

U.S. FIREARMS TRAFFICKING TO MEXICO: NEW DATA AND INSIGHTS ILLUMINATE KEY TRENDS AND CHALLENGES

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INTRODUCTION

During a routine inspection of a U.S. gun store in Houston, Texas, in January, 2007, an industry operations officer from the U.S. Department of Justice's Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) uncovered a suspicious trend.¹ Numerous individuals had purchased large quantities of military-style firearms² in a relatively short period of time. ATF later determined that 23 buyers had purchased 339 firearms — mostly AR-15 semi-automatic rifles, FN Herstal 5.7mm rifles and pistols, and Beretta pistols — worth \$366,450 in a 15-month period at Carter's County gun store. Mexican authorities also had recovered 88 of these firearms in Mexico; four of the firearms were found in Guatemala.³ One or more of these firearms had been found at various crime scenes in Mexico where police had been murdered, judicial personnel had been executed, the military had received gunfire, or a businessman had been kidnapped and murdered.⁴ Many, if not all, of the assailants were members of a Mexican drug trafficking organization (DTO).⁵ Mexican authorities also found several more of these U.S.-origin firearms during narcotics related searches and at various

¹United States of America vs. Juan Pablo Gutierrez, Criminal Complaint, Case Number H-08-695m, United States District Court Southern District of Texas, Filed on October 2, 2008, accessed document through the Public Access to Court Electronic Records (PACER) service in April 2010.

²By firearms, the authors mean any arm that is designed to expel a projectile by the action of an explosive such as a rifle, handgun, or machine gun or any arm that is a destructive device such as hand grenades and rocket-propelled grenades, which is similar to the definition of firearms in the U.S. Gun Control Act of 1968.

³United States of America vs. Juan Pablo Gutierrez. Statement of Kenneth E. Melson, Deputy Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), before the U.S. House Committee on Appropriations, Subcommittee on Commerce, Justice, Science and Related Agencies, March 4, 2010, online at <http://www.atf.gov/press/releases/2010/03/030410-testimony-atf-dir-melson-fy11-appropriations.html>.

⁴*Ibid.* United States of America vs. John Phillip Hernandez, Criminal Complaint, Case Number H-08-317M, United States District Court Southern District of Texas, Filed on April 24, 2008, accessed document through the Public Access to Court Electronic Records (PACER) service in April 2010.

⁵United States of America vs. Juan Pablo Gutierrez and United States of American vs. John Phillip Hernandez, Criminal Complaint.

vehicle inspection points.⁶ In total, 18 Mexican law enforcement officers and civilians died using firearms purchased from this U.S. gun store.⁷

While the above example is disturbing, it provides only a small glimpse into a much larger problem. Mexican DTOs continue to use firearms, including many U.S. firearms, in similar and more lethal ways on a regular basis. Since President Felipe Calderon took office in December 2006, there have been an estimated 28,000 drug-related killings, and most of these deaths, including extremely violent ones, were in the last two years.⁸ According to Mexican official numbers, during the same period “a total of 915 municipal police, 698 state police and 463 federal agents have been killed at the hands of criminal gangs.”⁹ These deaths represent only the most immediate effects of seven years of combat between the rival DTOs and with the Mexican government.

Despite recent efforts to rid government agencies of corrupt officials linked to DTOs, criminal organizations continue to use firearm violence to either neutralize or force government officials to support their illegal enterprise. As a result, the Mexican public increasingly lacks confidence in their government. Additionally, while the flow of firearms and ammunition to organized crime groups in Mexico does not on its own cause violence, it can contribute to a group’s decision to attack a rival, increase the lethality of such an attack, result in the death of innocent by-standers, or pose a serious challenge to the government’s ability to curb such extreme violence.¹⁰

The exploding violence in Mexico has also raised concerns about violence “spilling over” into the United States. To date, this has not been the case. The kinds of shoot-outs that have become common place in northern Mexico have not materialized on the United States side of the border. There are exceptions, including two incidents in which gunfire in Ciudad Juarez resulted in public buildings being struck by bullets across the border in El Paso, but these have been the exception rather than the rule thus far.

⁶*Ibid.*

⁷Statement of Kenneth E. Melson, March 4, 2010.

⁸Arthur Rice, “Drug war death toll in Mexico since 2006 exceeds 28,000, officials say,” CNN, August 4, 2010, online at <http://edition.cnn.com/2010/WORLD/americas/08/03/mexico.drug.deaths/#fbid=xmlBaZOfuTn&wom=true>. Luis Astorga and David A. Shirk, *Drug Trafficking Organizations and Counter-Drug Strategies in the U.S.-Mexico Context*, Woodrow Wilson International Center for Scholars, Mexico Institute, Working Paper Series on U.S.-Mexico Cooperation, April 2010, page 3, online at <http://wilsoncenter.org/topics/pubs/Drug%20Trafficking%20Organizations.%20Astorga%20and%20Shirk.pdf>.

⁹Tim Johnson, “As death toll rises, Mexico rethinks drug war strategy,” McClathy Newspapers, August 13, 2010, online at <http://www.kansascity.com/2010/08/13/2149024/as-death-toll-rises-mexico-rethinks.html>.

¹⁰As an example, the Liberian armed group Liberians United for Reconciliation and Democracy (LURD) had run out of ammunition during the Liberian conflict between 1999 and 2003. As soon as LURD received a huge shipment of arms and ammunition, they attacked the Liberian government forces. See Lisa Misol, “Weapons Sanctions, Military Supplies, and Human Suffering: Illegal Flows to Liberia and the June–July 2003 Shelling of Monrovia,” A Human Rights Watch Briefing Paper, November 3, 2003, online at <http://www.hrw.org/en/news/2003/11/05/liberia-guinea-flouts-arms-embargo>.

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As DTOs have expanded their use of firearms, including more military-type of firearms, the U.S. and Mexican governments have increased collaboration efforts as well as independent work to tackle U.S. firearms trafficking to Mexico. For example, the U.S. Department of Homeland Security's Immigration and Customs Enforcement (ICE) launched Operation Armas Cruzadas in 2008 as a "bilateral law enforcement and intelligence-sharing operation between U.S. and Mexican law enforcement agencies" to combat weapons smuggling networks.¹¹ ICE also now leads five Border Enforcement Security Task Force (BEST) teams located in U.S. states along the southwest border and one team in Mexico City.¹² BEST teams include officials from U.S. Customs and Border Protection (CBP), ATF, Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), U.S. Attorney's Office, and Mexican federal police (Secretaria de Seguridad Publica) to coordinate approaches to firearms trafficking and other border security issues.¹³ In Fiscal Year (FY) 2009, the U.S. Congress also increased by \$29 million funding for Project Gunrunner, an ATF program started in 2005 to address U.S. firearms trafficking to Mexico.¹⁴ By the end of FY 2009, ATF had referred 497 cases to the Justice Department for possible prosecution for firearms trafficking violations to Mexico. These cases were the result of Project Gunrunner.¹⁵

The Mexican government has also stepped up its efforts to seize firearms from Mexican DTOs and submit these firearms to ATF for tracing. According to ATF, firearms tracing is one of the most important tools they have to curb U.S. firearms trafficking to Mexico; if successfully traced, it helps ATF link suspects to trafficked weapons, identify potential traffickers, and detect trafficking patterns.¹⁶ In late October 2009, the Mexican military submitted an extensive list of firearms seized over the last few years to ATF.¹⁷ This represented the largest number of trace requests submitted to the U.S. government to date and indicated a willingness amongst Mexican authorities to submit more trace requests to ATF. Additionally, both the

¹¹U.S. Immigration and Customs Enforcement (ICE), Fact Sheet on Operation Armas Cruzadas, November 3, 2009, online at http://www.ice.gov/pi/news/factsheets/armas_cruzadas.htm.

¹²U.S. Immigration and Customs Enforcement (ICE), Fact Sheet on Border Enforcement Security Task Force (BEST), August 5, 2010, online at http://www.ice.gov/pi/news/factsheets/080226best_fact_sheet.htm.

¹³*Ibid.*

¹⁴Vivian S. Chu and William J. Krouse, "Gun Trafficking and the Southwest Border," Congressional Research Service Report, R40733, September 21, 2009, page 14, online at <http://www.wilsoncenter.org/news/docs/CRS%20Gun%20Trafficking%20and%20the%20Southwet%20Border.pdf>.

¹⁵Statement of Kenneth E. Melson, Deputy Director of ATF, March 4, 2010.

¹⁶ATF Information on Project Gunrunner, ATF, online at <http://www.atf.gov/firearms/programs/project-gunrunner/>. Author phone conversation with ATF agent based in El Paso, Texas in March 2010. Once a firearm is seized or recovered in Mexico and submitted to ATF for a trace, ATF attempts to trace the firearm from its manufacturer or importer to the first retail purchase in the United States. ATF does not necessarily need to trace the firearm to the first purchase in the United States to determine the origin of the firearm.

¹⁷Author interview with ATF official in Washington, DC in August 2009.

Mexican and the U.S. governments have added staff to work with their counterparts in each country.

With information gleaned from increased Mexican firearm seizures and U.S. prosecutions, it is now possible to provide a better picture of some of the key questions about U.S. firearms trafficking to Mexico as well as some of the key trends and challenges. In May 2010, for example, the Mexican government, which has received training from ATF to better identify firearms, said that of the 75,000 firearms it seized in the last three years about 80 percent, or 60,000 firearms, came from the United States.¹⁸ Based on information from U.S. prosecutions, at least an estimated 4,976 U.S.-origin firearms were trafficked to Mexico during FY 2009, up more than 2,000 firearms from similar information for FY 2007.¹⁹ The top two firearms purchased in the United States and recovered in Mexico over the past three years were in order AK-47 type semi-automatic rifles and AR-15 semi-automatic rifle clones.²⁰ The Romarms (Romanian manufactured) AK-47 rifle and the Bushmaster AR-15 rifle clone have been particularly popular.²¹ According to several ATF officials, individuals or groups regularly use straw purchasing as part of a scheme to traffic U.S. firearms to Mexico.²² Straw purchasers are individuals who say they are purchasing a firearm for themselves but the real purchaser is someone else. While new data continue to show Texas, Arizona, and California as major source states for firearms recovered in Mexico, ATF in California says if the analysis is narrowed to firearms purchased in the United States in the last three years, California is not as much of a major source.²³

¹⁸Mary Beth Sheridan, "Mexico's Calderon tells Congress he needs U.S. help in fighting drug wars," *The Washington Post*, May 21, 2010, online at <http://www.washingtonpost.com/wp-dyn/content/article/2010/05/20/AR2010052002911.html>. Kara Rowland, "Calderon Blames U.S. guns for Violence," *The Washington Times*, May 21, 2010, online at <http://www.washingtontimes.com/news/2010/may/21/calderon-faults-us-guns-for-mexico-violence/>.

