

Crime – Joel Johnson

**PHOTOCOPY
RESERVATION**

THE WHITE HOUSE

ERK -

I NEED TO
DO THIS FOR
DASCHLE - DO
YOU HAVE ADVICE/
GUIDANCE ON
THE SUBSTANCE?

THANKS,

JOEL

CRIME -
JOEL JOHNSON

Memorandum

To: Joel Johnson

Date: December 7, 1999

From: Pete Rouse

Re: Summary of Blue Sky/Gibbs M1
Garand Import Issue

Overview

From 1987-1994, Blue Sky Productions and Gibbs Rifle Company, based in West Virginia, had routinely obtained import licenses for M1 Garand rifles – which are classified as “curios and relics” – to be resold to licensed collectors in the United States, including South Dakota. For the past several years, Blue Sky has been trying to obtain an import license for approximately 122,000 M1 Garand rifles and 600,000 M1 Carbine U.S. origin rifles from the Republic of Korea, but the Bureau of Alcohol, Tobacco and Firearms (BATF) has rejected that application.

Summary of Efforts to Obtain Import License

Blue Sky submitted an import permit application to the Bureau of Alcohol, Tobacco and Firearms (BATF) for approximately 122,000 M1 Garand rifles and 600,000 M1 Carbine rifles manufactured in the U.S. and purchased by the Republic of Korea, a fact which is documented by a bill of sale that the U.S. Government provided to Blue Sky. That application was disapproved by the BATF because of “foreign policy” considerations that had been raised by the Department of State. Additionally, the Administration raised concerns about the M1 Carbine as a potential weapon of choice for criminals due to its detachable magazine, small size, light weight and the fact that it has been manufactured in a full-auto version.

In response to the Administration’s concerns and the disapproval of its import permit application, Blue Sky/Gibbs proposed a compromise. Under the proposal they proffered, Blue Sky agreed to suspend its effort to import M1 Carbines and only apply for the importation of M1 Garands, despite the fact that this request eliminated over 90% of their contract. Blue Sky/Gibbs noted that M1 Garands share none of the features that make the carbine a weapon of choice for criminals, since it has never been manufactured in a full-auto version and is a large, heavy rifle chambered in one of the most popular deer calibers, with a fixed clip that holds a maximum of eight rounds and which cannot take an extended magazine. Furthermore, Blue Sky agreed to limit the number of M1 Garands it would import to 73,000.

In March of 1999, this revised import permit application for M1 Garand rifles was rejected. In the letter announcing this decision, Lawrence White, Chief of the Department of Treasury’s Firearms and Explosives Imports Branch, said that Blue Sky could resubmit its application if it obtained a “retransfer authorization from the Department of State.” Subsequently, Senators Daschle, Rockefeller and Johnson sent letters to the State Department on behalf of Blue Sky/Gibbs enclosing the retransfer request made by the Republic of Korea and encouraging the State Department to consider this request. In early September, the State Department Legislative Affairs office acknowledged receipt of that letter. I don’t believe that State has yet made a final decision on whether or not to grant retransfer authorization for Blue Sky/Gibbs’ application.

Blue Sky/Gibbs Concern

The President of Gibbs Rifle Company, Inc., Val Forgett, recently spoke to Senator Daschle about this issue. Mr. Forgett feels that the State Department has inconsistently applied its policies regarding import license applications. He contends that both the State Department and BATF have approved licenses for

similar U.S. origin goods numerous times in the past, and that his company has been denied licenses in recent years for a "host of unsubstantiated reasons." He has also provided our office with recently published advertisements that show assault style rifles that have been legally imported into the U.S. by Blue Sky/Gibbs' competitors – which leads him to believe that other importers are being granted licenses for weapons that pose much more of a crime risk than the M1 Garands that he is trying to import for licensed collectors.

Blue Sky/Gibbs has been Responsive to Administration

Mr. Forgett expressed frustration to Senator Daschle not only about what he considers to be the inconsistent application of Administration policy on gun imports, but also about the White House's lack of appreciation for his company's "responsible" view on gun policy. Mr. Forgett maintains that his company has worked with the American Shooting Sports Council to support many of the Administration's gun safety initiatives, such as background checks on purchasers at gun shows, mandatory penalties for adults who allow children access to guns, juvenile Brady, increased penalties for illegal gun traffickers and increased funding for the BATF's gun tracing programs, breaking with the NRA and other gun groups in the process. He also emphasizes Blue Sky/Gibbs' sensitivity to Administration concerns about previous import license applications and its corresponding effort to tailor recent applications accordingly.

As mentioned earlier, Blue Sky/Gibbs considerably scaled back its last application. Also, as part of the American Shooting Sports Council's (ASSC) 1997 agreement with the President, it has offered to provide child safety locks on each M1 Garand that it imports.

Request

Senator Daschle is sympathetic to Mr. Forgett's story and hopes senior White House staff will give Mr. Forgett a hearing. More specifically, Senator Daschle hopes that you would allow Mr. Forgett to make his case to you and then initiate an objective review of Blue Sky/Gibbs' request for approval of a license for the importation of a limited number of M1 Garands from Korea to be sold to licensed collectors. It is my understanding that Peter Kadzik has spoken with John Podesta about this matter. Copies of additional materials relating to this issue are attached for your review.