report. It indicates the status of each task, and also marks the ones in which we are hoping for your assistance. We really appreciate your help in this matter.

Sincerely,
Gillian Price

NUMBER OF PAGES (include cover): 3

Combined Tasking List for Curio and Relic Report
Updated as of 4/7/98

NOTE: Tasks marked with "WH assistance" signal an issue that State and ATF are either not equipped to answer, or find excessively time-consuming. We hope that the White House can provide assistance in dealing with these tasks through a meeting with Senator Lautenberg's staff (and Senator Gregg's staff if necessary), or through additional White House tasking of other agencies. At the last curio and relic meeting, April 20th was established as the due date for all submissions to the report, to be compiled by the State Department. We are anxious to have this date met as we are concerned with the potential length of time that the clearance process could take. Reporting each item as "Done" means the draft information has been submitted. In order to ensure that completed tasks' contents are satisfactory to all agencies involved, State suggests an interagency meeting after State has compiled the report.

<u>Status-Responsibility</u>	<u>Task</u>
Done-ATF	1. The number of applications processed and approved in the last year.
Done-ATF	2. The articles that were approved for importation as of the date of that report.
Done-ATF	3. The number of applications that were disapproved and the reasons for such disapprovals.
In Progress-State (WH assistance)	4. An estimate of the number and the specific model of firearms, based on current survey information from overseas missions, available for importation from non-proscribed countries.
Done-ATF	5. A detailed explanation of the process by which an M1 Carbine can be converted into an illegal machine gun under the National Firearms Act or assault weapon.
Done-ATF	6. Who is submitting the applications, a geographical distribution of the applicants, and indicate traceability.
Done-ATF	7. Provide information about the firearms approved for importation by type and characteristics.
In Progress-ATF	8. Include an assessment of weapon quality and street value as part of the overview of the availability of the firearms at issue. Please provide an analysis of the impact imports would have on the U.S. gun market and U.S. manufacturers.

- | | |
|---|---|
| In Progress-State | 9. Explain importance for President and Secretary of State to retain authority to retain control over firearms granted or sold by the Government exclusively for foreign use, not intended for private use. |
| In Progress-State | 10. Provide an assessment of the extent to which applications for importation of these weapons were approved or denied in the Bush and Reagan administrations. |
| Done-Customs | 11. Include a description of any law enforcement or grand jury investigations of alleged illegal conduct related to the importations of M1 or M1911 firearms. |
| In Progress-ATF | 12. Provide an analysis of the number and types of weapons added to the list since 1980, the process by which they are added to the list, and entities that have petitioned to have weapons added to that list. |
| Partial-FBI
(WH assistance) | 13. Include a comprehensive overview of the number of homicide and violent crimes committed against police officers with M1's or M1911's, regardless of the manufacturer, or any other firearm on the curio and relic list. |
| In Progress-State
(WH assistance) | 14. Account for the difference between number of shipped curio and relic weapons, and numbers now in foreign inventories. |
| Done-ATF | 15. Discuss usability of curio and relic weapons, and how they are traced to crime. |
| In Progress-ATF
(WH assistance) | 16. Describe relationship between the average price of weapons, their availability, and crime. |
| In Progress-ATF | 17. Describe the effect of the importation of these curio and relic weapons on domestic gun manufacturers. |
| Done-FBI, ATF | 18. Compare each M1 Garand, M1 Carbine, and M1911 pistol with its modern counterpart, and discuss whether a standard round will pierce a police vest. |
| WH Assistance | 19. Account for the loss of net proceeds during third party sale. |
| WH Assistance | 20. Include proscribed countries in discussion of weapons in foreign inventories. |

TALKING POINTS: CURIOS AND RELICS

DRAFT

Background:

The letters you received from Senators Daschle, Rockefeller, Johnson and Representative Hefner request that you meet with the Presidents of two firearms import companies, Blue Sky Productions and Gibbs Rifle Company, regarding the importation of certain firearms referred to as "curios and relics." The Members would like you to consider a proposal these companies have to import a limited number of some of these firearms (125,000 M-1 Garands). We strongly recommend that you do not meet with these individuals. First -- and most importantly, it is unwise for White House officials to discuss the approval of specific permits for the importation of firearms with potential applicants. Second, the Administration has strongly opposed the importation of all curios and relics as matter of foreign policy, and exceptions to this policy on other grounds could serve to undermine this decision.