¹⁹Author interview with ATF staff in Washington, DC in February 2010.

²⁰Author communication with ATF official in August 2010. ATF analysis was presented at the International Terrorism Conference in Anaheim, CA. Because many U.S. states do not require private firearm sellers to keep records on whom they sold a firearm to, these data are based more on U.S. firearms sales from U.S. gun stores or licensed firearms dealers. According to California state law, all sales and transfers of firearms must be through a licensed firearm dealer, which is required to keep records on firearms sales among other requirements.

²¹Author communication with ATF official in August 2010.

²²Author interview with ICE and ATF agents in Arizona, California, and Washington, DC between December, 2009 and May 2010. The definition of an international arms broker is an individual or company that carry out activities to arrange, mediate, or facilitate an international arms transaction between a buyer and seller in return for a fee or a reward or material benefit. Authors accessed information on individual U.S. federal prosecutions related to firearms trafficking to Mexico using Public Access to Court Electronic Records (PACER).

²³Author phone conversation with ATF official in August 2010. Author phone conversation with retired ATF official based in Washington, DC in August 2010. Amy Isackson, "Recent San Diego Gun Smuggling Arrest Illustrates Well-Worn Route," March 4, 2010, KPBS, online at <http://www.kpbs.org/news/2010/mar/04/recent-san-diego-gun-smuggling-arrest-illustrates-/>.

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This report seeks to answer the following questions: 1) what are the main types of firearms DTOs are using, including those trafficked to Mexico from the United States, and how do these firearms compare with the firepower of Mexican authorities; 2) how are DTOs using these firearms; 3) what are the major methods firearms traffickers are using to buy these weapons and transport them to Mexico; 4) have there been any successes in curbing such firearms trafficking; 5) what are the remaining challenges; and, 6) what can be done to improve efforts to curb U.S. firearms trafficking to Mexico? As there has also been confusion regarding related statistics, the authors have elaborated on what the data show and what they do not show.

In order to answer these questions, the authors conducted field research trips to Phoenix, Tucson, El Paso, and San Diego in the United States and to Ciudad Juarez, Hermosillo, Nogales, and Tijuana in Mexico. During these research trips in the United States, the authors interviewed U.S. government officials from various agencies including the ATF,²⁴ ICE, CBP, FBI, as well as state, county, and local law enforcement in the United States. In Mexico, the authors interviewed officials from Mexican customs, federal, local, and municipal police, the Attorney General's Office (PGR), the Army, business and academic leaders, and the media, among others. Outside of the research trips, the authors communicated with many knowledgeable Mexican and U.S. government officials and staff from non-governmental organizations and academia.

BACKGROUND

Traditionally, Mexican DTOs used firearms to establish and maintain dominance over trafficking routes, access points into the United States, and territory (known as “plazas” in Spanish), usually by wresting rival drug syndicates away and establishing the environment necessary to maintain a reliable trafficking enterprise. Much of this was performed through specific assassinations, focused attacks that allowed for the establishment of regional control. Throughout much of the late 1990s and early 2000s, a relative peace had settled over the plazas, even in traditionally violent cities like Tijuana. However, as competition among DTOs increased and the Mexican government enhanced its efforts to confront DTOs the relative equilibrium began to breakdown.

While DTOs still use firearms to establish control over drug trafficking routes leading to the United States, in the last few years they more regularly use firearms in open combat with rival DTOs, Mexican authorities, and the public. Such open confrontations with the Mexican state indicate a move “into a sphere that is typically inhabited by groups with a much more overt political stance, such as terrorists,

²⁴The authors would like to thank the ATF officials they interviewed for providing key statistical data for the report and for their general openness to share information and help us understand the dynamics of the U.S. firearms trafficking to Mexico.

guerrillas or paramilitaries.”²⁵ Mexican DTOs are also demanding more sophisticated firearms and larger quantities of arms and ammunition. The resulting murder rate is now seven times what it was at the beginning of the decade, and Mexico’s democratic governance is at serious risk.

Once rare, assassinations of high level Mexican law enforcement figures including officials as high as directors of federal agencies and politicians now occur regularly in Mexico. In May 2007, for example, Nemesio Lugo Felix, director of Mexico’s National Center for Information, Analysis and Planning in order to Fight Crime (CENAPI) was murdered by a man who approached his SUV carrying a pistol in Mexico City and shot him in the face.²⁶ Nemesio Lugo had worked closely with U.S. intelligence officials in the DEA and the U.S. Department of State and was highly regarded as an effective director of intelligence working against organized crime syndicates.²⁷ No one was ever arrested for his murder. A year later, Edgar Millan Gomez, acting director of the Federal Preventive Police, was assassinated in his own home by a man wielding two 9mm pistols.²⁸ Holding a press conference in Culiacán one week before his death, Millan had announced the arrests of 12 hit men working for the Sinaloa Cartel. That same day, one of the directors of a federal organized crime unit, Roberto Velasco, was shot and killed in Mexico City. The following day, Jose Aristeo, chief of staff for the Federal Preventive Police, was shot and killed in the same city.²⁹

While those four men are a good indication of the high-level Mexican government officials targeted by DTOs, DTOs also target other Mexican authorities and recently U.S. officials in Mexico. For example, in Ciudad Juárez, it is believed gunmen used a .50 BMG caliber rifle to shoot Francisco Ledesma Salazar, the head of local police operations.³⁰ In this particular case, a Juárez cartel associate purchased the firearm in Phoenix, Arizona. Law enforcement, particularly local police, is still amongst the most targeted by the DTOs. In 2008, more than 530 police officers were murdered throughout Mexico; from high-level public security officials in

²⁵John Bailey and Matthew M. Taylor, “Evade, Corrupt, or Confront? Organized Crime and the State in Brazil and Mexico,” page 12, online at <http://hup.sub.uni-hamburg.de/giga/jpla/article/view/38/38>.

²⁶Gustavo Castillo Garcia, “Delincuencia organizada, vinculada al asesinato de Nemesio Lugo Félix,” *La Jornada*, June 16, 2007, online at <http://www.jornada.unam.mx/2007/06/16/index.php?section=politica&article=016n2pol>.

²⁷U.S. Embassy in Mexico, “Ambassador Garza Expresses his Condolences to the Family of Jose Nemesio Lugo Felix,” News release, May 14, 2007, online at <http://www.usembassy-mexico.gov/eng/releases/ep070514Lugo.html>.

²⁸James C. McKinley, “Gunmen Kill Chief of Mexico’s Police,” *The New York Times*, May 9, 2008, online at <http://www.nytimes.com/2008/05/09/world/americas/09mexico.html>.

²⁹Hector Tobar, “Ranking Security Official Slain in Mexico,” *Los Angeles Times*, May 9, 2008, online at <http://articles.latimes.com/2008/may/09/world/fg-mexico9/2>.

³⁰Drew Griffin and John Murgatroyd, “Smugglers’ deadly cargo, Cop-killing guns,” *CNN.com*, March 26, 2008, online at <http://www.cnn.com/2008/WORLD/americas/03/26/gun.smuggling/index.html>.

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Mexico City to street cops along the country's northern border.³¹ In March 2010, a U.S. Consulate employee, her husband, and the husband of another employee were also murdered in Ciudad Juárez, possibly signaling an escalation of the violence in that city against the U.S. government.³²

Although DTOs have engaged in limited attacks or confrontations with the Mexican military, the military's confrontations with DTOs have resulted in relatively few soldier deaths compared to police officer deaths. Between December 1, 2006 and February 19, 2009, 79 military officers and soldiers died and an additional 173 were wounded while combating the DTOs.³³ In a brazen attack on the military in Tijuana in October 2008, for example, a Mexican Special Forces soldier, Angel Guadalupe Aguilar Villatoro, was shot in the head as his unit drove into a neighborhood where a drug lord owned a home. After a two-hour standoff with Mexican Special Forces, police found a Barrett .50 BMG caliber sniper rifle, a .223 caliber assault rifle, and three .308 caliber rifles.³⁴ U.S. District Court documents show that the firearms were purchased in Las Vegas, Nevada by a man named Juan Valdez.³⁵

DTOs are also using firearms to attack and intimidate politicians, journalists, businesses, and the general public. In June 2010, a leading Mexican gubernatorial candidate, Rodolfo Torre Cantu, was killed by gunfire in Tamaulipas, just days before the July 4, 2010 elections.³⁶ In late 2008, Armando Rodriguez, a crime reporter for *El Diario de Juárez*, was shot in the head with a 9mm as he drove his daughter to school.³⁷ Rodriguez had reported extensively on the drug ties of the family members of state attorney general, Patricia Gonzalez. Between 1999 and 2009, 32 reporters and editors were killed in Mexico, and an additional nine disappeared, never to be found.³⁸ The high number of journalist murders makes Mexico among the deadliest countries in the world in which to work as a journalist and consequently many media companies now refuse to cover organized crime or corruption.

³¹Lizbeth Diaz, "Mexico drug gangs threaten cops on radio, kill them" Reuters, February 6, 2009.

