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DEPARTMENT OF THE TREASURY

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6

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REGARDS.

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"CURIO OR RELIC" SURPLUS MILITARY WEAPONS

◦**THE MURTHA AMENDMENT WOULD LET U.S-ORIGIN SURPLUS MILITARY GUNS FLOW INTO THE UNITED STATES:** An amendment offered by Rep. Murtha would allow the importation of U.S. origin surplus military weapons acquired by other countries from the United States. The amendment would prohibit the use of appropriated funds by any Federal agency to deny an application for a permit to import United States origin military rifles and handguns that are curios or relics¹, including parts and ammunition for such firearms. Last year, an effort was made in the Commerce, Justice, and State Appropriations bill to force the Departments of State and Treasury to allow the importation of all of these weapons, regardless of the foreign policy considerations. That attempt was unsuccessful.

◦**MILLIONS OF GUNS ARE AT ISSUE:** According to the State Department's Bureau of Politico-Military Affairs, over 2.5 million U.S. manufactured guns now considered "curios and relics" were given or sold at deep discounts to foreign governments between 1950 and the present. These figures include 1.2 million M-1 carbines as well as 950,000 M-1 Garands and 270,000 M-1911 .45 caliber pistols.

◦**THESE WEAPONS MAY BE ESPECIALLY ATTRACTIVE TO CRIMINALS:** The Administration is particularly concerned about the M-1 carbine and the .45 caliber semiautomatic pistol. The M-1 carbine was not designed for sport or even personal defense, but for war. It can be turned into an automatic weapon (machine gun) with easily available parts costing about \$100 or less. The compact size of the carbine, its ability to accept large capacity magazines, and the ease with which it can be converted to a fully automatic weapon make it attractive for use as a crime gun. The .45 caliber semiautomatic pistol is a powerful, concealable handgun.

◦**THESE GUNS ARE DEADLY, AND HAVE BEEN RECOVERED FROM HUNDREDS OF CRIME SCENES:** Between September 1989 and today, the ATF's National Tracing Center traced 1,889 M-1 rifles and 2,663 M-1911 .45 caliber pistols recovered by law enforcement officers throughout the United States. Since January 1997 alone, ATF has traced nearly 1,000 of these weapons. Police officers' lives have been lost because of the use of these surplus weapons. In January of this year, 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.

¹The Bureau of Alcohol, Tobacco, and Firearms (ATF) defines "curios and relics" as (i) firearms that were manufactured at least 50 years prior to the current date; (ii) firearms that are certified by a municipal, State, or federal museum that exhibits firearms to be of museum interest; or (iii) any other firearm that derives a substantial part of its monetary value from the fact that it is novel, rare, bizarre, or associated with some particular historical figure, period, or event. By law, certain curios or relics not of U.S.-origin may be imported into the U.S. by licensed importers. These include curio or relic handguns that are particularly suited for sporting purposes and curio or relic rifles and shotguns. Firearms may not be imported from certain proscribed countries.

•**THE IMPORTATION OF THESE GUNS WOULD AFFECT THE ENTIRE MARKET FOR ILLEGAL FIREARMS:** The massive influx of deadly weapons at cheap prices would facilitate the illegal acquisition of guns throughout the United States. Already, thousands of these weapons have been used in crimes. The availability of hundreds of thousands of additional weapons at low prices could have an impact on the entire illegal market in firearms, particularly given the ease of converting these weapons to fully automatic fire.

•**THE PROVISION WOULD LIMIT THE STATE DEPARTMENT'S ABILITY TO KEEP WEAPONS OUT FOR LEGITIMATE FOREIGN POLICY REASONS:** Currently, the Secretary of Treasury consults with the Secretary of State to prevent the importation of surplus military "curio or relic" firearms that originated in the United States. Under the Murtha Amendment, ATF would no longer be able to follow State Department guidance to deny permits for the importation of these firearms in the interest of foreign policy. The amendment could lead to the approval of any permit application for the issuance of permits to import U.S.-manufactured military weapons that were provided to foreign governments over the last several decades under military assistance programs, specifically the M-1 carbine, the M-1911 .45 caliber semiautomatic pistol, and the M-1 Garand rifle. Quantities of bolt action rifles and revolvers in .38 and .45 caliber would also be available for importation. The State Department's discretion to deny importation of these weapons for legitimate foreign policy reasons would disappear.

•**ALLOWING THESE SURPLUS GUNS INTO THE COUNTRY GIVES IMPORTERS AND FOREIGN GOVERNMENTS A WINDFALL PROFIT:** Large quantities of these weapons were provided to foreign governments without cost or at very low cost. The amendment would eliminate the current requirement that proceeds of any sales be turned over to the United States government. Therefore, to the selling government, any profit is a windfall profit. Because the seller's price would be artificially low, the purchaser's profits are also windfall profits. In effect, this provision will result in a subsidy by U.S. taxpayers to both the selling government and the firearms importer.

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Now, we are talking about whether or not Federal employees ought to have access to the same legal medical procedures as other Americans. Remember, these are people who are paying taxes to fund the health benefits of the people who work at General Electric. We spend \$80 billion every year subsidizing private sector health plans, and our Federal employees pay that. Yet you would deny them the same benefits that they are funding for other Americans.

If you want to make abortion illegal, bring the bill to the floor and let us vote on it; but do not make Federal employees second-class citizens. Do not make the kind of woman that the gentlewoman from New York [Mrs. LOWEY] just described.

I have one here, but it takes too long to talk about it. Here was a 36-year-old mother, she and her husband dying to have a family. She had a child with no brain at all. On medical advice she was urged to abort it, did, wants to have another child. She is an older mother, there are risks. She is trying to preserve her fertility because she desperately wants to have not one child, but several. After extensive testing, the medical community said this child has no chance of life at all, it has no brain at all, and you need to abort it and go on.

So I just ask for equal treatment of Federal employees. It is only fair.

Mrs. LOWEY. Mr. Chairman, I am very pleased to yield the balance of my time to the gentlewoman from Connecticut [Ms. DELAURO], a woman who has been a fighter on this issue and so many others.

The CHAIRMAN pro tempore (Mr. LA TOURETTE). The gentlewoman from Connecticut is recognized for 30 seconds.

Ms. DELAURO. Mr. Chairman, I rise in strong support of this amendment, which will end the prohibition of abortion coverage for American women, coverage under the FEHB health plan. It seems that every time we turn around we see that some on the other side of the aisle would like to draw back the line of a woman's right to choose.

This is a constitutional right to choose. This is a choice and decision that should be made by a woman, her family, in consultation with her clergy, with her doctor. No matter what the level, no matter where she lives, what she does for a living, every woman has a right to make this decision for her own. We have no right to make that decision away from her.

Let us stop discriminating against government workers.

CHAIRMAN. All time under the unanimous-consent agreement has expired.

Question is on the amendment offered by the gentlewoman from New York [Mrs. LOWEY].

The amendment was rejected.

CHAIRMAN pro tempore. The bill will read.

The Clerk read as follows:

SEC. 517. The provision of section 516 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

CERTAIN HISTORIC U.S. ORIGIN FIREARMS IMPORTS

SEC. 518. Notwithstanding any other provisions of law, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with the denial of an application for the importation of military firearms (or ammunition, components, parts, accessories, and attachments for such firearms) submitted under section 38(b)(1)(B) of the Arms Export Control Act (22 U.S.C. 2778(b)(1)(B)), as added by section 8142(a) of the Department of Defense Appropriations Act, 1988, if the application meets the otherwise applicable requirements of section 178.112 and 178.113 of title 27, Code of Federal Regulations (as in effect on January 1, 1996), and the application is not for the importation of articles on the United States Munitions Import List from a proscribed country. For purposes of the preceding sentence, the term "proscribed country" means a country with respect to which the proscriptions contained in section 47.52 of title 27, Code of Federal Regulations, apply.

POINT OF ORDER

Mrs. MCCARTHY of New York. Mr. Chairman, I rise to a point of order.

The CHAIRMAN pro tempore. The gentlewoman will state her point of order.

Mrs. MCCARTHY of New York. Mr. Chairman, I make a point of order against section 518 on page 80 because it proposes to change existing law and constitutes legislation in an appropriations bill, and, therefore, violates clause 2 of rule XXI.

The rule states in pertinent part no amendment to a general appropriations bill shall be in order if in changing law. The amendment does not apply solely to the appropriations under consideration.

I am asking for a ruling from the Chair.

The CHAIRMAN pro tempore. Does the gentleman from Maryland [Mr. HOYER] wish to be heard on the point of order?

Mr. HOYER. Yes.

The CHAIRMAN pro tempore. The gentleman is recognized.

Mr. HOYER. Mr. Chairman, reserving the right to speak on the point of order, we will concede the point of order. We have reviewed it, and the gentlewoman is correct.

The CHAIRMAN pro tempore. Does any other Member wish to be heard on the point of order?

Mr. KOLBE. Mr. Chairman, we would concede the point of order is correct. While I strongly favor this provision, given the circumstances that this bill is brought to the floor, this provision is clearly legislation on an appropriations bill.

Mrs. MCCARTHY of New York. Mr. Chairman, if section 518 were passed as part of the

Treasury and Postal Operations Appropriation bill, I believe the result would be an increase in gun violence and increased danger to the lives and safety of our Nation's police officers.

Section 518 would effectively allow foreign governments to resell millions of dangerous, high-powered M1 carbine semiautomatic weapons, M-1 garand rifles, and .45 caliber M1911 pistols in the United States as curios and relics. Importing such high-powered weapons would flood the U.S. gun market, thereby lowering the price of these military weapons, making them more affordable for dangerous criminals.

Congressman PATRICK KENNEDY and Congresswoman CAROLYN MALONEY introduced legislation earlier this year that would help keep our streets safe by permanently banning the importation of these military weapons. The point of order offered today will only prevent the importation of such weapons for 1 year. It is time for Congress to follow Mr. KENNEDY's leadership and pass his bill to provide protection for America's families and police officers by ending the importation of these high-powered military weapons once and for all.

If anyone thinks that these curios and relics are not dangerous and should be imported freely into the United States, I would like to draw their attention to two critical facts. First, with the addition of three inexpensive pieces of hardware, the M-1 carbine—a semiautomatic weapon—can be easily converted into an automatic submachine gun with the potential of firing up to 30 rounds in a matter of seconds. This would effectively squash any rapid response law enforcement officers could ever hope to give.

Second, in the last several years, police officers have been killed and crimes committed at an alarming rate by these dangerous weapons. Nine officers have lost their lives to these so-called relics since 1990. According to the Bureau of Alcohol, Tobacco and Firearms, nearly 2,000 M-1 garand rifles and M1911 pistols were traced to crime scenes in 1995 and 1996. In New York, 71 of these so-called curios and relics were linked to crimes committed during the past 2 years.

Foreign governments should not be allowed to profit off of our misery. We need to make sure that we put a stop to that while trying to reduce gun violence. It is bad policy to allow anyone, including our own Government, to profit off of the agony and pain of others.