Curios and relics are U.S.-manufactured military weapons that were given or sold at deep discounts to foreign governments since 1950, and include the M-1 carbine, M-1 Garand rifle, and the M-1911 .45 caliber pistol (see attached). The State Department estimates that there are 2.5 million of these firearms overseas, and the Treasury Department is concerned that a dramatic increase in the availability of these firearms represents a public safety threat. As a result, the Administration has exercised its authority to prohibit the importation of these weapons on foreign policy grounds -- twice threatening to veto spending bills over language requiring their importation. Last year, Congress directed the Departments of State and Treasury to report back with more details on the curios and relics issue.

Suggested Talking Points:

- Thank you for contacting me regarding the importation of curio and relic firearms on behalf of businesses located in your state. While I cannot not comment on any specific permit application before the State and Treasury Departments, I can speak to the Administration's overall policy on curios and relics.
- We have heard concerns from both sides of the gun debate over the importation of curios and relics, including Senator Lautenberg and others, who strongly oppose the importation of these military surplus firearms.
- As I am sure you know, the Administration has also strongly opposed the importation of these firearms. State Department estimates show that a change in our policy could result in as many as 2.5 million of these firearms being eligible for importation.
- And while I appreciate the willingness of your constituents to address some of the Administrations concerns on this matter, allowing the importation of any of these military weapons -- even the M-1 Garand rifles -- could serve to undermine our broad authority to keep out other dangerous firearms as a matter of foreign policy.

DRAFT

- It is important to ^①not that these weapons were provided to foreign governments for foreign policy purposes and with assurances that the U.S. Government would know of their re-transfer and end use. That is why the State Department has generally opposed the retransfer of these military weapons to the private sector -- where it is nearly impossible to ensure that they will not be used improperly.
- The State Department, in consultation with the Treasury and Justice Departments, is in the process of finalizing a report on the curio and relics issue. It should provide the Administration and Congress with the most recent information on this matter and help us all make an informed decision.
- Also, I will make sure that Rahm Emanuel and the White House policy staff know of your concern with our policy, and I will ask them to give the matter further consideration.

DRAFT

May 12, 1998

The Honorable Thomas Daschle
Democratic Leader
U.S. Senate
Washington, D.C. 20510

DRAFT

Dear Senator Daschle:

Thank you for your recent letter to me on the importation of certain curio and relic firearms. Several Members of Congress on both sides of the gun debate have voiced their concerns about this issue, and I appreciate hearing from you on this.

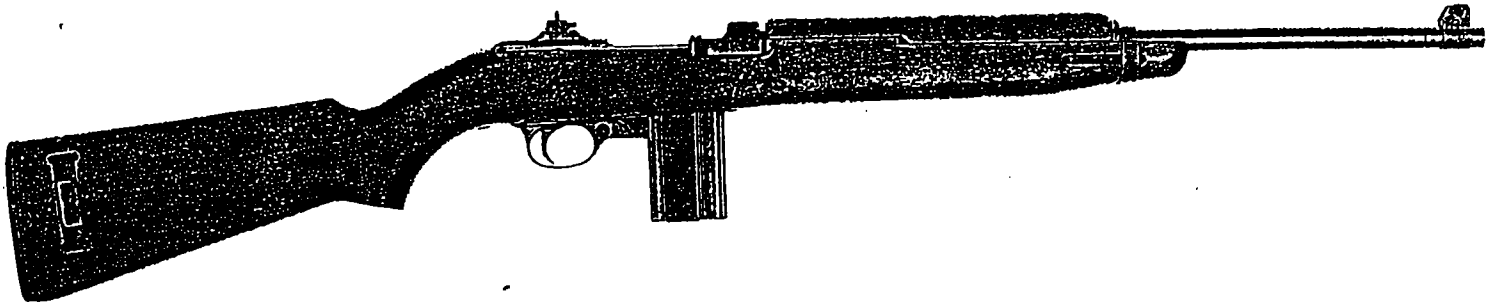
For two years now, the Administration has strongly opposed efforts to allow the importation of surplus military weapons, including M-1 carbines, M-1 Garands, and M-1911 .45 caliber pistols. These firearms were designed for military purposes, and millions were provided to foreign governments as a form of military aid over the past several decades. As a result, it has been the policy of this Administration -- as well as that of Presidents' Bush and Reagan -- to bar foreign governments from exporting and selling these American-made surplus military weapons in the U.S. commercial market.

Although I appreciate the willingness of your constituents to try and address some of the Administration's concerns on this matter, we remain concerned about the overall importation of these military weapons. You should know, however, that the Departments of Commerce, Justice and State -- as directed by Congress -- are finalizing a comprehensive report on the curio and relics issue. This report should provide the Administration and Congress with the most recent information on this matter and help us all make an informed decision.

Again, thank you for contacting me on this important matter. I have asked Rahm Emanuel and the White House policy staff to follow this matter closely.

Sincerely,

**U.S. CARBINE CALIBER 30 M1
(M1 CARBINE)**



CALIBER: .30 M1 Carbine

ACTION: gas operated, semiautomatic (can be converted to full automatic)

WEIGHT: 5.5 pounds

BARREL LENGTH: 18 inches

OVERALL LENGTH: 35.6 inches

MAGAZINE CAPACITY: 15 or 30 round detachable magazine

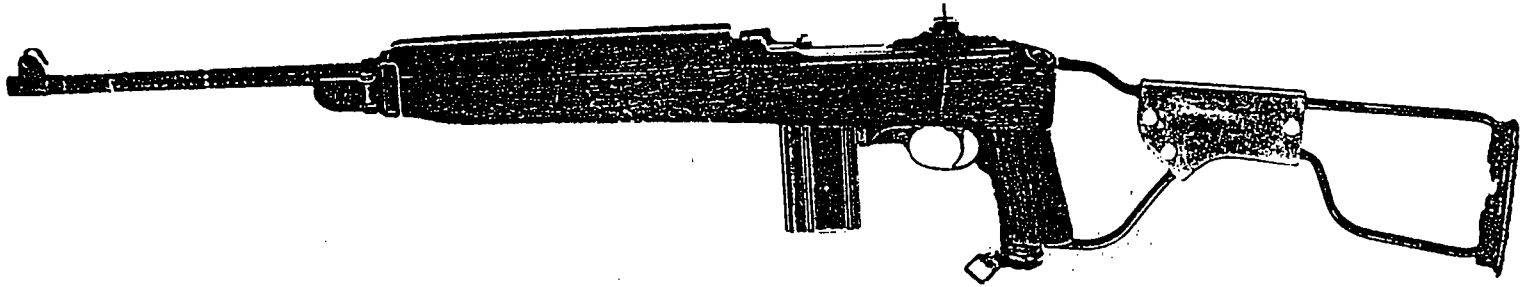
MANUFACTURERS: Winchester, Inland Div. General Motors, Saginaw Steering Gear, National Postal Meter, IBM, Quality Hardware, Irwin Pedersen, Underwood-Elliott-Fisher, Rock Ola, Standard Products

TOTAL PRODUCED: 6,117,767 ^{300 - 400}

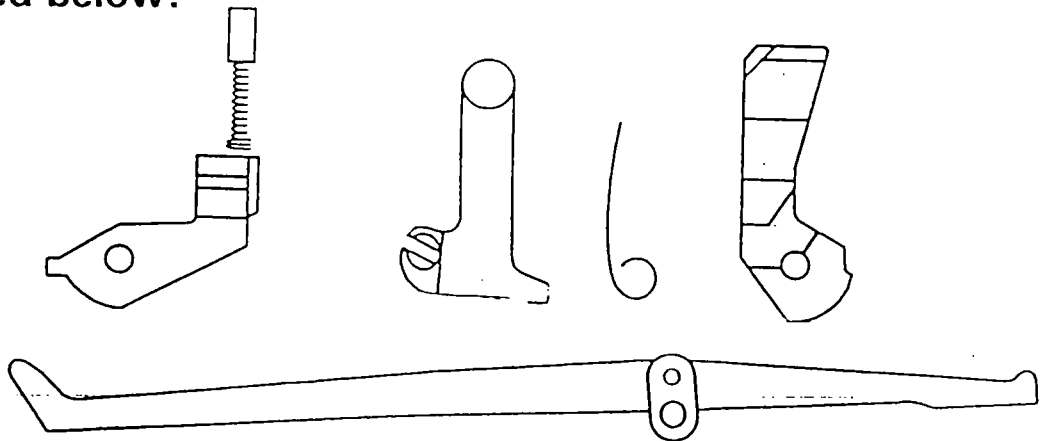
CURRENT DOMESTIC PRICE: ~~\$250~~ - ~~\$350~~ (If additional large quantities become available price will go down) Based on 1997 Blue Book

The M1 Carbine was a U.S. Military service rifle from 1941 through the late 1950s. Large quantities of the weapon have been supplied to European, African, Latin American and Asian military forces.

In certain configurations the M1 carbine meets the definition of semiautomatic assault rifle as contained in 18 USC § 921(a)(30)(B). The following illustrates an M1 Carbine in this configuration.



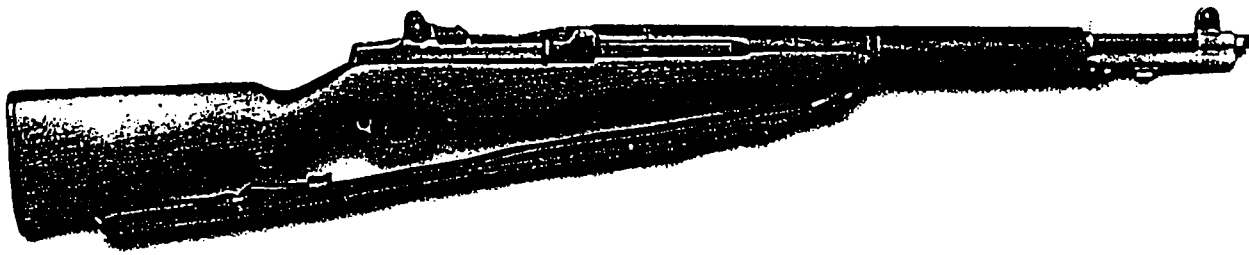
NOTE: All U.S. military M1 Carbines can be easily converted to full automatic weapons by the installation of the parts illustrated below.



The conversion does not require any particular skill and can be accomplished by merely disassembling the weapon and reassembling with the above parts.

If large quantities of M1 carbines become available there is a potential for law enforcement problems with illegal conversion of weapons to machineguns. ATF has seen an increase in converted M1 carbines over the last few years due largely to availability and relatively low cost of the weapon. (Quantities of M1 carbines have been imported from South Korea and Germany)

**U.S. RIFLE CALIBER 30 M1
(M1 GARAND)**



CALIBER: .30-06

ACTION: gas operated, semiautomatic

WEIGHT: 9.5 pounds

BARREL LENGTH: 24 inches

OVERALL LENGTH: 43.6 inches

MAGAZINE CAPACITY: 8 round clip (enbloc clip containing 8 cartridges is loaded into weapon through top of action)

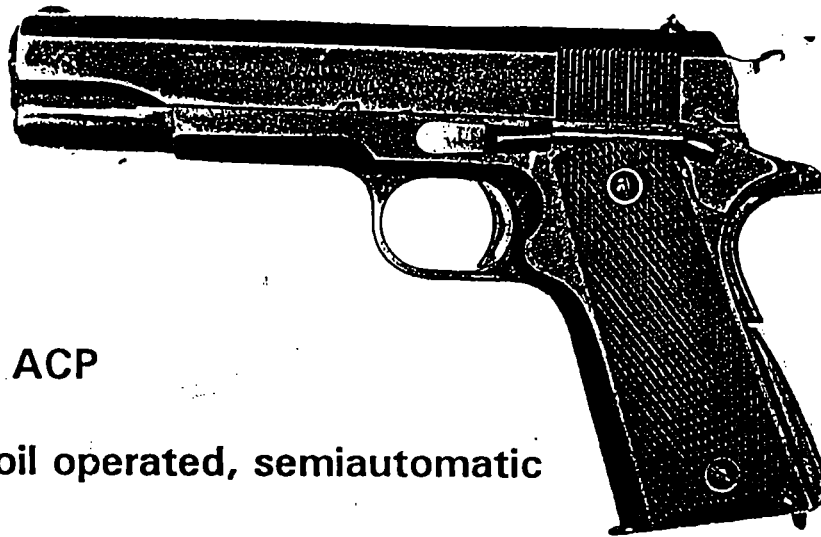
MANUFACTURERS: Springfield Armory, Winchester, Harrington & Richardson, International Harvester

TOTAL PRODUCED: 5,468,772

CURRENT DOMESTIC PRICE: \$350 - \$500 (If additional large quantities become available price will go down)

The M1 rifle was the standard U.S. Military service rifle from 1936 through the late 1950s. Large quantities of the weapon have been supplied to European, African, Latin American and Asian military forces.

**U.S. PISTOL, CALIBER .45, AUTOMATIC
M1911 & M1911A1**



CALIBER: .45 ACP

ACTION: recoil operated, semiautomatic

WEIGHT: 2.43 pounds

BARREL LENGTH: 5 inches

OVERALL LENGTH: 8.62 inches

MAGAZINE CAPACITY: 7 round detachable magazine

**MANUFACTURERS: Colt, Springfield Armory, Remington
U.M.C., Singer Sewing Machine, Ithaca Gun Co., Remington
Rand, Union Switch & Signal Co.**

TOTAL PRODUCED: In excess of 2,500,000

**CURRENT DOMESTIC PRICE: \$350 - \$500 (if additional large
quantities become available price will go down)**

**The M1911 and M1911A1 pistols were standard U.S. military
issue side arms from 1911 through the 1970's. Large
quantities of the weapon have been supplied to European,
African, Latin American and Asian military forces.**

The conferees note that it has been the policy of three Administrations -- Reagan, Bush, and Clinton -- to bar foreign governments from exporting and selling American made surplus military weapons in the U.S. commercial market. This policy is based on clear authority in the Arms Export Control Act, and the conferees see no compelling reason to challenge either.

The weapons were granted or sold to foreign governments, often at a discount, through military assistance programs. Some were given to or left in foreign countries during wars. They are called "curios or relics" because they are considered by some to have historic value or are more than 50 years old. However, these weapons are not innocuous antiques or museum pieces. They remain deadly weapons.

According to the Bureau of Alcohol, Tobacco, and Firearms, M-1s and M-1911 weapons -- both considered "curios or relics" -- were traced to more than 1800 crimes nationwide in 1995 and 1996. Already in calendar year 1997, the weapons have been traced to 953 crimes. The Alcohol, Tobacco, and Firearms Youth Crime Gun Interdiction initiative -- which analyzed the illegal youth firearms market in 17 communities -- identified U.S. surplus military M-1 rifles as one of the top 10 firearms seized from youth aged 18 through 24 in Salinas, California for the reporting period of July, 1996 to April 30, 1997. Thirteen police officers as well as innocent civilians have been murdered with these weapons since 1990.

Allowing the importation of large numbers of these lethal weapons would undermine efforts to reduce gun violence in this country. It would reduce the cost of the weapons making them more accessible to criminals.

Allowing the importation would also provide a windfall for foreign governments at the expense of the U.S. taxpayer. The weapons were paid for by the American taxpayer and were aid to foreign governments. The market value of the 2.5 million weapons that can be traced to foreign governments exceeds \$1 billion. Foreign governments would make a handsome profit from their sale in the commercial market. Countries that the U.S. assisted in times of need, such as South Korea and the Philippines, could make a handsome profit off of our weapons. Even countries like Iran and Vietnam could make a profit.

The U.S. government does not sell large quantities of surplus weapons in the commercial market. The conferees do not believe foreign governments should be able to do so either, and therefore, support the current policy on this issue.