³²Edwin Chen and Carlos Manuel Rodriguez, "Killings of 3 Connected to U.S. Consulate Bring Warning" *BusinessWeek*, March 15, 2010.

³³Roderic Ai Camp, "Armed Forces and Drugs: Public Perceptions and Institutional Challenges," Woodrow Wilson International Center for Scholars, Mexico Institute, and Trans-Border Institute at the University of San Diego, "Working Paper Series on U.S.-Mexico Cooperation," May 2010, online at <http://www.wilsoncenter.org/topics/pubs/Armed%20Forces%20and%20Drugs.%20Camp.pdf>.

³⁴Zeta Online, "CAF asesina a militares," online at <http://www.zetatijuana.com/html/Edicion1803/Principal.html>.

³⁵United States of America vs. Uvaldo Salazar-Lopez, Criminal Complaint, U.S. District Court of Nevada, Case 2:09-mj-00002-LRL-LRL, May 1, 2009, accessed through PACER online.

³⁶Naima Jabali-Nash, "Rodolfo Torre Cantu Assassinated; Drug Cartels Suspected, Say Reports," CBS News, June 28, 2010, online at http://www.cbsnews.com/8301-504083_162-20009074-504083.html.

³⁷USA Today, "Crime reporter killed in Mexico," November 13, 2008, online at http://www.usatoday.com/news/world/2008-11-13-mexico-crime-reporter_N.htm.

³⁸Committee to Protect Journalists, "Attacks on the Press: Mexico," accessed online in May 2010 at <http://cpj.org/2010/02/attacks-on-the-press-2009-mexico.php>.

The general public is also getting caught in the escalating conflict in various ways. In late 2006, for example, in the Sinaloan village of Zazalpa, 60 drug traffickers looking for a rival DTO gathered all the residents and destroyed the town, raking buildings with U.S.-purchased AR-15 fire.³⁹ According to Mexican President Calderon, the DTOs are also “imposing fees like taxes in areas they dominate and trying to impose their own laws by force of arms.”⁴⁰ In February 2010, U.S. and Mexican citizens waiting to cross into Mexico from Nogales, Arizona, were trapped in a firefight that erupted in the plaza on the Mexican side. In the spring of 2008, tourists returning through the Lukeville port of entry were also trapped in line waiting to cross when a gunfight ensued. In that same year, a woman from Nogales, Arizona, was murdered at a fake checkpoint on a federal interstate in Sonora. Authorities said she was shot with AK-47 gunfire.⁴¹ A Mexican government official familiar with the murder said three .50 BMG caliber rifle shells were found at the scene.⁴² A Phoenix businessman who led hunting expeditions in Sonora, Mexico, was also found shot dead with an AK-47 in May 2010.⁴³ The escalating crime and murder rates in Ciudad Juarez have also sparked an exodus from that city with some groups estimating that 60,000 have fled in the past few years to other parts of Mexico or the United States.⁴⁴

U.S. AND MEXICAN GOVERNMENT ACTIONS

In light of the widespread use of firearms by DTOs, the U.S. and Mexican governments have significantly increased their efforts both independently and collectively to curb Mexican DTO’s access to firearms and ammunition in the last few years. While much still needs to be done, both governments have had some tangible results.⁴⁵ Mexico has, by far, the most firearm seizures per year when compared to the United States; although, the U.S. government, particularly ATF, has seized thousands of firearms intended for trafficking to Mexico. It appears Mexico is seizing most of

³⁹U.S. guns pour into Mexico, Arizona Republic, January 16, 2007.

⁴⁰BBC News, “Calderon: Mexico drug gangs seeking to replace state,” August 5, 2010, online at <http://www.bbc.co.uk/news/world-latin-america-10877156>.

⁴¹Juan Carlos Ruiz Olvera, “Un reten de sicarios mata a una mujer en Sonora “Es inaceptable la situación es en extremo delicada” dice Bours,” Dossier Politico, August 11, 2008, <http://www.dossierpolitico.com/vernoticiasanteriores.php?artid=40767&relacion=dossierpolitico>.

⁴²Author interview with CISEN agent on September 25, 2008.

⁴³El Imparcial.com, “Hallan en Santa Ana a desaparecido de EU, May 9, 2010, online at <http://www.elimparcial.com/EdicionImpresa/ejemplaresanteriores/BusquedaEjemplares.asp?numnota=837791&fecha=9/5/2010>.

⁴⁴Alfredo Corchado, “Families, businesses flee Juárez for U.S. pastures,” The Dallas Morning News, March 7, 2010, <http://www.dallasnews.com/sharedcontent/dws/news/world/mexico/stories/030710dnintexodus.3eab4f7.html>.

⁴⁵It remains difficult to assess the impact of these tangible results because there are no good estimates on how many firearms Mexican DTOs have in their arsenal or the total number of firearms crossing the U.S.-Mexico border per year.

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the firearms from house or site raids and vehicle inspections inside Mexico. In the last couple of years, there has also been a large increase in the number of Mexican firearm trace requests to ATF, and Mexico is providing other important information on Mexican prosecutions of firearms traffickers. The United States has convicted hundreds of individuals on charges related to firearms trafficking to Mexico, which increases the risks and costs for would-be traffickers. The United States has also been providing technology, training, and equipment that will assist Mexico's efforts to identify and trace firearms, and/or prosecute firearms traffickers.

MEXICAN GOVERNMENT ACTIONS

The Mexican government has significantly increased the number of firearms it has seized per year since the start of the Calderon Administration (see Figure 1). According to the latest figures from Mexico, the Mexican government confiscated 32,332 firearms in 2009, an increase of more than 22,770 firearms over 2007 seizures.⁴⁶ The authors were unable to find reliable numbers for total firearms seizures for 2006, which is why it was excluded from the graph below. Nevertheless, Mexico has seized more than 85,000 total firearms from the start of the Calderon Administration in December 2006 to August 2010, including 50,000 AK-47 and AR-15 rifles.⁴⁷ An estimated 5 million rounds of ammunition has been confiscated from December 2006 to May 2010.⁴⁸

Although Mexican authorities seize firearms unrelated to DTOs such as through common crime, it appears they seize the largest quantity of firearms per year from DTO members in two ways: from raids on houses or sites believed to be associated with Mexican DTOs and from vehicle inspection points inside Mexico.⁴⁹ Mexican Customs officials monitor passage of goods through the port of entry, and a secondary

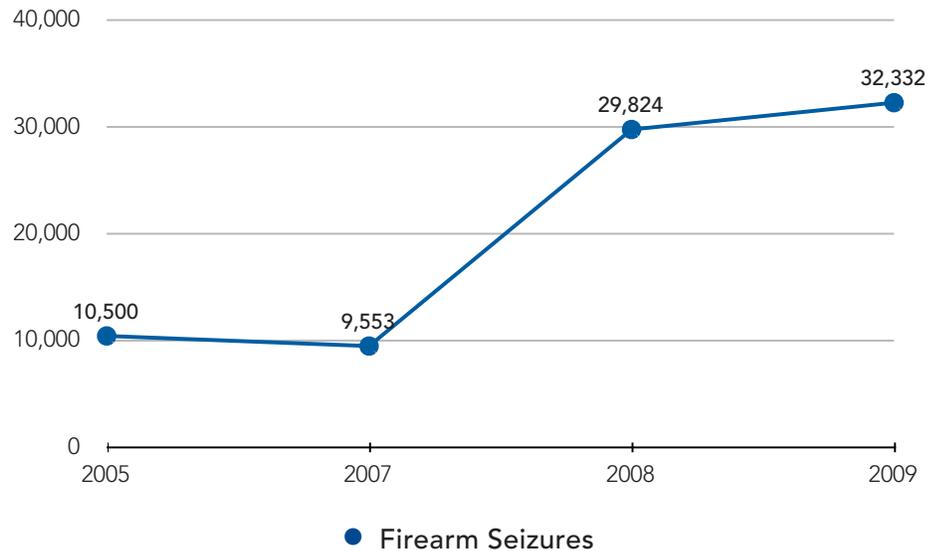
⁴⁶Author interview with Mexican government officials in Washington, DC in May 2010. U.S. Embassy in Mexico, Mérida Initiative at a Glance, Fact Sheet on Combating Arms Trafficking. Government Accountability Office (GAO), "U.S. Efforts to Combat Arms Trafficking to Mexico Face Planning and Coordination Challenges," GAO-09-709, June 2009, page 66, online at <http://www.gao.gov/new.items/d09709.pdf>. The authors chose these numbers because they represent the best calculations among various Mexican government reports when comparing these figures to ATF information about firearms recovered in Mexico in the same years. Over the past year, Mexican authorities have provided several different numbers for total annual firearm seizures. For example, some Mexican authorities reported to the authors that the government seized 21,041 firearms in 2008 while CENAPI, under PGR, said they seized 29,824 firearms in 2008, see GAO reference above.

⁴⁷Tom Ramstack, "Mexican President Calls on U.S. to Close Border to Illegal Arms," AHN News, August 9, 2010, online at <http://www.allheadlinenews.com/articles/7019538251?Mexican%20President%20Calls%20on%20U.S.%20to%20Close%20the%20Border%20to%20Illegal%20Arms>. Author interview with Mexican government officials in Washington, DC in May 2010. U.S. Embassy in Mexico, Mérida Initiative at a Glance, Fact Sheet on Combating Arms Trafficking. Milenio, "Incautó el Ejército más de 55 mil armas con Calderón," May 13, 2010, online at <http://www.milenio.com/node/442669>.

⁴⁸Author interview with Mexican government officials in Washington, DC in May 2010.

⁴⁹Author phone conversation with ATF official in August 2010.

FIGURE 1: FIREARM SEIZURES BY MEXICO PER YEAR



Customs unit, or a military unit, establishes a second post at the 21st kilometer south of every major Mexican border city.⁵⁰ In an example of a site raid in May 2010, the Mexican military found an estimated 140 semiautomatic rifles and 10,000 rounds of ammunition at a Zeta training camp in Nuevo León, Mexico.⁵¹ Mexican officials at the border between El Paso, Texas and Ciudad Juárez, Mexico, said they confiscate only a small number of firearms and ammunition.⁵² Mexican authorities also seize firearms after shoot-outs between opposing DTOs and between DTO members and Mexican authorities.

A Government Accountability Office (GAO) report found that eight Mexican states — Baja California, Chihuahua, Guanajuato, Jalisco, Michoacán, Oaxaca, Tamaulipas, and Mexico City — ranked highest in order for Mexican firearms

⁵⁰Author interview with Mexican official in Nogales, Mexico, in March 2010. As an example of a firearms seizure at vehicle inspection point inside Mexico, Mexican authorities seized 30,000 rounds of ammunition from a civilian bus heading into Mexico at a vehicle checkpoint several miles from the Nogales border inside Mexico in March 2010.

⁵¹Michel Isikoff, “Is the Flow of U.S. Weapons to Mexican Drug Cartels Increasing Under Obama?,” *Newsweek*, accessed online in May 2010 at <http://blog.newsweek.com/blogs/declassified/archive/2010/05/17/is-the-flow-of-u-s-weapons-to-mexican-drug-cartels-increasing-under-obama.aspx>. In another example, the Mexican military seized “a rocket launcher, 10 rifles, a grenade launcher attachment, five grenades, 55 magazines, three machine gun belts, two thousand 769 cartridges” (translated text) at a house during Operation Conjunto Culiacan-Navolato Guamuchil in January 2010, according to *Noroeste.com*, “Incautan un arsenal, vehículos y droga,” January 18, 2010, online at <http://www.noroeste.com.mx/publicaciones.php?id=548833>.

⁵²Author interview with Mexican Customs officials in Ciudad Juárez in January 2010.

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seizures in 2008.⁵³ Tijuana and Ciudad Juarez were among the top six Mexican cities where U.S. firearms had been recovered in 2008.⁵⁴

Recognizing that submitting firearm trace requests to the United States is key to combating U.S. firearms trafficking, the Mexican authorities have also significantly increased the number of firearm trace requests to ATF. In late October 2009, for example, the Mexican military submitted an extensive list of firearms seized over the past few years to ATF for tracing.⁵⁵ While ATF was not able to use many of the firearms because it either already had information on the firearm or there were duplicates in the list, among other challenges, the list provided ATF with new data on tens of thousands of firearms recovered in Mexico. As of May 2010, ATF said they had inputted data on a total of 69,808 firearms recovered in Mexico from 2007 to 2009.⁵⁶ See Figure 2 for a comparison of the number of firearms ATF had information on in June 2009 with what ATF had information on in May 2010 from 2007 to 2009 per year.⁵⁷ Although ATF received the list in late 2009, the numbers rose for more than one year because ATF calculates the total number of firearms recovered in Mexico based on the year they were seized.⁵⁸ ATF also said Mexico has already provided them with tens of thousands of firearm trace requests in 2010.⁵⁹

Mexico is also providing information to the U.S. government on its own firearms trafficking investigations and prosecutions and additional, related cooperation is planned for the near future. See Figure 3 for an example of one way Mexico is providing information to ATF on its firearms seizures.⁶⁰ For Figure 3, it is likely many of the firearms confiscated for the Mexican crime of “illegal firearms possession” were connected to house or vehicle seizures of DTO members. In May 2010,

⁵³Government Accountability Office (GAO), “U.S. Efforts to Combat Arms Trafficking to Mexico Face Planning and Coordination Challenges,” page 65.

⁵⁴U.S. Department of Justice, “Interim Review of ATF’s Project Gunrunner,” Office of the Inspector General, Evaluation and Inspections Division, September 2009, page 16, online at <http://www.justice.gov/oig/reports/ATF/e0906.pdf>.

⁵⁵Author communication with ATF officials in May 2010. Author phone conversation with retired ATF agent with responsibilities for combating U.S. firearms trafficking to Mexico in August 2010. See below sections for more detail on challenges ATF faces in tracing firearms from Mexico.

⁵⁶Author phone conversation with ATF official based in Washington, DC in May 2010. Claire Ribando Seelke and Kristin M. Finklea, “U.S.-Mexico Security Cooperation: The Mérida Initiative and Beyond,” Congressional Research Service (CRS), R41349, July 29, 2010, page 34, online at <http://www.wilsoncenter.org/topics/docs/CRS%20Report%20US%20Mexico%20Security%20Cooperation%20July%2029%202010.pdf>.

⁵⁷New data provided to authors by ATF on June 1, 2010 based on a ATF query of the Firearms Tracing System in May 2010. Old data based on information contained in GAO report (<http://www.gao.gov/new.items/d09709.pdf>). There are two plausible reasons as to why ATF has more total annual firearm seizures for some years than Mexico does. One, different Mexican authorities may have different amounts for total annual firearm seizures. Two, ATF agents in Mexico are increasingly submitting firearm trace requests themselves and Mexico may not include all of the firearms ATF traces in its annual firearm seizure number.

⁵⁸Author interview with ATF official in May 2010.

⁵⁹Author communication with ATF official in March 2010.

⁶⁰Author phone conversation with ATF official based in Washington, DC, in May 2010.

FIGURE 2: COMPARISON OF INFORMATION ON FIREARMS RECOVERED IN MEXICO PER YEAR

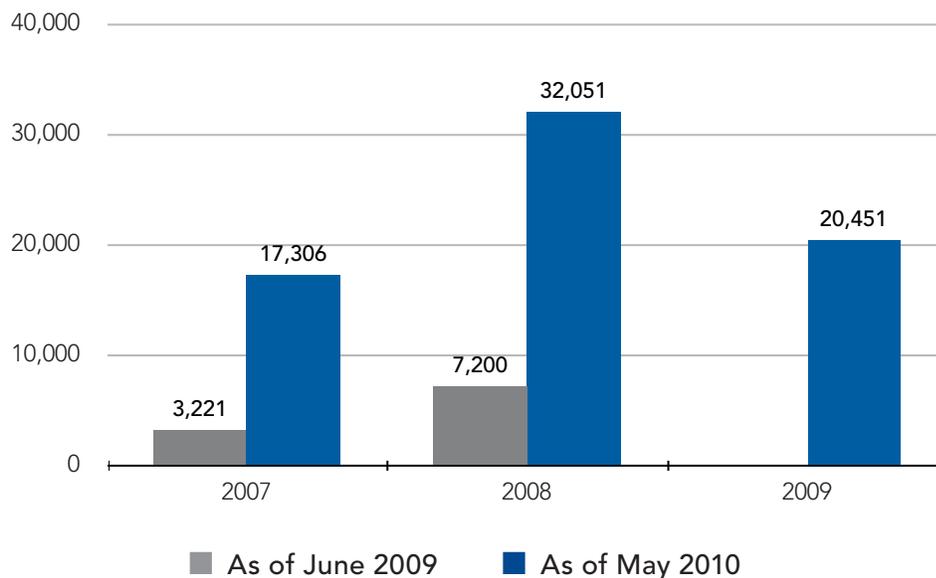


FIGURE 3: TOP SEVEN MEXICAN CRIMES ASSOCIATED WITH FIREARMS RECOVERED IN MEXICO IN 2009 AND SENT TO ATF

Crime under Mexican Law	Amount of Firearms
Illegal possession of weapon	12,264
Trafficking a weapon	4,428
Carrying a prohibited weapon	339
Related to dangerous drugs	311
Firing a weapon	298
Weapon used in a homicide	99
Weapon used in kidnapping	82

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the U.S. Embassy in Mexico reported that Mexico is also sharing “data and information in preliminary investigations, investigations into straw purchasers, prosecutions, and other judicial proceedings with U.S. authorities.”⁶¹ PGR personnel now work with ATF directly in Phoenix, Arizona, and they have sent a PGR specialist to work with U.S. authorities at the El Paso Intelligence Center (EPIC) in El Paso, Texas. Both governments also have a plan in place to enhance judicial cooperation, intelligence sharing, and the detection of firearms movement between the two.⁶² For the future, the United States and Mexico will reportedly establish a working group to increase the number of firearms trafficking prosecutions on each side of the border and create a unit to help link firearms to drug cartels for prosecution.⁶³ Mexico also plans to develop a list of individuals who have a history of obtaining firearms in Mexico to share with the U.S. government.

U.S. GOVERNMENT ACTIONS

The U.S. government, primarily through ATF, ICE, and CBP, has increasingly been engaged in combating U.S. firearms trafficking to Mexico by, for example, pursuing investigations and prosecutions of firearms traffickers in the United States, seizing firearms in the United States illegally headed for Mexico, and assisting Mexico with technology, equipment, and training. According to ATF in March 2010, “between fiscal year 2005 and fiscal year 2009, ATF recommended 984 cases involving 2,034 defendants for prosecution” associated with its Project Gunrunner.⁶⁴ Four hundred and ninety-seven (497) of the 984 cases included charges specifically related to firearms trafficking.⁶⁵ Amongst the 497 cases there were 852 defendants, of whom 811 have been indicted and 533 convicted with an average 45.5 months of incarceration.⁶⁶ From the inception of ICE’s Operation Armas Cruzadas in 2008 until October 2009 “257 individuals [have been arrested] on criminal charges, resulting in 147 criminal indictments and 96 convictions.”⁶⁷ As of May 2010, the number of individuals arrested since the Operation began rose to 749.⁶⁸

⁶¹U.S. Embassy in Mexico, Mérida Initiative at a Glance, Fact Sheet on Combating Arms Trafficking.

⁶²U.S. Embassy in Mexico, Mérida Initiative at a Glance, Fact Sheet on Combating Arms Trafficking.

⁶³According to a U.S. Embassy in Mexico fact sheet, “ATF is currently assisting the PGR in prosecuting two firearms trafficking cases and has identified five additional trafficking cases for PGR review.” http://mexico.usembassy.gov/eng/Mérida/eMérida_factsheet_armstrafficking.html

⁶⁴Statement of Kenneth E. Melson, Deputy Director of ATF, March 4, 2010.

⁶⁵*Ibid.*

⁶⁶Data provided to the authors on June 1, 2010, by ATF official in Washington, DC.

⁶⁷It is unclear how many of these individuals were charged with crimes specifically related to firearms trafficking to Mexico as specified in the ATF cases. Statement of Janice Ayala, Deputy Assistant Director, Office of Investigation, U.S. Immigration and Customs Enforcement, U.S. House of Representatives Committee on Homeland Security Subcommittee on Border, Maritime, and Global Counterterrorism, October 22, 2009, page 6, <http://www.ice.gov/doclib/pi/news/testimonies/091022ayala.pdf>.

⁶⁸Statement of Janice Ayala, Deputy Assistant Director Office of Investigation, U.S. Immigration and Customs Enforcement, U.S. Senate Caucus on International Narcotics Control, May 5, 2010, page 14, online at <http://www.ice.gov/doclib/pi/news/testimonies/100505ayala.pdf>.

From April 28 to August 28, 2009, ATF redeployed 100 ATF staff from around the country to the ATF Houston field office to help address U.S. firearms trafficking to Mexico, which resulted in some success.⁶⁹ Prior to the start of Operation Gunrunner Impact Team (GRIT), also part of Project Gunrunner, the ATF Houston Field Division Office had over 700 investigation leads obtained through U.S. and Mexican firearm trace results.⁷⁰ Once the 100 ATF agents, including special agents, industry operations investigators, and support staff, were redeployed, the staff helped follow up on over 1,100 investigative leads;⁷¹ ATF also discovered 400 additional leads after GRIT began.⁷²

Based on those leads, ATF staff opened 276 criminal cases, 81 cases more than ATF opened related to Project Gunrunner in the Houston division for the whole year of 2008 (see Figure 4).⁷³ ATF industry operations investigators also inspected nearly 1,100 gun shops in the area, up from 855 inspections for the Houston area for all of 2008. As a result, ATF revoked the license of one gun dealer and issued 77 warning letters to other firearms dealers. In addition, ATF seized 443 firearms, 141,442 rounds of ammunition, three explosive devices, and various amounts of illegal narcotics and cash during the GRIT operation. For all of FY 2009, ATF revoked the license of 11 U.S. gun stores along the U.S. southwest border.⁷⁴ ATF is also planning another GRIT operation in 2010.⁷⁵

In the last few years, the U.S. government has also been seizing more U.S. firearms intended for illegal transfer to Mexico. In the last six months of FY 2009, for example, ICE and CBP staff reportedly seized nearly 600 illegal weapons (including ammunition magazines, rounds of ammunition, components including primers and shell casings, silencers, night vision devices, and firearms), which is 50 percent higher than the last six months of FY 2008.⁷⁶ From March 25, 2009 through March 12, 2010, ICE's Operation Armas Cruzadas seized 125 firearms and 13,386 rounds of ammunition.⁷⁷ Since its creation in 2008, the U.S. Department of Homeland

⁶⁹Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Gun Runner Impact Team (GRIT), Houston Field Division, April 28–August 28, 2009, Powerpoint Overview of Successes, online at <http://www.atf.gov/press/releases/2009/10/100109-doj-gunrunner-success-stats.pdf>.

⁷⁰*Ibid.*

⁷¹*Ibid.*

⁷²*Ibid.*

⁷³*Ibid.*

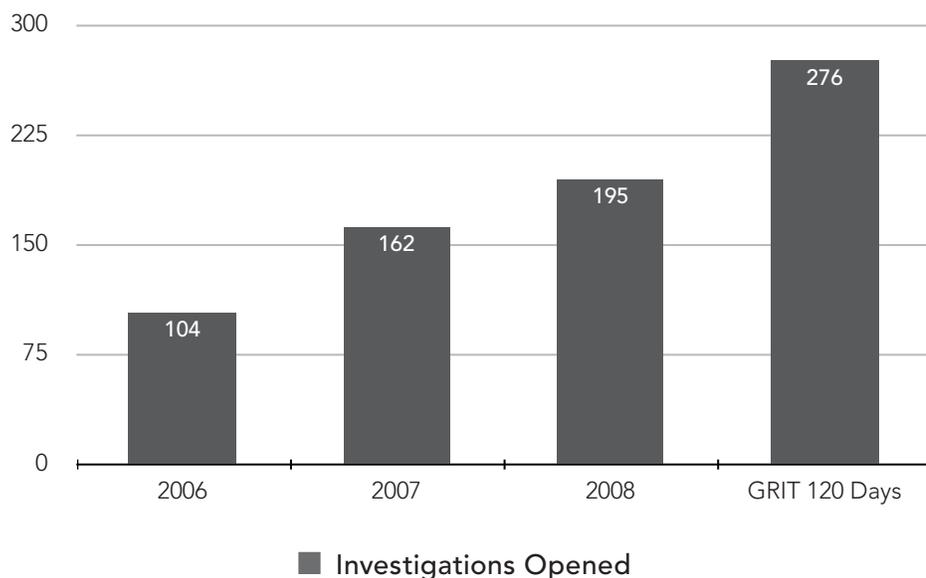
⁷⁴U.S. Embassy in Mexico, Mérida Initiative at a Glance, Fact Sheet on Combating Arms Trafficking.

⁷⁵U.S. Embassy in Mexico, Mérida Initiative at a Glance, Fact Sheet on Combating Arms Trafficking.

⁷⁶Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Border contraband seizures soar as DHS, ATF hold summit in San Diego, News Release, November 3, 2009, online at <http://www.atf.gov/press/releases/2009/11/110309-atf-dhs-contraband-seizures.pdf>.

⁷⁷Statement of John Morton, Assistant Secretary, U.S. Immigration and Customs Enforcement, regarding a Hearing on “Update on Southwest Border; The Challenges that DHS Continues to Face,” before the U.S. House of Representatives Committee on Appropriations, Subcommittee on Homeland Security, April 14, 2010, online at http://www.dhs.gov/ynews/testimony/testimony_1274112299629.shtm.

FIGURE 4: NUMBER OF INVESTIGATIONS OPENED BY THE ATF HOUSTON, TEXAS DIVISION



Security said Armas Curzadas has resulted in the seizure of 3,877 weapons and 396,414 rounds of ammunition.⁷⁸ In 2009, ATF seized 2,630 firearms and 267,963 rounds of ammunition specifically related to investigations on U.S. firearms trafficking to Mexico.⁷⁹ For FY 2009, ATF took into custody a total of 16,383 firearms, some of which could have had been headed for Mexico.⁸⁰ From the start of Project Gunrunner in FY 2005 until the end of FY 2009, ATF seized 6,688 firearms associated with Project Gunrunner prosecutions.⁸¹

Although some firearms are seized at the U.S.–Mexican border, most of the annual seizures of firearms intended for Mexico are happening away from the border.⁸² According to ATF officials and a review of dozens of U.S. prosecutions, firearms are often taken from homes, vehicles, and people away from the border.⁸³ CBP reportedly seized only 70 firearms heading to Mexico in FY 2008, some of which may not have been intended for trafficking to Mexico.⁸⁴ According to CBP in El Paso, Texas

⁷⁸Statement of Janice Ayala, U.S. Immigration and Customs Enforcement, May 5, 2010, page 14.

⁷⁹Author communication with ATF official in Washington, DC, in May 2010.

⁸⁰Author communication with ATF official in August 2010.

⁸¹Statement of Kenneth E. Melson, Deputy Director of ATF, March 4, 2010.

⁸²Author communication with ATF official in January 2010.

⁸³Author communication with ATF official from March to May 2010.

⁸⁴Government Accountability Office (GAO), “U.S. Efforts to Combat Arms Trafficking to Mexico Face Planning and Coordination Challenges,” page 34.

some of their southbound firearm seizures are related to random or target inspections at the U.S.-Mexican border. ATF officials say CBP has also seized U.S. firearms illegally heading south because ATF tipped off CBP to inspect a certain vehicle heading for the border.⁸⁵

To assist Mexican authorities with firearms tracing and related investigations, ATF and ICE have recently added and plan to add more officials to U.S. consulates in Mexico (see Figure 5 for ATF) and have provided Mexican officials with training and support on electronic firearms tracing or eTrace.⁸⁶ In late December 2009, ATF started the initial rollout of a bilingual (Spanish and English) version of eTrace with limited deployment to Mexico and other Central American countries for testing.⁸⁷ Through eTrace, Mexican officials can submit a firearm trace request to ATF electronically and with greater accuracy than the older paper-based tracing system.⁸⁸ If ATF is able to trace the firearm to the name of the person that first purchased the firearm, Mexican government officials can also use this information to build leads on firearms trafficking investigations in Mexico.⁸⁹ From FY 2007 to 2008, ATF personnel trained 375 Mexican law enforcement officials on eTrace.⁹⁰ Once eTrace is expanded to all 32 PGR branch offices throughout Mexico, as planned, ATF expects to provide more training to Mexican authorities.⁹¹ ATF and ICE officials have also been tracing some firearms seized in Mexico themselves, particularly in cities close to the U.S.-Mexico border.⁹²

The U.S. government has also provided and plans to provide training, technology, and equipment to assist the Mexican government with prosecuting firearms traffickers

⁸⁵Author interview with CBP officials in El Paso, Texas in January 2010. Author communication with ATF official in January 2010.

⁸⁶Author interview with ATF official based in Washington, DC in May 2010. U.S. Department of Justice, "Interim Review of ATF's Project Gunrunner," September 2009, page 5. Author interview with ATF officials in Washington, DC in April 2010. Author interview with ICE official in Arizona in December 2009. ICE has officials in Mexico City and is planning or has already added officials to the U.S. Consulate in Hermosillo, Mexico.

⁸⁷Bureau of Alcohol, Tobacco, Firearms and Explosives, "ATF Deploys Spanish eTrace to Mexico, Guatemala and Costa Rica," December 30, 2009, online at <http://www.atf.gov/press/releases/2009/12/123009-atf-deploys-spanish-etrace.html>.

⁸⁸One of the reasons the trace requests are more accurate under eTrace is because of the pull-down menus. Pull-down menus such as on the make and model of the firearm give suggestions on what types of information is needed. Author communication with ATF official in April 2010.

⁸⁹Author interview with ATF official in Washington, DC in April 2010. If a trace is successful, Mexican authorities receive information from ATF such as when the firearm was purchased, the name of the person that purchased the firearm, and the total number of firearms the person may have purchased.

⁹⁰Government Accountability Office (GAO), "U.S. Efforts to Combat Arms Trafficking to Mexico Face Planning and Coordination Challenges," page 45.

⁹¹Author interview with ATF official in Washington, DC in May 2010.

⁹²When ATF officials hear about a major shootout in Mexico, they have approached Mexican officials to inspect and trace the firearm themselves. In Ciudad Juarez alone, one ATF agent has traced around 2,000 firearms in the last five years. Author interview with ATF official in Ciudad Juarez in January 2010.

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FIGURE 5: STATUS OF ATF OFFICIALS STATIONED IN MEXICO

Total ATF Officials			Total ATF Officials		
Location	Currently	Planned	Location	Currently	Planned
Ciudad Juarez	2		Mexico City	10	14
Guadalajara		2	Monterrey	2	
Hermosillo		2	Nogales		2
Matamoros		2	Nuevo Laredo		2
Merida		2	Tijuana	2	

and identifying firearms. For instance, the United States recently delivered four Integrated Ballistics Identification Systems (IBIS) to Mexican authorities for use in their crime labs; Mexico will receive two more in the near future.⁹³ IBIS is a “computerized digital imaging system which captures digital photographs of fired bullets and cartridge cases. These images are stored in a database and are electronically compared to one another.”⁹⁴ Law enforcement personnel can use this information to help determine the specific firearm used in a crime. ATF is also considering providing Mexican authorities with access to the related National Integrated Ballistic Information Network (NIBIN), which would allow U.S. and Mexican authorities to see, for example, that the same firearm used in Mexico was used in the United States and vice versa.⁹⁵ CBP also trained 14 Mexican Customs officials on how to use dogs to detect drugs, firearms, ammunition, and cash in April 2010.⁹⁶ For a complete list of all the specific ways in which the U.S. government is providing training and equipment to the Mexican government related to firearms trafficking, see the U.S. Department of State’s fact sheet entitled “Combating Arms Trafficking.”⁹⁷

⁹³U.S. Department of State, “United States–Mexico Partnership: Anti-Arms Trafficking and Anti-Money Laundering,” Office of the Spokesperson, March 23, 2010, online at <http://www.state.gov/r/pa/prs/ps/2010/03/138924.htm>. U.S. Embassy in Mexico, Mérida Initiative at a Glance, Fact Sheet on Combating Arms Trafficking.

⁹⁴Michigan State Police, “Firearms, Tools, Toolmarks, Serial Restoration,” accessed online in May 2010 at http://www.michigan.gov/msp/0,1607,7-123-1593_3800-15966--,00.html.

⁹⁵Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), “National Integrated Ballistic Information Network (NIBIN),” Fact Sheet, February 2010, online at <http://www.atf.gov/publications/factsheets/factsheet-nibin.html>.

⁹⁶U.S. Embassy in Mexico, Mérida Initiative at a Glance, Fact Sheet on Combating Arms Trafficking.

⁹⁷U.S. Embassy in Mexico, Mérida Initiative at a Glance, Fact Sheet on Combating Arms Trafficking.

TRENDS IN U.S. FIREARMS TRAFFICKING AND USE

With increased bi-national cooperation and independent action in each country to combat U.S. firearms trafficking, it is now possible to provide a clearer picture of some of the key related issues. For instance, based on increased firearm trace requests to ATF and U.S. prosecutions, among other information, one can gain a better sense of the average number of U.S. firearms crossing the border per year. Such information as well as interviews with government officials also provides insights into the types of U.S. firearms Mexican DTOs are acquiring and the common schemes used to purchase and transport firearms to Mexico. But there are limits to the data as well. ATF has only been able to trace a relatively small number of the U.S.-origin firearms recovered in Mexico to the first purchaser. In 2009, for example, of the estimated 20,451 (see Figure 2) firearms recovered, ATF was only able to trace 4,999 firearms to the first purchaser.⁹⁸ As a result, some of the findings on types of U.S. firearms seized in Mexico, where the firearms are being purchased in the United States, and the time it takes from when a firearm is purchased in the United States until it is seized in Mexico, also known as time-to-crime, are somewhat limited.

Magnitude of U.S. Firearms Trafficking

According to information provided by the Mexican government, which has received training from ATF on identifying firearms, U.S.-origin firearms account for the vast majority of firearms seized in Mexico over the last few years. In May 2010, for example, President Calderon said that of the 75,000 firearms Mexico has seized in the last three years an estimated 80 percent or 60,000 firearms came from the United States.⁹⁹ Because of the large increase in Mexican firearm trace requests to the U.S. government in the last couple of years (see Figure 2) ATF is now in a position to come close to verifying the total amount of U.S.-origin firearms recovered in Mexico over the last three years.¹⁰⁰ However, ATF has yet to publish such information even though it has released similar information to the public in the past.¹⁰¹

⁹⁸Author phone conversation with ATF official based in Washington, DC in May 2010. While ATF was not able to trace many of the firearms to the first purchaser, ATF can and has determined that many of the firearms recovered in Mexico came from the United States. ATF does not need to trace the firearm to the first purchaser in the United States to determine whether it came from the United States. That information can be determined by inspecting the firearm and checking with the manufacturer or distributor among other methods.

⁹⁹Mary Beth Sheridan, "Mexico's Calderon tells Congress he needs U.S. help in fighting drug wars," *The Washington Post*, May 21, 2010, online at <http://www.washingtonpost.com/wp-dyn/content/article/2010/05/20/AR2010052002911.html>. Kara Rowland, "Calderon Blames U.S. guns for Violence," *The Washington Times*, May 21, 2010.

¹⁰⁰As of May 2010, ATF had information on a total of 69,808 firearms recovered in Mexico from 2007 to 2009 (see Figure 2). Although ATF was not able to trace many of these firearms to the first purchaser in the United States, it is able to determine whether the firearm originated in the United States by knowing the make, model, and serial number, the import number, or through several other methods.

¹⁰¹On page 15 of the GAO report entitled "U.S. Efforts to Combat Arms Trafficking to Mexico Face Planning and Coordination Challenges," ATF had provided detailed numbers of U.S.-origin firearms of the total amount of firearms it had information on from Mexico for public distribution.

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Although the above information is important for understanding the total amount of U.S.-origin firearms seized in Mexico, it does not provide a clear sense of the number of firearms regularly and illegally crossing the U.S.-Mexico border.¹⁰² Data on U.S. prosecutions shines some light on this issue. According to ATF congressional testimony in March 2010, individuals illegally transferred an estimated 14,923 U.S. firearms to Mexico from FY 2005 to FY 2009.¹⁰³ In FY 2009 alone, an estimated 4,976 U.S. firearms were trafficked to Mexico, up more than 2,000 firearms from FY 2007.¹⁰⁴ A Violence Policy Center (VPC) study that reviewed just 21 indictments alleging illegal firearm trafficking filed in U.S. federal courts from February 2006 to 2009 showed that defendants also participated in trafficking 70,709 rounds of ammunition to Mexico.¹⁰⁵ It is likely these annual trafficking numbers only represent a small percentage of the total amount of trafficking per year. These numbers, for example, are only based on U.S. prosecutions and do not include thousands of U.S. firearms seized in Mexico per year that are not part of U.S. prosecutions.¹⁰⁶

As ATF does not regularly attempt to trace rounds of ammunition, it is much more difficult to assess the annual trafficking of ammunition to Mexico. Hundreds of thousands of rounds of ammunition intended for Mexico and seized each year in the United States, suggests it is a significant problem. In addition, several U.S. law enforcement authorities in El Paso, Texas, say DTOs regularly use large amounts of ammunition in their firearm attacks.¹⁰⁷ It also appears the quantity of rounds of ammunition owned by some DTOs has helped them win some firefights with Mexican authorities. For instance, in May 2008 seven Mexican federal police officers were gunned down trying to raid a home in Culiacán, Mexico.¹⁴ The traffickers inside the house responded to the Mexican federal police officers' raid with AK-47s and overpowered the federal police after a period of time because the police ran out of ammunition.¹⁵

TYPES OF FIREARMS RECOVERED IN MEXICO

While there is a wide range of U.S.-origin firearms being seized in Mexico, from U.S.-made hand grenades to 12-gauge shotguns, semiautomatic assault rifles are

¹⁰²The average time-to-crime for all U.S. firearms recovered in Mexico in 2009 and traced to the first purchaser was 15.7 years. Author phone conversation with BATFE official based in Washington, DC, in May 2010.

¹⁰³Statement of Kenneth E. Melson, ATF, March 4, 2010.

¹⁰⁴Author interview with ATF staff in Washington, DC in February 2010.

¹⁰⁵Violence Policy Center, "Indicted: Types of Firearms and Methods of Gun Trafficking from the United States to Mexico as Revealed in U.S. Court Documents," April 2009, page 7, <http://www.vpc.org/studies/indicted.pdf>.

¹⁰⁶One of the reasons ATF has not been able to use information on seized firearms in Mexico to bring charges against individuals in the United States for trafficking is ATF is only able to trace a low amount of firearms to the first purchaser. See subsection entitled "Top Source States and Entities" and the section entitled "U.S. and Mexican Government Challenges" for a more detailed explanation.

¹⁰⁷Author interview with U.S. law enforcement officials, including FBI and the High Intensity Drug Trafficking Areas (HIDTA), in El Paso, Texas, in January 2010.

the most sought after and widely used by Mexican DTOs.¹⁰⁸ These military-style firearms are far superior to the typical firearms used by local and municipal police in Mexico and make confrontations with DTO members a much more risky endeavor. According to analysis presented by an ATF Agent in August 2010, the top two firearms recovered in Mexico that had been purchased in the United States in the past three years were in order AK-47 type semi-automatic rifles (7.62x39mm caliber) and AR-15 semi-automatic rifle clones (.223 caliber).¹⁰⁹ The Romarms (Romanian-manufactured) AK-47 rifle and the Bushmaster AR-15 rifle clone have been particularly popular.¹¹⁰ While these firearms were likely purchased in the United States in a semiautomatic configuration before being seized in Mexico, many of them were converted to fire as select-fire machine guns.¹¹¹ Mexico seized a combined total of more than 4,400 firearms of .762 and .223 caliber in 2009.¹¹² The AK-47 and AR-15 respectively are common types of firearms for these calibers.

Known as the “cuerno de chivo,” or “the goat’s horn,” for the banana clip it uses, Mexican authorities also say various types of AK-47s are frequently seized from DTOs by Mexican military and police forces. Jesse, a former Sinaloa Cartel trafficker, told the authors that AK-47s are highly valued, especially those fitted with an “underfolder, instead of it being fitted with a standard buttstock, hence making them shorter, more concealable, and highly requested by DTOs.”¹¹³ Many of the Romanian-manufactured AK-47s that found their way to Mexico have been imported into the United States from Europe as a whole firearm or in parts as a kit despite a U.S. ban on the importation of semi-automatic assault rifles.¹¹⁴ Other types of AK-47s were also recovered in 2009. For example, Mexico seized 281 Chinese Norinco AK-47s from January 1, to June 30, 2009, based on an ATF trace analysis in July 2009.¹¹⁵ In addition, DTOs are increasingly obtaining 7.62x39mm caliber drum magazines with 50, 75, or 100 rounds of ammunition for AK-47s

¹⁰⁸Author communication with ATF official in August 2010.

¹⁰⁹Author communication with ATF official in August 2010. ATF analysis was presented at the International Terrorism Conference in Anaheim, CA. Because many U.S. states do not require private firearm sellers to keep records on whom they sold a firearm to, this data is based more on U.S. firearms sales from U.S. gun stores or licensed firearms dealers. According to California state law, all sales and transfers of firearms must be through a licensed firearm dealer, which is required to keep records on firearms sales among other requirements.

¹¹⁰Author communication with ATF official in August 2010.

¹¹¹Author communication with ATF official in August 2010.

¹¹²Author phone conversation with ATF official based in Washington, DC in May 2010.

¹¹³Author Interview, March 2, 2010, Phoenix, Arizona.

¹¹⁴Author communication with ATF official in August 2010. Author phone conversation with staff from Violence Policy Center in May 2010.

¹¹⁵Author phone conversation with Violence Policy Center (VPC) in March 2010. VPC based this information on data ATF provided to the U.S. Congress in July 2009 on the manufacturer, type, and caliber of U.S. firearms recovered in Mexico from January 1, 2009 to June 30, 2009.

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from the United States, and the PGR has seen many of these drums associated with court cases in Tijuana.⁸

Mexican authorities have also seized a wide range of other types and calibers of firearms sold in the United States, some just as powerful, or more, than the AK-47s and AR-15s. According to ATF, the top four most frequent types of firearms recovered in Mexico in 2009 were in order from the most to the least rifles, pistols, shotguns, and revolvers (see Figure 6). In particular, ATF officials have said DTOs continue to seek .50 BMG caliber rifles, which are especially lethal because they can strike accurately from more than a mile away and penetrate light armor.¹¹⁶ A VPC study, for example, found that 11 .50 BMG caliber rifles were involved in 21 firearm trafficking prosecutions filed from February 2006 to 2009.¹¹⁷ In Sonora, Jesus Angel, a former drug trafficker for the Juarez Cartel turned U.S. informant describes one of the ways the Sinaloa Cartel uses .50 caliber rifles. “They have four of them positioned at different ranches along the highway, you understand. They were brought in to protect this terrain from outsiders after the convoy attacks.”¹¹⁸ DTOs have also used .50 BMG caliber rifles to assassinate Mexican police and other government officials traveling in armored vehicles.¹¹⁹ A total of 88 FN Five-seveN 5.7mm pistols, called the “matapolicias” or the police killer, were also involved in 21 U.S. prosecutions between February 2006 and 2009. The FN Five-seveN 5.7mm pistols can fire armor-piercing ammunition capable of defeating Kevlar body armor.¹²⁰

Although hand grenades and rocket-propelled grenades (RPG) are reaching Mexico from Central America, some of the hand grenades Mexico has seized in the last few years have been manufactured in the United States.¹²¹ It is also possible some of the 42 destructive devices could be U.S. manufactured hand grenades. In July 2010, the Washington Post indicated DTOs were using U.S. manufactured hand grenades in Mexico for attacks almost on a weekly basis.¹²² Mexican authorities have reportedly seized more than 5,800 live hand grenades in Mexico since 2007. Many of the U.S.-manufactured hand grenades were reportedly sent by the United States

¹¹⁶Violence Policy Center, “Indicted: Types of Firearms and Methods of Gun Trafficking from the United States to Mexico as Revealed in U.S. Court Documents,” April 2009, page iii. Author communication with ATF official in January 2010.

¹¹⁷<http://www.vpc.org/studies/indicted.pdf>, page 6.

¹¹⁸Author interview with Jesus Angel on April 19, 2010.

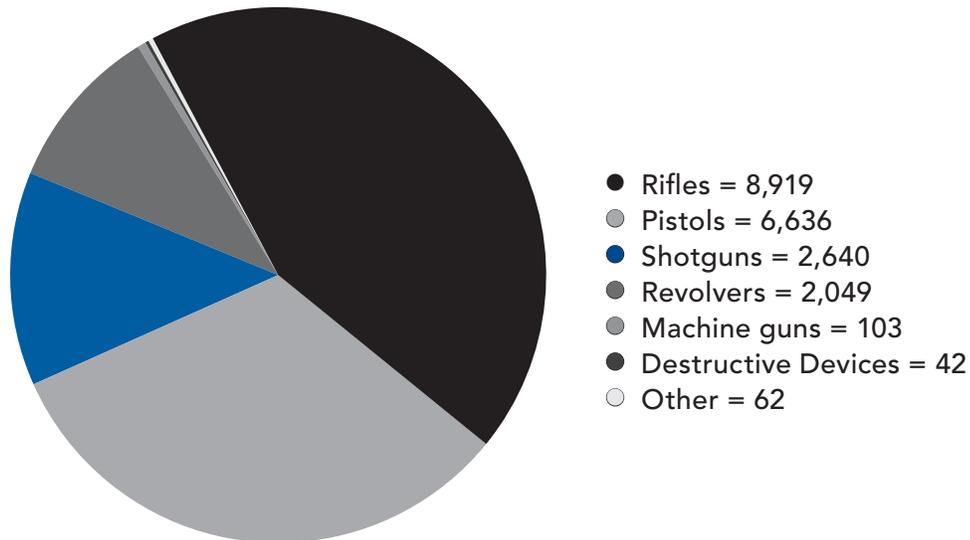
¹¹⁹Violence Policy Center, “Iron River: Gun Violence & Illegal Firearms Trafficking on the U.S.-Mexican Border,” April 2009, page 20, online at <http://www.vpc.org/studies/ironriver.pdf>.

¹²⁰Violence Policy Center, “Indicted: Types of Firearms and Methods of Gun Trafficking from the United States to Mexico as Revealed in U.S. Court Documents,” April 2009, page, 4.

¹²¹Regarding RPGs and hand grenades reaching Mexico from Central America, author interview with ATF official in Washington, DC in October, 2009.

¹²²Nick Miroff and William Booth, “Mexican drug cartels’ newest weapon: Cold War-era grenades made in U.S.,” The Washington Post, July 17, 2010, online at <http://www.washingtonpost.com/wp-dyn/content/article/2010/07/16/AR2010071606252.html>.

FIGURE 6: ATF DATA ON FIREARMS RECOVERED IN MEXICO IN 2009 BY TYPE



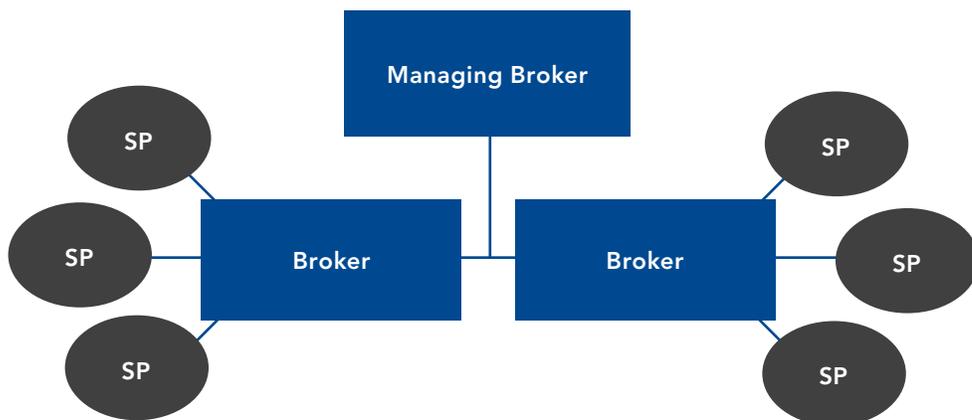
to El Salvador, Guatemala, Honduras, and Nicaragua more than 20 years ago.¹²³

Compared to DTOs, most of Mexico's local and state police forces, which make up 90 percent of the country's law enforcement personnel, have far less sophisticated types of firearms and limited levels of training on the use of firearms. City police, for example, typically the first to encounter drug traffickers, are armed with old revolvers, few rounds of ammunition, little training, and no bulletproof vests. This situation is similar to municipal police officers. In the border city of Agua Prieta, Sonora, officers travel alone or in pairs in Ford F-150 police trucks or sedans, often with no body armor and only a pistol for protection. This lack of firepower comes despite its former police chief's public murder in 2007 among other problems in the area.¹⁷ The Tijuana police chief, Julian Leyzaola, who acquired scores of AR-15s to help his police force combat DTOs last year, says many police officers also receive little in the way of training in firearms.¹²⁴ He tells a story of watching one officer in Tijuana practicing on a firing range with a pistol before he started to train them. "It was a little worrisome. He seemed to hit everything except the target," he said.

¹²³*Ibid.*

¹²⁴Author interview, April 22, 2010, Nogales, Sonora. Author interview with Tijuana Police Department official in January 2010.

FIGURE 7: FIREARM BUYING SCHEME



Firearms Buying Schemes

According to officials from ICE and ATF, individuals and groups seeking to traffic U.S. firearms to Mexico use several different schemes to purchase and transport U.S. firearms to Mexico. In a large majority of cases, several straw purchasers and one or more intermediaries or brokers¹²⁵ are used to traffic the firearms to Mexico.¹²⁶ The straw purchasers are eligible to purchase firearms in the United States while the brokers are usually legally prohibited from purchasing firearms because they are convicted felons, not U.S. citizens or residents, or for other reasons.¹²⁷ Sometimes taking orders from a person in Mexico, the U.S.-based broker may hire three or more straw purchasers, often young women, to buy a few firearms each at various locations.¹²⁸ In a more complex scheme intended to better hide trafficker's identity and avoid prosecution, a managing broker hires additional brokers, and these brokers then hire the straw purchasers.¹²⁹ See Figure 7 for a visual representation of the more complex scheme; SP stands for straw purchaser.

For example, according to the indictment in a case investigated by ICE in Tucson, Arizona starting in the spring of 2008 Saul Rodriguez, on orders from his uncle in Mexico, Olegario Gutierrez-Martinez, asked Aaron Weeks based in Tucson to arrange for the purchase of several semi-automatic assault rifles in the United States and transport

¹²⁵International arms broker: Individuals or companies that carry out activities to arrange, mediate, or facilitate an international arms transaction between a buyer and seller in return for a fee or a reward or material benefit.

¹²⁶Author interview with ICE and ATF agents between December 2009 and January 2010.

¹²⁷Author interview with ICE agent in Phoenix, Arizona in December 2009.

¹²⁸Author interview with ICE and ATF agents between December 2009 and January 2010.

¹²⁹Author interview with ICE and ATF agents between December 2009 and January 2010.

them to Mexico in return for a profit.¹³⁰ Acting as a broker, Weeks then hired nine individuals to pose as straw purchasers and buy various types of AK-47s and AR-15s at different gun shops and pawn shops in Tucson.¹³¹ Soon after the U.S. firearms were purchased, Weeks took possession of a few of the firearms and transported them through the Nogales port of entry and into Mexico.¹³² On July 30, 2008, CBP stopped Week's vehicle and found five semi-automatic AR-15 firearms and 150 rounds of ammunition in five magazines zip-tied to the bottom of Week's vehicle.¹³³ According to the U.S. federal court indictment in May 2009, Weeks and 12 other individuals were charged with smuggling firearms and making false statements when purchasing a firearm, among charges.¹³⁴ Gutierrez-Martinez appears to still be at-large.¹³⁵

Perhaps not surprisingly, some brokers arranging firearms trafficking to Mexico are also involved in other illegal activities. According to ATF, ICE, and DEA officials based along the U.S.-Mexican border, there are cases in which individuals involved in distributing illegal narcotics in the United States are also engaged in trafficking U.S. firearms to Mexico.¹³⁶ In October 2009, for instance, the U.S. Department of Justice announced the arrest, with the help of Mexican authorities, of 303 people in 19 U.S. states associated with the La Familia Michoacana Cartel; some of those arrested allegedly shipped hundreds of firearms purchased in the United States to Mexico.¹³⁷ U.S.-based gangs are also connected with arranging and moving U.S. firearms into Mexico illegally. According to ATF statistics on U.S. prosecutions of individuals charged with firearms trafficking to Mexico from FY 2005 to FY 2009, 159 out of a total 497 cases involved gang-related trafficking of over 3,665 firearms.¹³⁸ U.S. authorities have also stated that in cases where brokers are involved in distributing illegal drugs in the United States or are part of a U.S.-based gang, straw purchasers are often the girlfriends or drug purchasers.¹³⁹

While many U.S. citizens previously unconnected to Mexican DTOs have been lured into firearms trafficking as straw purchasers, it appears there are other

¹³⁰United States of America vs. Aaron Loren Weeks, Third Superseding Indictment, U.S. District Court of Arizona, CR08-1197-PHX-MHN, May 26, 2009, accessed through PACER online.

¹³¹U.S. vs. Aaron Loren Weeks, Third Superseding Indictment.

¹³²U.S. vs. Aaron Loren Weeks, Third Superseding Indictment.

¹³³U.S. vs. Aaron Loren Weeks, Third Superseding Indictment.

¹³⁴U.S. vs. Aaron Loren Weeks. Third Superseding Indictment

¹³⁵Google search of Gutierrez-Martinez's name and found no accounts of an arrest.

¹³⁶Author interview with U.S. federal law enforcement officials from DEA, ICE, and ATF from December 2009 to February 2010.

¹³⁷U.S Department of Justice, "More Than 300 Alleged La Familia Cartel Members And Associates Arrested In Two-Day Nationwide Takedown," News Release, October 22, 2009, online at <http://www.atf.gov/press/releases/2009/10/102209-doj-over-300-la-familia-cartel-arrests.html>. Here is another somewhat similar case: <http://www.atf.gov/press/releases/2009/08/080309-dal-fifteen-defendants-sentenced.html>.

¹³⁸Statement of Kenneth Melson, ATF, March 4, 2010.

¹³⁹Author interview with ICE agent in Phoenix, Arizona in December 2009.

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U.S. citizens and residents acting as brokers and transporters, both for monetary reasons.¹⁴⁰ Related U.S. prosecutions show that straw purchasers can make from \$100 to \$500 per firearm depending on the firearm model and particular trafficking scheme.¹⁴¹ A former drug trafficker turned U.S. informant indicated that one can sell an AK-47 in Mexico for three to four times its purchase price in the United States along the southwest border.¹⁴² If one sells the same AK-47 farther from the border, say in Oaxaca, the firearm can be sold between \$2,000 and \$4,000 above the purchase price.¹⁴³ According to Abram Sprenger, a U.S. citizen from Oklahoma stopped by CBP in March 2009 on the U.S.–Mexican border, he was paid \$4,500 to transport dozens of firearms and some ammunition from the United States to Oaxaca, Mexico.¹⁴⁴

Top Firearm Sources in United States

New data on firearms recovered in Mexico from 2007 to 2009 confirms the GAO's previous report that Texas, California, and Arizona respectively are the top three U.S. states where U.S. firearms are purchased and later trafficked to Mexico (see Figure 9). It, however, is important to note that these data do not show when the firearm was purchased in the United States. As the average time-to-crime was 15.7 years for U.S. firearms recovered in Mexico and traced to the first purchaser in 2009, it is possible there are significant differences in which U.S. states account for the most firearm purchases in the last three to five years.¹⁴⁵ Despite California being a top source state in Figure 8, for example, ATF in California has said California is not among the top three U.S. source states if one limits the analysis by firearms purchased in the United States in the last three years.¹⁴⁶ ATF in California also reports that most of their investigations in the last few years involve individuals

¹⁴⁰Author communication with ATF official from January to May 2010.

¹⁴¹Author communication with ATF official in January 2010. Statement of Kenneth Melson, ATF, March 4, 2010.

¹⁴²Author Interview, March 2, 2010, Phoenix, Arizona.

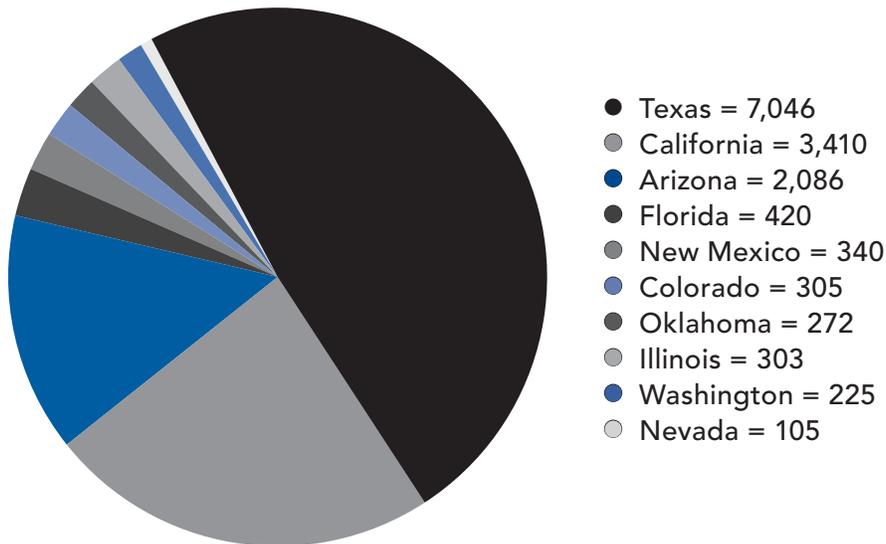
¹⁴³*Ibid.*

¹⁴⁴Customs Border Patrol, "CBP Officers Seize Cache of Weapons, Arrest 1 at Laredo Port of entry," March 3, 2009, online at http://www.cbp.gov/xp/cgov/PrintMe.xml?xml=/content/newsroom/press_releases/2009/march/03032009_7.ctt&location=/newsroom/news_releases/archives/2009_news_releases/march_2009/03032009_7.xml

¹⁴⁵According to ATF in May 2010, of the 20,451 firearms recovered in Mexico in 2009 and for which they had identifying information, they were able to trace 4,999 to the first purchaser. