



Written by [Michael Tennant](#) on August 29, 2011

## Feds Raid Gibson Guitar to Save Endangered Foreign Trees

At approximately 8:45 a.m. on August 24, federal agents raided Gibson Guitar Corporation facilities in Nashville and Memphis, making off with an estimated \$1 million worth of Gibson property. Gibson's alleged crime? Using imported wood from endangered trees.

At least that's what the company assumes the feds have in mind. Gibson hasn't actually been notified of any charges against the company. In fact, according to a Gibson [press release](#), they still haven't been told on what charges "more than a dozen agents with automatic weapons" raided their factory and stole their property in November 2009. They're being forced to sue in federal court to get their property back, and even there the government is stalling, having requested an indefinite stay of the case.

Both raids appear to stem from allegations that Gibson imported wood from foreign countries in violation of the Lacey Act. Originally enacted to prevent trafficking in endangered species, the act was amended in 2008 to include plants. According to the [Rainforest Alliance](#):

the law makes it illegal to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any plant, with some limited exceptions, taken or traded in violation of the laws of the U.S., a U.S. State, or relevant foreign law. The U.S. government can use this law to impose significant penalties on individuals and companies who are found guilty of such acts.

Wood being a plant product, any company that imports any wood-based product must, as the [Wall Street Journal](#) put it, meet "every regulatory jot and tittle" of the country from which the wood was harvested — and, says Gibson, that applies "if you did not observe a law even though you had no knowledge of that law in a foreign country." Moreover, because (in the words of the Rainforest Alliance) "the ban on illegal timber as defined in the Lacey Act amendments has not been supported by a clear framework of regulation that sets guidelines for importers, exporters and traders," it leaves the government a wide range of discretion to persecute businesses that have run afoul of politicians, political appointees, and bureaucrats. [Lew Rockwell](#) may have been onto something when he suggested that the attacks on Gibson have precious little to do with preserving trees and much to do with the fact that the company "failed to bribe the right people in DC."

The 2009 raid concerned wood imported from Madagascar, which the Justice Department maintains was obtained in violation of Madagascan law. "Gibson," says the company's press release, "has obtained





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sworn statements and documents from the Madagascar government and these materials, which have been filed in federal court, show that the wood seized in 2009 was legally exported under Madagascar law and that no law has been violated.”

This year’s raid seems to be about wood from India. The Justice Department “has suggested that the use of wood from India that is not finished by Indian workers is illegal, not because of U.S. law, but because it is the Justice Department’s interpretation of a law in India,” Gibson explains. “This action,” the company hastens to point out, “was taken without the support and consent of the government in India.”

In other words, if the U.S. government thinks a U.S. company has violated a foreign law in the course of importing wood products, it then charges (or at least raids) that company under the Lacey Act, confiscating the company’s property and fighting tooth and nail to retain it. This happens whether or not the United States’ interpretation of the law agrees with the foreign country’s interpretation of it and whether or not the foreign country has made a formal request to the U.S. government to charge the company with a violation of its law.

Gibson, for its part, seems to have gone out of its way to comply with the Lacey Act, making sure that its wood complies with Forest Stewardship Council standards, which include ensuring that wood is harvested legally. In addition, the company has kowtowed to environmentalist heavyweights such as the Rainforest Alliance and Greenpeace. One would think this would gain the company some favor in Barack Obama’s Justice Department, but apparently not.

In an August 25 [press conference](#) Gibson chairman and CEO Henry Juskiewicz calmly but forcefully condemned the government’s actions and maintained his company’s innocence. The raid itself, he said, was “extremely troubling. What is more troubling is that the Justice Department’s position is any guitar that we ship out of this facility is potentially obstruction of justice and could be followed with criminal charges.”

Juskiewicz noted the irony of conducting such an assault on Gibson at a time of high unemployment, saying the company had “hired over 580 American workers” over the past two years. “We are one company manufacturing in the United States that’s hiring people,” he added, “and yet the government is spending millions of dollars on this issue.” Should the government triumph over Gibson, it would end up forcing the company’s wood to be finished in foreign countries instead of in the United States, thereby depriving some Americans of employment in favor of foreigners.

“We feel totally abused,” Juskiewicz remarked. “We believe that the arrogance of federal power is impacting me personally, our company personally, and its employees here in Tennessee. And it’s just plain wrong.”

Big importers like Gibson aren’t the only ones who have reason to find these raids troubling. The *Journal* reports that “musicians who play vintage guitars and other instruments made of environmentally protected materials are worried the authorities may be coming for them next.”

If you are the lucky owner of a 1920s Martin guitar, it may well be made, in part, of Brazilian rosewood. Cross an international border with an instrument made of that now-restricted wood, and you better have correct and complete documentation proving the age of the instrument. Otherwise, you could lose it to a zealous customs agent — not to mention face fines and prosecution. ...

It’s not enough to know that the body of your old guitar is made of spruce and maple: What’s the bridge



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made of? If it's ebony, do you have the paperwork to show when and where that wood was harvested and when and where it was made into a bridge? Is the nut holding the strings at the guitar's headstock bone, or could it be ivory? "Even if you have no knowledge — despite Herculean efforts to obtain it — that some piece of your guitar, no matter how small, was obtained illegally, you lose your guitar forever," [Quinnipiac University law] Prof. [John]Thomas has written. "Oh, and you'll be fined \$250 for that false (or missing) information in your Lacey Act Import Declaration."

Thus, on top of all the unconstitutional environmental laws the federal government enforces, it is now attempting to enforce, at its own discretion and in excruciating detail, all other foreign countries' environmental laws, even when those countries do not believe their laws have been violated.

Given this policy's negative effects on Americans' liberties and livelihoods, we may all be strumming the blues soon — probably on guitars made in countries with less overbearing governments than the one that presumes to lead the free world.



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