Gun violence takes a serious financial toll on our society and on our Nation's healthcare system. According to a May 1997 Violence Policy Center study, firearm injuries cost society approximately \$20.4 billion in 1990. Of that figure, at least \$17.4 billion represents the value of lost productivity due to premature deaths. According to the Center to Prevent Handgun Violence, direct healthcare expenditures for firearm-related injuries in the United States in 1995 was \$4 billion. This figure is high because firearm wounds are the most costly injuries to treat.

Aside from the physical healing that takes place after gun violence there is also the emotional healing. Gun violence leaves families in shambles. It leaves the loved-ones to pick up the pieces of their lives and an empty hole in the hearts of family and friends that can never again be filled. I know from my own experience that gun violence can completely alter the course of a person's life—it did mine.

Congress shouldn't allow foreign countries to dump their weapons in our country. We all

know what happens when high-powered weapons fall into the hands of the wrong people. Although some may consider these weapons collectors' items, they are lethal weapons. We need to permanently end the importation of these weapons.

The CHAIRMAN pro tempore: Does the gentleman from Rhode Island [Mr. KENNEDY] wish to be heard?

Mr. KENNEDY of Rhode Island, Mr. Chairman, I would like to join in raising the point of order.

The CHAIRMAN pro tempore: Does any other Member wish to be heard on this point of order?

The point of order is conceded and sustained, and section 518 is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

Sec. 519. No funds appropriated for the United States Postal Service under this or any other Act may be expended by the Postal Service to expand the Global Package Link Service.

POINT OF ORDER

Mr. McHUGH. Mr. Chairman, I rise to a point of order.

The CHAIRMAN pro tempore: The gentleman will state his point of order.

Mr. McHUGH. Mr. Chairman, section 519, found on page 81, lines 13 through 16 of the legislation before us, applies not only to current appropriations, but incorporates by reference the permanent appropriations authority contained in title 39 United States Code section 2401(a), and thus violates clause 2 of rule XXI of the House prohibiting reporting a provision which changes existing law.

The CHAIRMAN pro tempore: Does any other Member wish to be on the point of order heard?

Mrs. NORTHUP. Mr. Chairman, regarding the point of order, I understand this provision is probably subject to a point of order and will be stricken, but I want to reserve my right to strike the last word after it is completed and make a few comments.

The CHAIRMAN pro tempore: Does the gentleman from Pennsylvania [Mr. FATTAH] wish to be heard on the point of order?

Mr. FATTAH. Mr. Chairman, I rise as the ranking minority Member on Postal Service in support of the point of order, and would hope that the Chair would concur that clause 2 of rule XXI would be in play as relates to this amendment, and that it should be struck because it attempts to add legislative language to an appropriations bill.

The CHAIRMAN pro tempore: Does the gentleman from Maine [Mr. ALLEN] wish to be heard on the point of order?

Mr. ALLEN. Mr. Chairman, the point of order just made by the gentleman from New York [Mr. McHUGH] was made against section 519 of the bill, which would restrict the U.S. Postal Service's Global Package Link System.

That provision does not belong in

to prohibit is the expansion of the Global Package Link System by the Postal Service.

In changing the authority governing the Postal Service's operations, it violates the House rule against legislating on an appropriations bill.

Legislation affecting the Postal Service is clearly within the jurisdiction of the Committee on Government Reform and Oversight, on which I serve. The committee will be looking at Global Package Link as part of postal reform, and that is an appropriate course for review rather than through this rider.

The Global Package Link, or GPL, is a valuable program that helps U.S. businesses gain new markets and opportunities overseas, which means more jobs here at home. GPL was established by the Postal Service at the request of U.S. catalog companies, who wanted a faster and better way to ship their packages to international customers.

One of these customers is L.L. Bean, which is in my districts in Freeport, Maine. GPL is good for American business and good for jobs. It is innovative. Other competitors like UPS could establish similar systems and streamline their own overseas delivery service.

The CHAIRMAN pro tempore: The Chair would ask the gentleman to confine his remarks to the point of order and not the merits of the section.

Does the gentleman from Arizona wish to be heard?

Mr. KOLBE. Just to say, reluctantly, I accept the point of order, that it is legislation on the appropriations bill. Given the circumstances of bringing this bill to the floor, this would not be in order on this bill.

The CHAIRMAN pro tempore: Does any other Member wish to be heard?

Mr. HOYER. Mr. Chairman, we concede the point of order on this side.

The CHAIRMAN pro tempore: The point of order is conceded and sustained, and section 519 is stricken from the bill.

Mr. FATTAH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the Global Package Link provision, authored by Representative Northrup, (R-KY) would prohibit the United States Postal Service (USPS) from expanding its Global Package Link international parcel service for one year, while a Government Accounting Office (GAO) report is completed on the issue of international mail. The GPL, an "electronic Customs preparatory system" was developed by the USPS in direct response to its customers demands. It allows our nation's largest and leading retailers such as Lands' End, Neiman Marcus, J.C. Penny, L.L. Bean and others to deliver merchandise to their catalog customers in the United Kingdom, Canada, and Japan. These and many other companies support and rely upon the Postal Service to send their products via the GPL service.

By way of legitimately responding to a postal matter under the jurisdiction of the Sub-

any unfair advantages over shipments by private carriers. We expect to have a report on this matter early next year.

The Blair Corporation, a large mail company located in my State of Pennsylvania, provided some very thoughtful comments on the Northrup provisions. Thoughtful, because unlike the numerous mail-order firms, Blair is using the Postal Service's GPL service, not a current user. The President of Blair Corporation states:

"We cannot believe that our Company would stop a valuable international delivery service, which has become very important in expanding the exports of U.S. direct mail companies, and could become the means by which our company and others like it are to enter the international market, without a hearing before the appropriate Committee of Congress, which understand postal operations and their importance to the direct mail industry."

This attempt to prevent the Postal Service from operating as any other business when so many in the Congress as well as the business community have pleaded with the Postal Service to become more businesslike and more efficient, is ironic. Global Postal Link and other Postal Service innovations are a serious response by the Postal Service to these pleas. This amendment will wipe out an important Postal Service effort to become more businesslike and will represent a serious blow to many mail order companies and damage this country's export efforts. We urge you to reject this effort to end-run the authorizing committees and vote "yes" to strip the "Northrup" Amendment from H.R. 2378."

In conclusion, the Northrup provision is framed as a limitation on funds, but contains legislative language. It does not belong on an appropriations bill. This is a violation of House Rules.

Mrs. NORTHUP. Mr. Chairman, I move to strike the last word.

Mr. Chairman, understanding that the last provision that we struck was the Global Package Link freeze for one year, I just want to take this opportunity to comment on the importance of this issue.

We all believe that we need to expand all trading opportunities that businesses in this country have. In particular it is important that we open and expand opportunities for overnight delivery services.

The concern that the committee had and that I raised in the committee was that when we open these opportunities we should not allow the United States Post Office to create a monopoly, that only they can deliver overnight packages.

That is what you do when our government, a government entity, negotiates with another government that this overnight link occurs only if the packages are brought in by the Postal Service.

These arrangements allow the Post Office to bypass both customs price-wise and time-wise, so that they can deliver overnight and no private carriers can. We believe all private carriers should have an opportunity to

TITLE _____--GENERAL PROVISIONS

CERTAIN HISTORIC U.S. ORIGIN FIREARMS IMPORTS

DRAFT

October 30, 1997

The Honorable Bob Livingston
Chairman
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

The purpose of this letter is to convey the Administration's strong objection to the inclusion of a provision in the FY 1998 Commerce, Justice and State Appropriations Conference Report to require the approval of permits to import certain military surplus weapons and ammunition. The Administration has repeatedly opposed such provision, and Congress has yet to hold a hearing on this issue.

Over the last several decades, large quantities of these U.S. manufactured weapons were given or provided at low cost to foreign governments under military assistance programs. The provision would permit the importation of many of these military surplus guns, including the M1 Garand rifle. In addition, proceeds from the sales of these guns would no longer be turned over to the U.S. government, resulting in a windfall profit to both the foreign government selling the firearms as well as the firearms importer purchasing them at low prices. We are extremely concerned with the massive quantity of weapons that firearms dealers would seek to import if this provision is enacted as well as the potential impact these inexpensive firearms could have on the illegal gun market.

A similar provision was defeated during House floor consideration of the FY 1998 Treasury, Postal Appropriations Bill. If the bill presented to the President were to contain this provision, his senior advisers would recommend that he veto the bill.

Sincerely,

This is a better copy

Hill Alert: A Bad Old Gun Bill

WE'RE DOWN to that dangerous mad-dash time in Congress when truly bad ideas can sneak into law—and today the gun lobbyists are poised with a flood-the-market firearms scheme disguised as an innocent "curios and relics" proposal. Once again, certain members of Congress who are semiautomatic hawkers of the National Rifle Association's line, linked with lobbyists for gun importers, are seeking to slip language into an appropriations bill that would allow an arsenal of some 2.5 million weapons from abroad to go on the U.S. market.

This stockpile has made the rounds globally. The weapons were originally paid for by U.S. taxpayers. Then as U.S. Army surplus the firearms were given or sold to foreign governments years ago. But they are more than quaint relics for the walls of collectors; many of these firearms can be converted easily into illegal automatic weapons for domestic crimes such as holdups, assaults and murder. The weapons could pile into the U.S. market from supplies in the Philippines, Morocco, India, Turkey, Vietnam, Iran and other countries. Estimated value of these deadly weapons on legal or illegal markets? Approximately \$1 billion.

It has been for the safety of the public that the Reagan, Bush and Clinton administrations all enforced a policy of keeping such overseas stockpiles out of the country and thus off the streets. Letting them in would risk driving down the price of firearms generally and making weapons more easily obtainable by street criminals.

Law enforcement officials around the country warn that there has been an increased use of these weapons against police officers. More than 1,800 M1 rifles and M1911 pistols were traced to crime scenes in 1995-96 and in 1997, about 1,000 more have been traced. According to the Bureau of Alcohol, Tobacco and Firearms, 13 law enforcement officers have been killed by M1 rifles or M1911 pistols since 1990.

Clinton administration officials have advised Sen. Frank Lautenberg and others seeking to block the gun-lobby scheme that senior advisers would recommend a veto if this proposal comes to the president's desk. But it shouldn't come to that, just as it shouldn't be slipped into any appropriations bill at the eleventh hour of a congressional session. The provision should be removed and if not, rejected.

(301) 424-9544

...November 10, 1997...8:30pm...

2pgs.

Jack:

I did speak w/Treasury about coming up w/some language that we might be able to live with on curios. They were very reluctant to draft anything with any specific numbers, and wanted me to know that they would not be in a position to sign-off on any number of these weapons coming into the country. Nonetheless, they agreed to try and draft language that would give Treasury the ability to allow the importation of certain collectibles (perhaps with a very specific definition, but no cap or numbers expressed). They hope to have something by Wednesday.

Having said that, I want to emphasize that no one I've spoken to -- Rahm, Bruce, Peter -- thinks we're in a position where we need to put language on the table (we don't need Mollohan for census, the R's don't want this in the bill, and Lautenberg, McCarthy and others are actively fighting it). Also, Senator Lautenberg's staff has asked us to sign-off on draft report language they are ready to add to the conference report on why this provision was not included (see attached). Thus, while I'll push Treasury for some narrow language on Wednesday -- which I don't expect to work for Mollohan -- I think we should say the following:

- Congressman, while we appreciate your predicament and want to work with you, we simply don't see how an amendment reversing our policy on the importation of these firearms -- even if its capped -- can be incorporated into the CJS appropriations bill. [The President feels strongly about this issue and reversing the policy, even for tens of thousands of these weapons, is not something we can support now.]
- Equally important, some of your colleagues in the House and Senate have made it very clear that they will strongly oppose any change in the current policy. They point out that this issue has been dropped from previous appropriations bills, and that it would be adding an entirely new and controversial provision to the CJS appropriations. And we don't think the votes or the leadership support is there to fight this issue out in the appropriations process.
- What I can recommend is that we continue to try and develop narrow language (outside of the appropriations bill) that bridges our concerns and your's -- and that we can ask Treasury and State to revisit the possibility of modifying the policy administratively to allow for a small number of collectibles to be imported.

FYI

Doc

231601

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

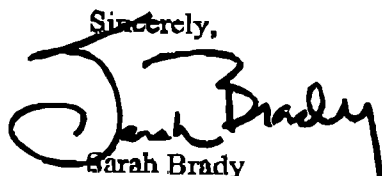
As organizations that share your dedication to reducing firearms violence in America, Handgun Control, Inc., the Violence Policy Center, and the Coalition to Stop Gun Violence respectfully urge you to veto legislation providing appropriations for the Department of Treasury if it includes a provision allowing the importation of U.S. surplus military firearms that were previously provided to foreign governments through military assistance programs. A provision that would allow such surplus military weapons that are designated by the Bureau of Alcohol, Tobacco and Firearms (ATF) as "curios or relics" to be imported was attached as an amendment to the House Treasury, Postal Service & General Government Appropriations bill.

We applaud the current Administration policy which has blocked importation of U.S. surplus military firearms. The amendment attached to the House's Treasury spending bill, however, would allow the importation of 2.5 million military surplus M1 Garand rifles and Carbines, and M1911 pistols. Although portrayed as innocuous collectors' items by the gun importers and dealers who stand to reap hefty profits from their sale, these guns are in fact lethal weapons that were specifically designed for combat. In fact, General George Patton dubbed the M1 Garand "the greatest battle implement ever devised." And unfortunately, the lethality of these weapons of war to civilians is well documented. In 1995 and 1996 alone, more than 300 such weapons were seized at crime scenes by ATF. Furthermore, nine American police officers have recently been killed by these battle weapons.

A new flood of surplus military firearms will make these guns less expensive and more readily available to street criminals and cop-killers.

We respectfully urge you to protect the safety of the American public and our nation's police by vetoing any legislation that would allow the importation of these weapons of war. Thank you for considering our views.

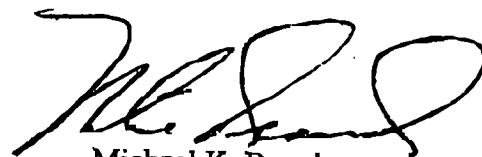
Sincerely,



Sarah Brady
Chair
Handgun Control, Inc.



M. Kristen Rand
Director of Federal Policy
Violence Policy Center



Michael K. Beard
President
Coalition to Stop Gun
Violence

AUG 14 1997

Leanne A. Shimabukuro 09/04/97 10:37:35 AM

Record Type: Record

To: Peter G. Jacoby/WHO/EOP
cc: Jose Cerda III/OPD/EOP
Subject: Re: SAP language from last year -- Curios and Relic Weapons

----- Forwarded by Leanne A. Shimabukuro/OPD/EOP on 09/04/97 10:37 AM -----

Michael F. Crowley 09/04/97 10:24:51 AM

Record Type: Record

To: Leanne A. Shimabukuro/OPD/EOP
cc:
Subject: Re: SAP language from last year -- Curios and Relic Weapons 

Leanne, the following language was included in an unsent SAP last year:

The Administration opposes section 621 of the Committee bill. The practical result of this section would be to deny the government an effective mechanism to control the importation of hundreds of thousands of inexpensive firearms such as M-1 carbines and M1911 .45 semi-automatic pistols. These are weapons provided to foreign governments by military assistance programs. The criminal element thrives on low-cost firearms that are concealable, and/or capable of accepting large capacity magazines and/or capable of being easily converted to fully automatic fire. Thus, such weapons would be particularly enticing to the criminal element. In short, the net effect of the proposal would be to thwart the Administration's efforts to deny criminals the availability of inexpensive, but highly-lethal, imported firearms.

While the SAP was never sent, the language was cleared by Treasury, Justice, and OMB.

Q: What is the Administration going to do about the provision in the House Treasury appropriations bill on the importation of U.S.-manufactured military firearms which we either gave or sold at a discount to foreign governments over the last several decades?

A: We opposed this last year and we oppose it again. We successfully removed this provision in the emergency spending bill last year and the Congress has never once held a hearing on this issue.

We are extremely concerned with the unknown, potentially vast quantity of surplus military firearms that could be imported if this provision is enacted. Enactment would result in the importation of M-1 carbine rifles, M-1 Garand rifles, and .45 caliber semiautomatic pistols. Import of these firearms in large numbers would result in availability at low cost.

* We are particularly concerned about the M-1 carbine and the .45 caliber pistol. The compact size of the carbine, its ability to accept a large capacity magazine, and the ease with which it can be converted to automatic fire give it a high potential for use as a crime gun. The .45 caliber semiautomatic pistol is a powerful, easily concealable handgun that would also be attractive to criminals. Large quantities of these weapons were provided to foreign governments and could re-enter the domestic market for commercial sale if the restriction becomes law.

Years ago, these weapons were provided to foreign governments at little or no cost. Congressman Murtha's amendment would remove controls administered by the State Department requiring that the proceeds from sales of these guns be turned over to the United States. In effect, U.S. taxpayers would be subsidizing a handful of importers who stand to profit from the amendment and providing a windfall to foreign governments.

Ms. Albright's Daunting Agenda

Madeleine Albright could hardly have found a dicier time to make her first visit to the Middle East as Secretary of State. Not only has the peace effort between Israel and the Palestinians all but collapsed, but regional powers like Saudi Arabia and Iran are asserting themselves in ways that may undermine America's leadership in the area. As Ms. Albright works her way through the region this week, she will need all her vaunted bluntness and determination to keep instability at bay.

Washington's role in the Middle East has not been as problematic since before the Persian Gulf war in 1991. The war made the political and military landscape more favorable to peace by weakening Iraq and demonstrating the potential benefits of cooperation between the United States, Israel and leading Arab countries like Egypt and Saudi Arabia. But the gulf war coalition, which indirectly opened the way to peace talks between Israel and the Palestinians though Israel itself was not a member, has lost cohesion in recent years. The dynamic works two ways. When the peace talks falter, strains in the coalition increase, and when the informal alliance is divided, as it is today, the pressure for peace diminishes.

Ms. Albright can address the first part of the equation by getting Benjamin Netanyahu and Yasir Arafat talking again. It will not be easy. The Israeli Prime Minister justifiably insists that negotiations cannot resume until the Palestinian leader cracks down on terrorists. Ms. Albright properly plans to make plain to Mr. Arafat that his indifference to terrorism has stunted the peace. She need not be tactful in delivering the message. Mr. Arafat must

understand that any tolerance for unacceptable and that his coy minuet with Palestinian terrorists will sink the peace effort.

Mr. Netanyahu should recognize that though understandably anxious about its future, Israel can be more selective in its punishment of Palestinians and ought to avoid provocative actions like construction projects on the West Bank and in neighborhoods in Jerusalem. While there is no equivalency between bombs and bulldozers, as Ms. Albright said earlier this summer, Israeli actions influence the overall climate for peace.

A resumption of peace talks would help Ms. Albright hold together the American-led coalition of Arab leaders, disturbed by the lack of progress, skeptical of Mr. Netanyahu's intentions and doubtful that the economic benefits of regional cooperation will materialize, are drifting out of the American orbit. Saudi Arabia, for one, has threatened to boycott an annual Mideast economic conference supported by the United States and attended by Israeli representatives and instead may go to a meeting organized by Iran.

Some of this impatience is posturing. No country in the region is more dependent on American military protection than Saudi Arabia or more fearful of a resurgent Iraq. But the breakdown in peace talks between Israel and the Palestinians, coupled with the election of a more moderate President in Iran, has created opportunity for mischief.

Ms. Albright cannot untangle the problems in one visit. But if she fails to budge anyone, the decline of the peace effort and erosion of American leadership in the Mideast could quickly get worse.

The Surplus Gun Invasion

Gun dealers, with the enthusiastic support of the National Rifle Association, are once again trying to sneak through Congress a measure that could put 2.5 million more rifles and pistols onto American streets and provide a handsome subsidy for weapons importers and a few foreign governments. This bill, introduced with disgraceful stealth, should be pounced on by the Clinton Administration and all in Congress who are concerned about crime.

The bill is an amendment to the Treasury Department's appropriation, which may come to a vote in the House this week. It would allow countries that received American military surplus M-1 rifles, M-1 carbines and M1911 pistols to sell them to weapons dealers in the United States. The countries — allies and former allies such as the Philippines, South Korea, Iran and Turkey — got the guns free or at a discount or simply kept them after World War

II, or the Korean and Vietnam wars. Current law requires them to pay the Pentagon if they sell the guns and bars Americans from importing them. The new bill would change both provisions.

The N.R.A. argues that the guns are merely relics. But they are not too old to kill. In 1995 and 1996 the Bureau of Alcohol, Tobacco and Firearms traced these models to more than 1,800 crime sites. Senator Frank Lautenberg, the bill's main opponent, says these guns have killed at least 10 police officers since 1990. M-1 carbines can be converted to automatic firing, and all the M-1's are easily converted into illegal assault weapons.

Republicans attached a similar bill to an emergency spending measure last year but took it out under pressure from the White House. President Clinton should threaten to veto the Treasury appropriation if the measure remains.

The New York Times

TUESDAY, SEPTEMBER 9, 1997

Michael F. Crowley

Record Type: Record

To: Michael Deich/OMB/EOP, Jose Cerda III/OPD/EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Letter on Curios and Relics 

I've been checking with Treasury on the draft letter (see attached) responding to the add of a "curios and relics" weapons provision to the CJS bill. Hopefully, finalizing this letter can wait until Monday morning, because we won't have all of the information we need to draft a correct response until then. In particular, I've been checking the following statement in the draft letter:

These weapons, especially M-1 carbines, M-1 Garrands and M-1911 .45 caliber pistols, were designed for military purposes and provided to foreign governments as a form of military aid over the past several decades. Moreover, thousands of these firearms have already been used in crimes -- including to take the lives of police officers.

Problems with Letter as Drafted

Treasury says the language is **not** identical to that included earlier in the House version of the Treasury bill and does not block the federal government from denying import of M-1 carbines and M-1911 pistols. Treasury is putting together a list of those that weapons would be covered and is running gun trace data (that won't be available until Monday morning) to see how many of these weapons have been linked to crime investigations. Until then, I believe the list is as follows:

M-1 Garand
M1903A1B
M1901A3
M1917

Treasury says that by excluding the M-1 carbines and M-1911 pistols, the appropriators are trying to defeat arguments that have been raised previously each time they've tried to sneak the provision into the Treasury or CJS appropriations, *including that these weapons have been linked to thousands of crime investigations and hundreds of crime scenes*. Again, Treasury will not be able to tell us until Monday morning how many of the covered weapons have been linked to crime investigations.

Weapons Used to Kill Police Officers

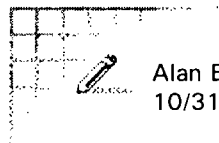
The FBI is the keeper of the stats on weapons used to kill police officers. The FBI (at Ed Chase's request) and ATF have both queried the FBI data base today and can't verify that the weapons covered in the provision have been used to kill police officers. Treasury says that the FBI database shows that five police officers have been killed since 1980 using "1911" weapons. Also, we know that at least 3 officers have been killed with M-1 carbines. However, these weapons are not at issue under the proposed language.

Thousands of These Weapons Used in Crimes

ATF has traced thousands of the M-1 carbines and M-1911 pistols to crime investigations. But, these

weapons are not at issue in the CJS language. The trace data ATF is pulling together for Monday morning should help us link the weapons covered under this provision to crime investigations. However, as a caveat, it should be noted that linking a weapon to a crime investigation (all that an ATF gun trace is capable of doing) does not link the weapon to a crime.

Alan B. Rhinesmith



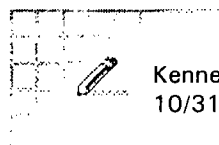
Alan B. Rhinesmith
10/31/97 08:05:34 AM

Record Type: Record

To: Harry G. Meyers/OMB/EOP@EOP, Michael F. Crowley/OMB/EOP@EOP
cc:
Subject: Letter on Curios and Relics

fyi

----- Forwarded by Alan B. Rhinesmith/OMB/EOP on 10/31/97 08:07 AM -----



Kenneth L. Schwartz
10/31/97 07:56:50 AM

Record Type: Record

To: Michael Deich/OMB/EOP@EOP, Jacob J. Lew/OMB/EOP@EOP
cc: See the distribution list at the bottom of this message
Subject: Letter on Curios and Relics

See attached from Jose.

----- Forwarded by Kenneth L. Schwartz/OMB/EOP on 10/31/97 07:57 AM -----



Jose Cerda III

10/30/97 06:23:40 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: Leanne A. Shimabukuro/OPD/EOP@EOP
Subject: Letter on Curios and Relics

Rahm, Bruce, EK, et.al.:

Attached please find a draft letter threatening to veto the CJS bill if it includes language on curios and relics. Peter would like to use this on the Hill before the CJS conference officially starts next week. Rahm said he was okay in principle, and wanted to threaten to veto this provision when it was on Treasury/Postal. Peter needs to run it by Hilley, and everyone else is reviewing it for the first time.

Please let me know what you think.



CURIOS.L

Message Sent To:

Bruce N. Reed/OPD/EOP@EOP
Elena Kagan/OPD/EOP@EOP
Michelle Crisci/WHO/EOP@EOP
Peter G. Jacoby/WHO/EOP@EOP
Charles E. Kieffer/OMB/EOP@EOP
Michael Deich/OMB/EOP@EOP
Kenneth L. Schwartz/OMB/EOP@EOP
Alice E. Shuffield/OMB/EOP@EOP

Message Copied To:

Charles E. Kieffer/OMB/EOP@EOP
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Alice E. Shuffield/OMB/EOP@EOP
Robert E. Barker/OMB/EOP@EOP

Message Copied To:

Patricia E. Romani/OMB/EOP
Theodore Wartell/OMB/EOP
Alan B. Rhinesmith/OMB/EOP
Harry G. Meyers/OMB/EOP
Edward H. Chase/OMB/EOP
Charles E. Kieffer/OMB/EOP
Kenneth L. Schwartz/OMB/EOP



Kenneth L. Schwartz
10/31/97 05:45:06 PM

Record Type: Record

To: Jose Cerda III/OPD/EOP

cc:

Subject: Re: Letter on Curios and Relics

FYI

----- Forwarded by Kenneth L. Schwartz/OMB/EOP on 10/31/97 05:47 PM -----

Michael F. Crowley

Record Type: Record

To: Michael Deich/OMB/EOP@EOP, Jose Cerda III/OPD/EOP@EOP

cc: See the distribution list at the bottom of this message

bcc:

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Subject: Letter on Curios and Relics

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cc: See the distribution list at the bottom of this message

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 Jose Cerda III
10/30/97 06:23:40 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: Leanne A. Shimabukuro/OPD/EOP@EOP

Subject: Letter on Curios and Relics

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CURIOS.L

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Alan B. Rhinesmith/OMB/EOP@EOP
Alice E. Shuffield/OMB/EOP@EOP
Robert E. Barker/OMB/EOP@EOP

Message Copied To:

October 31, 1997

The Honorable Bob Livingston
Chairman
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

The Administration strongly objects to the inclusion of any provision in the FY 1998 Commerce, Justice and State Appropriations Conference Report to allow for the importation of surplus military weapons. We have repeatedly opposed such provisions, and the President's senior advisers would recommend that he veto the bill if it includes language that would large quantities of surplus military weapons to be imported.

The Administration finds it unacceptable that -- in the same appropriations bill that funds the nation's law enforcement priorities, such as putting more police on our streets -- the Committee is considering language that could flood our streets with millions of military surplus weapons. These weapons, including M-1 Garands and M-1911 .45 caliber pistols, were designed for military purposes and provided to foreign governments as a form of military aid. Moreover, many of these firearms may have already been used in crimes -- including to take the lives of police officers. Opening the door to more of these weapons would only serve to further undermine public safety.

We urge the Committee to reject this provision.

Sincerely,

Franklin Raines

November 5, 1997

Mrs. Sarah Brady
Chair
Handgun Control, Inc.
Suite 1100
1225 Eye Street, N.W.
Washington, D.C. 20005

Dear Sarah:

Thank you very much for your letter opposing legislation that would allow importation of surplus military firearms into the United States. My Administration vigorously opposed this provision in the final Treasury-Postal appropriation bill, and I am very pleased that this amendment was dropped. I, too, believe that this measure would have threatened the safety of our law enforcement officers and the American public by allowing these inexpensive and extremely dangerous weapons into the United States.

I also wanted to take this opportunity to thank you for your support on the child safety locks initiative. I am confident that this measure will help us better protect our children.

Hillary joins me in sending best wishes to you and Jim.

Sincerely,

BILL CLINTON

BC/TFS/RSM/RLM/DWB/lynn-jfc-emu-ckb (Corres. #3720548)
(10.brady.s)

cc: Rahm Emanuel, WW
cc: Jose Cerda, DPC, 216 OEOB

JC -

Rockefeller letter
forwarded by Michelle.
We need to figure out
how to respond - beyond
the fact that we can't be
involved in a particular
application - as a
matter of policy, this
"compromise" offer is
bad news.

let's discuss. Leanne

JOHN D. ROCKEFELLER IV
WEST VIRGINIA

United States Senate

WASHINGTON, DC 20510-4802

April 28, 1998

Mr. Erskine Bowles
Chief of Staff
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Erskine,

I'm writing you on a matter that is very important to a small business in my state, and one of which I believe you are familiar — the issue of import licensing of antique curio and relic firearms of U.S. origin.

A West Virginia company, Gibbs Rifle, is a major subcontractor to Blue Sky Productions, Inc. As you may know, Blue Sky has not been able to obtain their Form 6 import permits. I understand that they have submitted numerous import applications to the BATF, but the State Department has continually prohibited a license from being issued. Without this contract, Gibbs Rifle has gone from a small business employing 39 workers down to only 4 at present, and now tells me they must sell their industrial park. This license is vital to Gibbs' continued survival in West Virginia. With it, they can continue to employ in West Virginia, albeit with a smaller, leased warehouse facility. Without it, they will close down, and the company will no longer operate in West Virginia.

Erskine, as you know, I voted for the 1994 Crime Bill that included legislation banning 19 specific types of semi-assault weapons. Further, I do not support the blanket importation of U.S.-origin military weapons from foreign governments that could potentially be converted into fully automatic weapons. However, I also believe that there has to be some reasonable approach to considering the import of some U.S. origin curios and relics that do not pose a risk to the public and can be resold to collectors in the United States.

From what I understand, the Arms Export Control Act (AECA), generally prohibits the return to, for sale in, the United States of U.S.-origin firearms or ammunition furnished to foreign governments and by correspondence from Barbara Larkin at the State Department, the AECA statute provides a limited exception from this ban for such firearms that are designated curios and relics, with respect to consultation between the Treasury and State Departments.

Mr. Erskine Bowles
April 28, 1998
Page 2

I've been told that Blue Sky's license application is for firearms that Blue Sky can document was purchased by the Korean government, not given by the U.S. government. Further, Blue Sky is willing to take off the table the issue of the M-1 Carbine which has a detachable magazine. This compromise would take 90% of the deal off the table for them, and leave only the M-1 Garands for importation. As you may know, M-1 Garands are a fixed magazine gun that has a maximum capacity of 8 rounds. It cannot be altered to take a detachable magazine because there is no conversion kit made for it. From BATF's own statistics, it does not show up in their crime traces.

Further, Blue Sky is willing to provide a child safety lock with every one of these guns, free of charge, to the consumer. And they are willing to keep the imports of these M-1's capped to a total of approximately 125,000 guns over a 2-year period.

Again, Erskine, I fully understand and support the Administration's position against imports of any firearms that would proliferate the kind of violence that we see plague our streets, and that cause the kind of tragedies which have occurred in some of the nation's schools in recent days and months.

But again, I believe it is possible and essential for the Administration to take a reasonable and rational approach to considering gun imports that are in an entirely different category from the dangerous weapons you have every reason to ban.

I recognize the tremendous constraints on your schedule, but this is to ask you to personally sit down with representatives from Blue Sky and Gibbs Rifle to reach a compromise on a solution that addresses the Administration's concerns, but still keeps them in business. I believe they have put a very reasonable deal on the table — 90 percent of what they were asking for 18 months ago has been eliminated. Blue Sky and Gibbs have agreed that the license would only be for the importation of the M-1 Garand. They would suspend any efforts to try to import the M-1 Carbine or M-1911 A-1 (45) pistols.

Thank you for your personal attention to this issue. I know that you will give it your utmost consideration. As always, I send you my warmest regards.

Sincerely,



John D. Rockefeller IV

As always, Erskine, Thanks





U.S. Senator
Jay Rockefeller

www.senate.gov/~rockefeller

Fax Cover Sheet

To: Mr. Erskine Bowles

From: Senator Rockefeller

Date: 4-28-98

of Pages (Including Cover)

3

Message:

*Reason -
for should we
answer?
B*

**Problems with transmission call
(202) 224-6472**

TALKING POINTS: CURIOS AND RELICS

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 U.S. origin surplus military firearms. The firearms at issue were classified as “curios and relics” because of their association with WW II and the Korean War, and Congress expressly authorized their importation in 1984. Separate foreign policy laws, however, prohibit the resale any of these firearms without approval from the State Department. Generally, it has been the policy of this Administration -- as well as that of President’s Bush and Reagan -- to bar the importation of these American-made surplus military firearms in the U.S. commercial market.

The Members mentioned above would like you to consider a proposal that Blue Sky and Gibbs Rifle 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, we believe it is unwise for White House officials to discuss the approval of specific permits for the importation of firearms with potential applicants. Second, we are currently in litigation with a third importer in which we have strong foreign policy reasons for denying similar permits. And third, 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 U.S-manufactured military weapons 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 U.S. origin military firearms classified as curios and relics. 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 U.S. origin military firearms classified as curios and relics, including Senator Lautenberg and others, who strongly oppose the importation of these surplus military 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 other firearms out of the U.S.
- It is important to note 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.
- The State Department, in consultation with the Treasury and Justice Departments, is in the process of finalizing a report on the issue of U.S. origin military firearms classified as curios and relics. 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

Dear Senator Daschle:

Thank you for your recent letter to me on the importation of certain U.S. origin military firearms classified as curios and relics. 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.

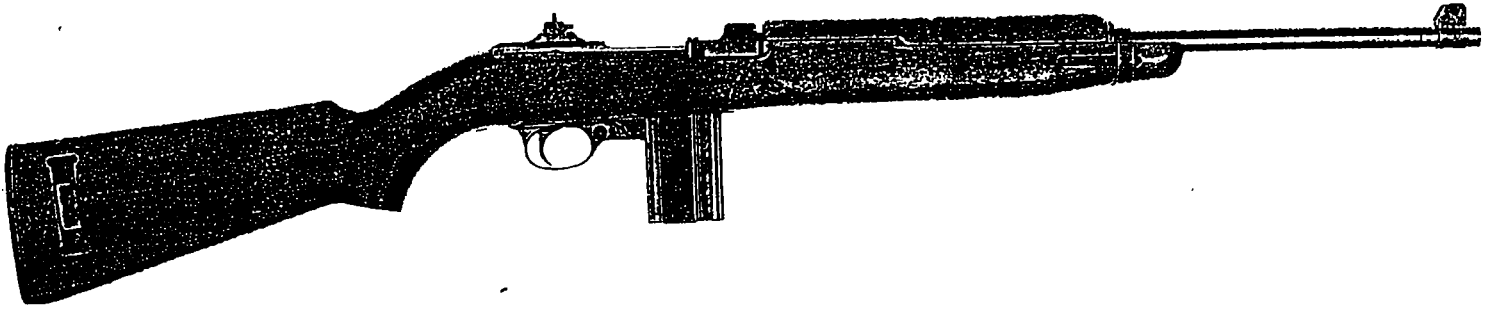
For two years now, the Administration has strongly opposed efforts to allow the importation of surplus military weapons, including M-1 carbines, M-1 Garands, and M-1911 .45 caliber pistols. These firearms were designed for military purposes, and millions were provided to foreign governments as a form 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 the importation of 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 importation of U.S. origin military firearms. 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

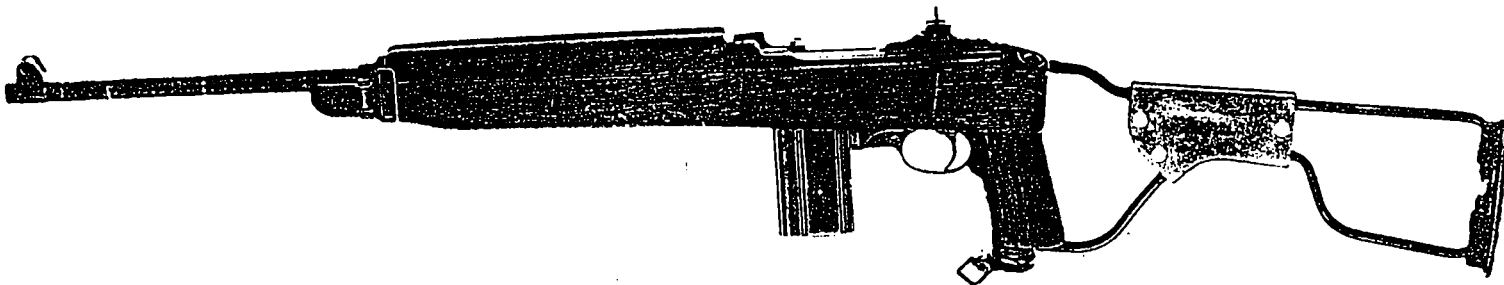
MANUFACTURERS: Winchester, Inland Div. General Motors, Saginaw Steering Gear, National Postal Meter, IBM, Quality Hardware, Irwin Pedersen, Underwood-Elliott-Fisher, Rock Ola, Standard Products

TOTAL PRODUCED: 6,117,767 *300 - 400*

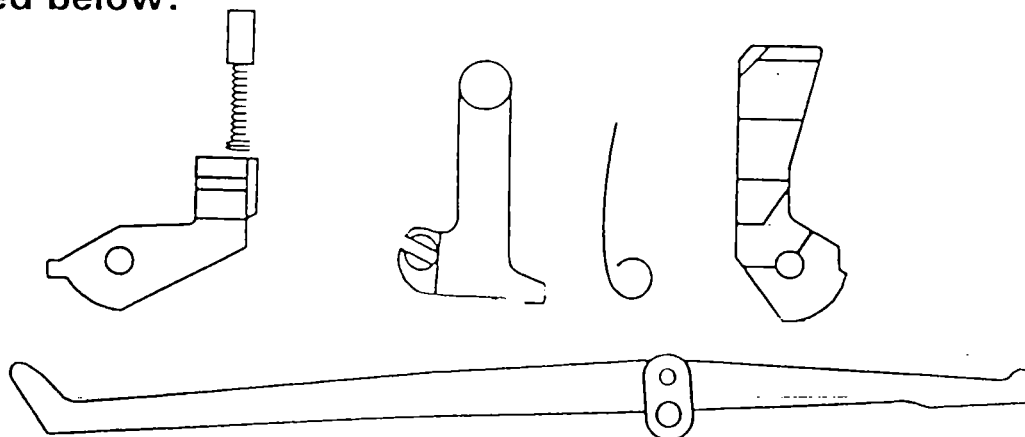
CURRENT DOMESTIC PRICE: \$250 - \$350 (If additional large quantities become available price will go down) *Based on 1997 Blue Book*

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.

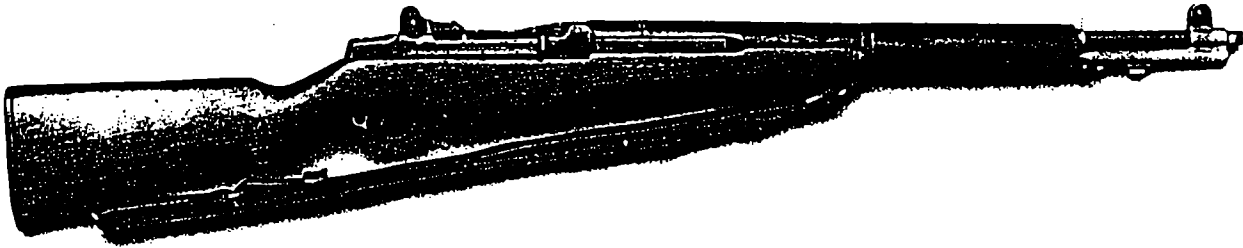


The conversion does not require any particular skill and can be accomplished by merely disassembling the weapon and reassembling with the above parts.

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)

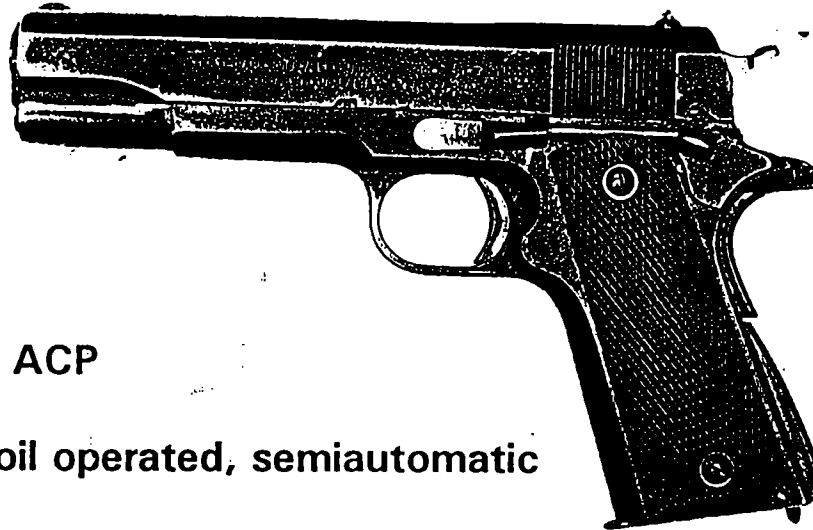
MANUFACTURERS: Springfield Armory, Winchester, Harrington & Richardson, International Harvester

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 1950,s. 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.

FAX COVER PAGE

6/22498

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

TO: Tino Cuellar, Treasury
Leanne Shimabukuro, WHI
Charles Simon, Justice

FROM: Gillian Price, State

FAX: 647-9779

PHONE: 647-2405

FAX: 622-7301
456-7028
514-2504

SUBJECT:

Tino, Leanne and Charles:

Well, here it is. The last version. The final version. Our legislative staff assistants have instructed me to put the classified section in a Tab, so its now Tab C, and there are appropriate classification covers. You will obviously not get the tabs through the fax, but you know what they are. Tino says he's oragainizing the post-curio party.....

NUMBER OF PAGES (include cover): 30

CONFIDENTIAL

THIS IS A COVER SHEET

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705-101
NSN 7540-01-213-7903

STANDARD FORM 705 (8-85)
Prescribed by GSA/ISOO
32 CFR 2003

UNCLASSIFIED
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Dear Mr. Chairman:

We are transmitting the enclosed report as requested in the Statement of Managers (P.L. 105-119) accompanying the Commerce, Justice, State Appropriations Act, Fiscal Year 1998. A portion of the report is being provided in classified format.

Additional issues addressed in this report are those submitted to the Department in a February 4, 1998 letter to the Secretary of State from Senators Lautenberg, Boxer, and Kerry along with Representatives Shays, McCarthy, Kennedy, Maloney, and Lowey, and through discussions with select congressional staff.

We hope that this report appropriately addresses your questions and concerns, and please do not hesitate to contact us if we may be of further assistance.

Sincerely,

Barbara Larkin
Assistant Secretary
Legislative Affairs

enclosures: as stated.

The Honorable
Harold Rogers, Chairman,
Subcommittee on Commerce, Justice, State,
the Judiciary and Related Agencies,
Committee on Appropriations,
House of Representatives.

UNCLASSIFIED
with CONFIDENTIAL Attachments

UNCLASSIFIED
With CONFIDENTIAL Attachments

Dear Mr. Mollohan:

We are transmitting the enclosed report as requested in the Statement of Managers (P.L. 105-119) accompanying the Commerce, Justice, State Appropriations Act, Fiscal Year 1998. A portion of the report is being provided in classified format.

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We hope that this report appropriately addresses your questions and concerns, and please do not hesitate to contact us if we may be of further assistance.

Sincerely,

Barbara Larkin
Assistant Secretary
Legislative Affairs

The Honorable
Alan B. Mollohan,
Subcommittee on Commerce, Justice, State,
the Judiciary and Related Agencies,
Committee on Appropriations,
House of Representatives.

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Sincerely,

Barbara Larkin
Assistant Secretary
Legislative Affairs

The Honorable
Judd Gregg, Chairman,
Subcommittee on Commerce, Justice, State,
the Judiciary and Related Agencies,
Committee on Appropriations,
United States Senate.

UNCLASSIFIED
with CONFIDENTIAL Attachments

UNCLASSIFIED
with CONFIDENTIAL Attachments

Dear Senator Hollings:

We are transmitting the enclosed report as requested in the Statement of Managers (P.L. 105-119) accompanying the Commerce, Justice, State Appropriations Act, Fiscal Year 1998. A portion of the report is being provided in classified format.

Additional issues addressed in this report are those submitted to the Department in a February 4, 1998 letter to the Secretary of State from Senators Lautenberg, Boxer, and Kerry along with Representatives Shays, McCarthy, Kennedy, Maloney, and Lowey, and through discussions with select congressional staff.

We hope that this report appropriately addresses your questions and concerns, and please do not hesitate to contact us if we may be of further assistance.

Sincerely,

Barbara Larkin
Assistant Secretary
Legislative Affairs

The Honorable
Ernest F. Hollings,
Subcommittee on Commerce, Justice, State,
the Judiciary and Related Agencies,
Committee on Appropriations,
United States Senate.

UNCLASSIFIED
with CONFIDENTIAL Attachments

**Report to Congress
on
U.S. Military Curio or Relic Firearms**

Prepared by the U.S. Department of State,

in consultation with

the Bureau of Alcohol, Tobacco, and Firearms,
the U.S. Department of the Treasury,
the Federal Bureau of Investigation,
and the U.S. Department of Justice

June 1998
Washington, D.C.

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Tab A (Congressional Requests)

Tab B (ATF's Curio or Relic List)

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Introduction

This report was prepared in response to Congressional requests (Tab D) for information concerning the possible importation of U.S. military firearms, which are currently classified as curios or relics, and which were provided to foreign governments in the World War II era. Current practice prohibits the importation of these firearms when the State Department issues a recommendation to deny the application for importation on foreign policy grounds.

In responding to these requests, the report discusses foreign inventories of these firearms, import applications that have been submitted, the process of classifying firearms as curios or relics, the potential effects of their importation on domestic firearm markets, controls on foreign governments' retransfers of these U.S.-origin weapons, and general crime issues relating to their possible importation. With respect to these issues, the report indicates the following:

- According to figures from the Department of Defense, over 950,000 Garands, over 1.2 million M-1 Carbines, and nearly 300,000 M-1911 pistols were transferred to foreign governments through military assistance programs in the World War II era.
- Careful administration of existing 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 U.S. government for private trade).
- Existing policy against importation of U.S. military curio or relic weapons also ensures a system that prevents the recipient nations' inappropriate windfall profits from weapons provided to them for specific foreign policy purposes.
- The policy of excluding U.S. military curio or relic weapons has been continuously in effect since 1987. Prior to 1987, these firearms were excluded by virtue of the law (AECA).
- About 300 types of handguns, shotguns, and rifles have been added to the list of curio or relic firearms by ATF in the last five years. By law, no weapons may be deleted from the list.

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- U.S. military curio or relic firearms or their commercial copies have been used to kill police officers. For example, on January 5th, 1997, two Sheriff's Deputies were killed with an M-1 Carbine. Through tracing, the firearm was positively identified as a WWII-era U.S. military M-1 Carbine imported back into the United States prior to the current policy of denial.
- In the case of M-1 Carbine and M-1 Garand rifles, the weapons' rounds can pierce certain kinds of soft body armor worn by police officers.
- Between September 1989 and mid 1997, ATF's National Tracing Center received requests to trace approximately 1900 M-1 Carbines or Garands, and 2670 M-1911 pistols recovered by law enforcement officers throughout the United States. Even as traces have increased over the past three years, the weapons in question have remained a fairly constant proportion of the total number of firearms trace requests.
- The U.S. military M-1 Carbine can be easily converted to automatic fire, and the M-1911 and M-1911A1 pistols--like other handguns--are concealable. As manufactured, the firearms in question are of excellent quality.
- Because these commercial copies of these weapons are still being produced, used M-1922/1911A1 pistols can adversely affect manufacturers who currently produce these weapons.
- Millions of weapons could be eligible for importation if the policy changed. Other things being equal, the presence of more guns on the market lowers the price of all guns, and at a lower price more guns will be purchased. This makes guns more easily available to all individuals including criminals.

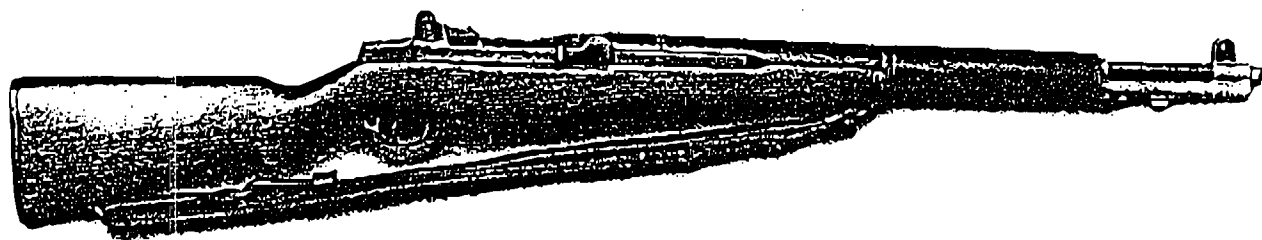
The information included in this report was collected by the Department of State in consultation with the Department of the Treasury; the Bureau of Alcohol, Tobacco, and Firearms; the Department of Justice; and the Federal Bureau of Investigation.

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Technical Information

The U.S. military firearms at issue were transferred to foreign governments for military assistance purposes, and are presently classified as curios or relics: the M-1 Garand, the M-1 Carbine, and the M-1911 and M-911A1 pistols. We provide detailed descriptions of these weapons on the following pages.

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

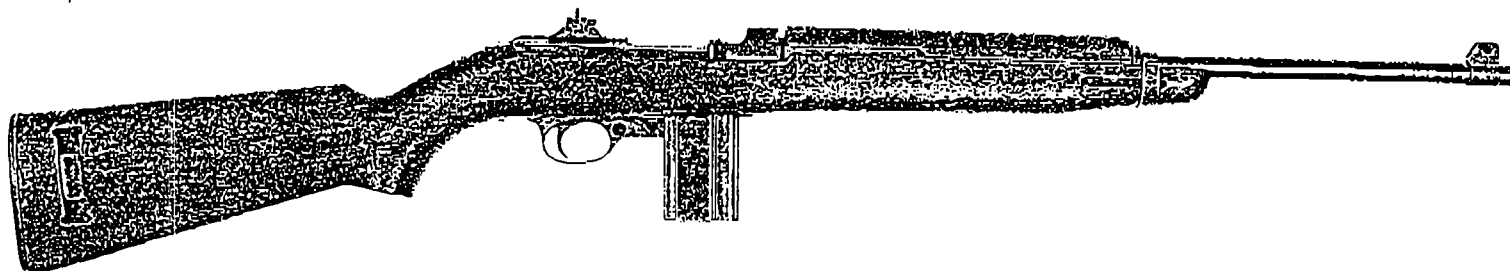
MAGAZINE CAPACITY: 8 round clip (enbloc clip containing 8 cartridges is loaded into weapon through top of action)

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

TOTAL PRODUCED: 5,468,772

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

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

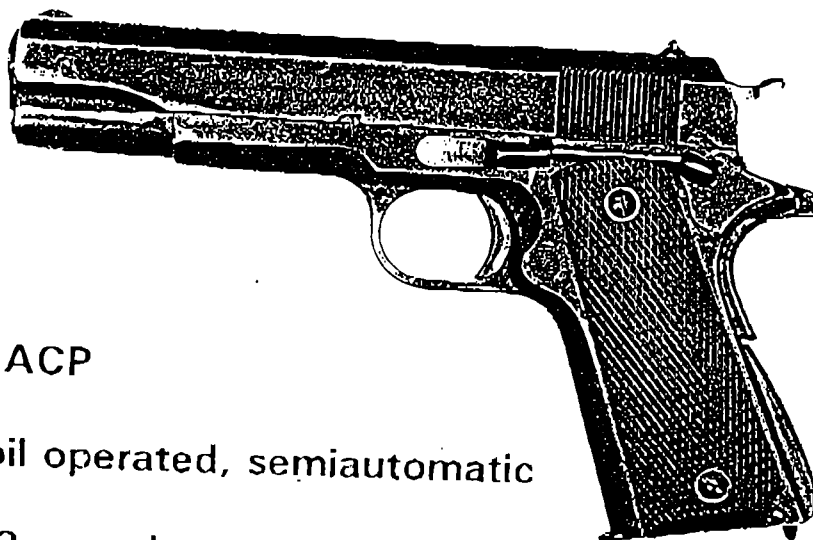
MAGAZINE CAPACITY: 15 or 30 round detachable magazine

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

The M1 Carbine was a U.S. Military service rifle from 1941 through the late 1950's. 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

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.

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Foreign Inventories

This section responds to Congressional requests for estimates on the number of U.S. military curio and relic firearms that could be imported into the United States. Beginning with the number of weapons originally transferred through foreign assistance programs to other governments, this section attempts to account for current foreign inventories and apparent discrepancies between the quantities shipped and those reported in foreign inventories.

- Approximately 950,000 M-1 Garands, over 1.2 million M-1 Carbines, and nearly 300,000 M-1911 pistols were transferred to foreign governments through military assistance programs in the WWII era.
- The following statistics are based on current survey information from U.S. embassies in non-proscribed countries:
M-1 Garands: 527,062; M-1 Carbines: 743,697; M-1911 Pistols: 231,965

The accuracy of the survey numbers is 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 did not permit 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 opportunity or means for the U.S. Government to insist on an accurate response.

The above points account for the difference between numbers of shipped firearms to specific countries, with numbers reportedly now in foreign inventories, as well as the loss of net proceeds during a third party sale. Furthermore, although end use and retransfer controls are in place, as with any arms transfer from the United States to another country, unauthorized retransfers do occur.

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Some examples of such unauthorized transfers include the retransfer of these firearms to private arms dealers, or their retransfer to other countries without proper prior consent from the U.S. Government. In these cases, the U.S. Government has no way to track the firearms' location. Under these circumstances, when required, net proceeds also would not be returned to the United States.

Discrepancies exist because of the unwillingness or inability of other governments (due most often to inconsistent and/or incomplete record-keeping) to provide accurate information on the disposition of weapons transferred a number of years ago. For these reasons, we are unable to account for all U.S. origin military curio and relic firearms potentially available for retransfer back to the U.S.

Controlling Firearms Transfers

In response to Congress's request, this section explains the importance of the President and the Secretary of State retaining authority to control the retransfer of firearms granted or sold by the U.S. Government exclusively for use by foreign governments.

Under the Arms Export Control Act and the Foreign Assistance Act, the President (delegated to the Secretary of State) has the authority to authorize transfers-- by sale or grant-- of defense articles by the United States Government to foreign countries, and to consent to retransfers of such defense articles among foreign governments and, under highly unusual circumstances, to private parties.

Section 2 of the Arms Export Control Act (AECA) 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."

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The firearms in question have been transferred by sale or grant exclusively for military use by allies and friendly foreign governments. The long-standing regulatory policy generally to deny requests for proposed retransfers to private parties stems in part from the fact that generally authorizing such retransfers does not serve any U.S. foreign policy and national security purposes.

It is contemplated generally that foreign policy would be affirmatively served by transfers and retransfers among friendly foreign governments, while authorizing movement of the weapons from governmental to private trade channels has not been viewed typically as serving such an end. In addition, difficulties in enforcing controls with the foreseeable result that over time there could be decreased respect for, and compliance with, those controls by foreign governments. It is also of concern that U.S. foreign policy interests could be undermined by rules that imposed rigorous controls to prevent transfers to private parties abroad, but that lifted such controls to freely permit such transfers to private parties in the U.S.

Section 3 of the AECA requires end use and retransfer assurances for the sale of any such U.S.-origin defense articles, requiring U.S. Government consent for any other uses or retransfers. Section 505 of the FAA establishes an identical regulatory regime for granted defense articles and services. Careful administration of the retransfer consent policy concerning private parties derived from these authorities serves U.S. foreign policy interests by:

- preventing the recipient nations' inappropriate profit from weapons provided free of charge for specific foreign policy purposes.
- helping to prevent unfettered trafficking of U.S. military weapons (never intended or financed by the U.S. Government for private trade).

Classification of Firearms as Curios or Relics

This section responds to Congressional requests for information regarding the formulation of the curio or relic list. The section includes the number and types of weapons added to the list since 1980, the process by which they are added, and a

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discussion of the types of entities that have petitioned to have weapons added to the 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. These requests for curio or relic determinations are then reviewed by ATF technical personnel. 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.

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 "curio or relic" is defined in 27 CFR Section 178.11 (in ATF's Curio or Relic List, Tab C). By law, no firearm designated as a curio or relic can be subsequently removed from the list.

Import Applications for U.S. Military Curios or Relics

This section responds to questions about the firearms import applications process as it relates to the attempted importation of U.S. military curio or relic weapons. These questions requested an assessment of whether applications for their importation were approved or denied in the administrations of Presidents Bush and Reagan, the number of applications for the importation of U.S. military curio or relic weapons approved in the last five years, information on who is submitting the applications, articles approved for importation as of the date of the report, and the number of applications disapproved and the reasons for such disapprovals.

Although we have made an effort to respond thoroughly, current databases containing information on firearms imports are not sufficiently developed to establish the number of particular models of guns imported over the years. Specifically, ATF's import database is designed only to track the processing of an application and is not organized to respond to queries about the types and/or quantities of firearms that are the subject of particular applications. As detailed in the discussion below, the lack of computerized information on numbers or specific gun models sought to be imported has made it difficult to establish

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the number of U.S. military curio or relic weapons sought to be imported.

U.S. Government has had a long-standing policy of generally denying retransfers of any significant military equipment (SME), including curios or relics, to private parties abroad or in the U.S. At the time of its enactment in 1968, the Gun Control Act prohibited the importation of all surplus military firearms, 18 U.S.C. Section 925(d)(3). In 1984 the Gun Control Act was amended to allow licensed importers to import surplus military firearms that were classified as curios or relics, 18 U.S.C. Section 925(e). This amendment did not preclude other laws regulating the importation of firearms, including the Arms Export Control Act (AECA). Prior to 1987, the AECA prohibited the importation of United States manufactured military firearms furnished to foreign governments under a foreign assistance or sales program of the United States. In 1987 the AECA was amended to permit importation of military firearms of United States manufacture if the firearms are classified as curios or relics under the Gun Control Act and the foreign government to whom the firearms were furnished certifies that it owns the firearms.

However, the State Department retained the authority to bar the importation of military firearms of U.S. manufacture for reasons of foreign policy. Pursuant to this authority, the State Department's policy generally has been to recommend that ATF deny applications to import commercially U.S. military firearms classified as curios or relics for sale. In short, the general policy since 1987 has been denying consent to retransfer to private parties within the U.S.

Despite the relevant legal and policy considerations against the importation of U.S. military curio or relic weapons, ATF still receives applications to import these weapons, along with other applications to import a variety of other firearms. Pursuant to the Gun Control Act, 18 U.S.C. Section 925(e), U.S. military firearms classified as curios or relics may only be imported by licensed importers. Importers are required to file an application with ATF to import firearms, and upon approval the application becomes the permit to import the items. Import permits are valid for one year from the date of issuance. The data on import permits, including the quantity and type of firearms approved for importation, is considered confidential proprietary commercial information which cannot be disclosed until the permit has expired, 18 U.S.C. 1905.

In the last five years, ATF has received numerous applications to import U.S. military curio or relic weapons. The

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following is a list of importers who requested permits to import commercial quantities of M-1 Garands, M-1 Carbines, M-1911 pistols, or M-1911A1 pistols during the 5-year period prior to June 1, 1997.

Importers-State

- Red Cloud - VA
- Gibbs Rifle Co., Blue Sky Productions - WV
- Intrac Corporation - TN
- Brian Dick Longarms, Ltd. - SC
- Combat Military Ordnance - GA
- Dalvar of U.S.A. - TX
- Adams International - NM
- Briklee Trading Co., Sherwoods Spirit of Amer., New Helvetia- CA
- PW Arms, Inc. - WA
- LeRoy's Gun Works - MT
- Springfield, Inc. - IL
- Classic Distributors, Inc., Century Arms, Inc. - VT
- Gun Parts Corporation, Oyster Bay Industries - NY
- Lew Horton Distributing - MA
- Aztec Industries - FL

Market Factors

In response to Congress's request, this section assesses the impact of the importation of the curio or relic firearms at issue on the domestic firearms market and domestic firearms manufacturers. This assessment includes a discussion of the

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quality and utility of these firearms, possible demand for them, and their costs relative to the current firearms market and other comparable weapons.

The firearms at issue, as manufactured, are of excellent quality. They are of rugged design and were expertly manufactured using quality raw materials. Replacement parts continue to be produced, and are widely available at gun stores, gun shows, and through mail order. Given minimal care and attention, these firearms can remain fully operational for an indefinite period.

For the purposes of this report, the term "street value" is interpreted as the selling price set by the importer and other segments of the commercial distribution chain.¹ 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, 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 sales are consistent. As sales slow, the prices will typically be reduced in an effort to keep the product moving from seller to consumer.

As more used firearms become available to the consumer, the sale of new firearms can suffer because of the volume and variety of used weapons available at lower prices.² 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-

¹ The term "street value" could also mean the selling price for an unlawfully trafficked firearm. Prices for firearms of this type vary far more dramatically.

² The section on crime issues provides an additional discussion of pricing pressures resulting from additional importation of curio or relic firearms.

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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. Because these firearms are still being produced, used M1911/M1911A1 pistols at prices ranging from \$200 to \$500 can adversely affect those manufacturers who currently produce those weapons.

Crime Issues

In response to questions submitted by Congress, this section discusses crime issues relating to the possible importation of U.S. origin military curio or relic weapons. The section compares U.S. origin military curio or relic weapons to their modern counterparts, reviews available information on crimes committed against law enforcement officers, and discusses trace information on the number of weapons involved in crime. Furthermore, this section analyzes possible effects of the importation of these weapons on average gun prices, availability, and crime.

Law Enforcement Related Specifications

As requested, the following paragraphs compare U.S. military M-1 Garands, M-1 Carbines, and M-1911 (and M-1911A1) pistols with their modern counterparts, and discuss whether a standard round from one of these weapons will pierce a police vest.

M-1 Garand:

- A mechanically identical commercial copy of the M-1 Garand was produced by Springfield Inc., Geneseo, Illinois, until 1990.
- 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.

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M-1 Carbine:

- Mechanically identical 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 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. Due to its weight, however, this level armor is not the type worn on a daily basis by law enforcement officers.

M-1911 pistol:

- The M-1911 pistol and its variations (i.e. M-1911A1) have been in continuous production since 1911. The weapon remains in production by various domestic and foreign manufacturers.
- The M-1911 pistol is chambered for the .45 ACP caliber cartridge.
- Of the types of soft body armor designed to be worn on a daily basis, Level II-A soft body armor is designed to provide protection against .45 ACP caliber threats. This level soft body armor is a type commonly 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.

Among other things, the information above indicates that copies of certain U.S. military curio or relic firearms either remain in production or have only recently been discontinued. Moreover, the soft body armor generally worn by police officers is not designed to protect against the ammunition used in M-1 Garand rifles and M-1 Carbine rifles.

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Crimes Against Law Enforcement

With respect to crimes committed against police officers, the Federal Bureau of Investigation (FBI) maintains information on law enforcement officers killed and assaulted. The following contains accounts of crime incidents against law enforcement officers where a weapon identified as an M-1 Carbine, M-1911 pistol, or M-1911A1 pistol was involved, although it is not possible to determine whether the specific firearms were U.S. military curios or relics or identical commercial copies of these weapons. No records were found relating to the use of M-1 Garands in such crimes.

- 1) *California* - December 28, 1992, Richmond Officer David Haynes killed with an M-1 Carbine.
- 2) *California* - December 28, 1992, Richmond Officer Leonard Garcia killed with an M-1 Carbine.
- 3) *Florida* - September 17, 1996, Holmes County Deputy Lonnie Lindsey killed with an M-1 Carbine.
- 4) *Minnesota* - April 9, 1990 Duluth Sgt. Gary Wilson killed with an M-1 Carbine.
- 5) *New Hampshire* - October 2, 1994, Sgt. James Noyes killed with an M-1 Carbine.
- 6) *New Jersey* - May 7, 1995, Franklin Township Sgt. Lee Gonzalez killed by Robert "Mudman" Simon, a Warlocks motorcycle gang member, during a routine stop. Simon, who had just committed a robbery, shot Gonzalez twice, once in the head and once in the neck, using an M-1911 semiautomatic pistol.
- 7) *North Carolina* - November 16, 1991, Clinton Officer Donald Ray Tucker, who was working undercover in Carteret County, North Carolina, was shot killed with a M-1911 pistol during a botched drug deal exchange.
- 8) *Tennessee* - December 11, 1991, Johnson County Deputy Sheriff Allen Lipford was killed by an escapee armed with a M-1911 pistol.
- 9) *Texas* - July 10, 1991, Pasadena Officer Jeff Ginn killed with an M-1 Carbine.

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- 10) Texas - January 6, 1991, Dimmit County Sheriff killed with an Ithaca Model M-1911A1 pistol.

In addition, on January 5th, 1997, two Riverside County Sheriff's Department Deputies James Lehmann, Jr. And Michael P. Haugen were killed with an M-1 Carbine. Through tracing, the firearm was positively identified as a WWII-era U.S. military M-1 Carbine imported into the United States prior to current policy.

Trace Information

Some of the existing information on the criminal use of U.S. origin military curio or relic firearms (or their commercial copies) comes from information on firearm traces conducted by ATF's National Tracing Center. A firearm recovered at a crime scene can generally be traced from the manufacturer or importer to the point of first retail sale from a federal firearms licensee (FFL) to an individual without a federal firearms license. Existing law and regulations require that firearms be identified by means of an individual serial number, the model and caliber of the weapon, the name, city and state of the manufacturer or importer, and in the case of an imported firearm, the country of origin. Additionally, federal firearms licensees are required to maintain acquisition and disposition records for each firearm received and sold. These records identify the specific weapon and show to whom the weapon was transferred.

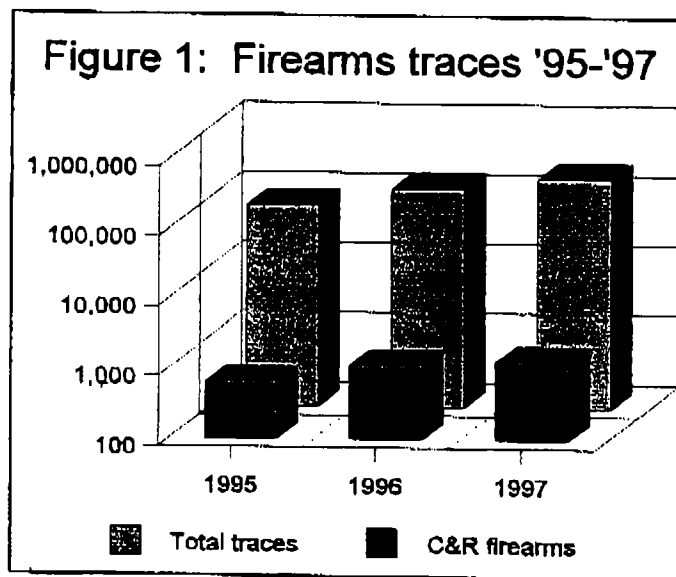
The above marking and record-keeping requirements were instituted with the passage of the Gun Control Act of 1968 (GCA). Therefore, any firearm lawfully manufactured or imported after the passage of the GCA can be traced from the manufacturer/importer to the first sale to a non-licensed person. However, firearms produced or imported prior to the effective date of the GCA may not be traceable because of the lack of standardized marking and record-keeping requirements.

Between September 1989 and mid 1997, ATF's National Tracing Center received requests to trace approximately 1,900 M-1 Carbines or M01 Garand rifles and 2,670 M-1911 pistols recovered by law enforcement officers throughout the United States. Since January 1997 alone, ATF has received requests to trace 1,351 of these weapons. Since weapons having the model designation M-1 Carbines, M-1 Garand, M-1911 and M-1911A1 can be either U.S. origin military firearms classified as curios or relics or commercial copies of the above weapons, it is not possible to

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It should be noted that ATF traces weapons recovered by law enforcement agencies only when an agency requests a trace; and that a crime gun is defined for tracing purposes as any firearm that is illegally possessed, used in a crime, or suspected by law enforcement of being used in a crime. 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 is not used in crime. ATF tracing statistics are a valuable source of information, but they are far from comprehensive.

The number of traces involving U.S.-origin military 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 these types of weapons limits the number of M-1 Carbines, M-1 Garands, M-1911s and 1911A1s available in U.S. commerce.



Furthermore, those M-1 Carbines, M-1 Garands, M-1911s and 1911A1s that are U.S. military firearms classified as curios or relics and that have been in the U.S. since before 1968 generally cannot be traced due to their age and lack of markings to indicate who imported the weapons. Only those firearms imported after 1968 are required to be marked with a serial number, the importer's name, city, and state. However, even as traces have increased over the past three years, the weapons in question have remained a fairly constant proportion of the total number of firearm trace requests. 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.

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traces for M-1 Carbines, M-1 Garand rifles, and M-1911 and 1911A pistols relative to other firearms.

As detailed in a previous section, U.S. military firearms classified as curios or relics, or their commercial copies, have been used to kill law enforcement officers. In addition, some of the weapons in question, or their commercial copies, are used to commit other crimes. One of the weapons used in the recent school shooting in Jonesboro, Arkansas was a commercially produced copy of the U.S. military M-1 Carbine. While this particular firearm is not a curio or relic, it is identical to the U.S. military M-1 Carbine.

Price, Availability, and Crime

One of the issues raised in the questions involves the relationship between the price of firearms, the availability of firearms, and crime. The weapons in question are functional firearms that could be attractive to criminals. Moreover, these imported weapons present a generally less expensive alternative to comparable new firearms. Finally, the influx of additional large quantities of inexpensive weapons will likely make firearms more readily available to criminals.

The M-1 Carbine is a .30 caliber semi-automatic rifle, weighing about 5.5 pounds, and accepts 15- or 30-round detachable magazines. The M-1911 and 1911A1 pistols are .45 ACP caliber semiautomatic pistols, weighing about 2.5 pounds, and accept 7-round detachable magazines. The M-1 Garand is a .30-06 caliber semi-automatic rifle, weighing roughly 9.5 pounds., and accepting an 8 round en-bloc clip.

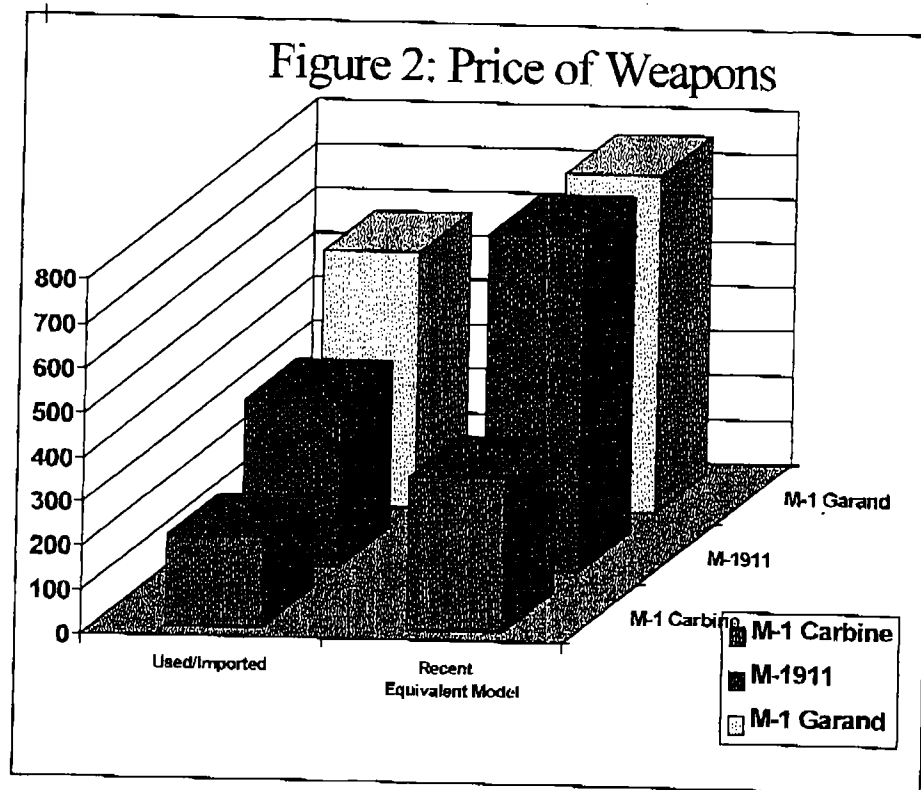
These weapons possess certain characteristics:

- The M-1911 and M-1911A1 pistols, like other handguns, are easy to conceal and may be attractive to criminals who want firearms that can be hidden on the person.
- The M-1 Carbine is relatively easy to convert to full automatic fire. In most cases the modifications can be performed quickly through the installation of a conversion kit, and do not require any particular expertise in weapon design. Once converted, the M-1 Carbine is no different than any other fully automatic weapon.

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

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of the weapons. Although prices for U.S.-origin military curio and relic weapons vary, their overall level makes the weapons generally less expensive than comparable new weapons.³



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 1911A1 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 commercial copies of the M-1 Carbine (produced through 1990) retailed for \$350. Moreover, M-1 Carbines that have been unlawfully converted to fully automatic fire are not available in the legal firearms market, but sell for much higher prices than other firearms.

The M-1911A1 pistol continues to be produced. The current suggested retail price ranges from \$430 to over \$1000. Figure 2

³Blue Book of Gun Values, 18th ed. (1997).

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compares the price range means for each firearm type.⁴ Thus, the importation of the weapons in question would lead to direct increases in the availability of inexpensive weapons.

In general terms, the presence of more guns on the market lowers the price of all guns, and at a lower price more guns will be purchased, other things being equal. At a lower price, guns are more easily available to all individuals including criminals. Like the prices of other commodities, firearms prices are affected by the supply of available firearms and demand for the weapons.⁵ 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. These 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.⁶

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 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. Even 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 1911A1 and M-1 Garands (as well as similar weapons that may also face price reductions resulting from the imported firearms).

The specific changes in pricing of these models or comparable weapons depend on the actual changes in supply of the weapons, other things being equal. Figures currently are not available to calculate precisely the potential increase in quantity of weapons demanded that could result from additional quantities of U.S.-origin military curio or relic firearms. As above, prices can be affected by other factors beyond supply shifts (such as exogenous changes in demand). Yet the number of

⁴The price range mean is the mean value of the lowest and highest value given in the Blue Book of Gun Values 18th ed. (1997).

⁵See, e.g., Philip J. Cook et al., Regulating Gun Markets, 86 *J. Crime. L. & Criminology* 59 (1995).

⁶Id. At 61 ("Guns are extremely durable").

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weapons available for importation is bound only by the number of weapons transferred, encompassing 1.2 million M-1 Carbines, 950,000 Garands, and 300,000 M-1911 (and M-1911A1) pistols.

Illegal Importation of U.S. Military Curio or Relic Firearms

While Customs has worked on a range of different cases dealing with firearms smuggling, its records do not indicate any smuggling investigations closed within the last five years specifically focused on the importation of U.S. military curio or relic weapons.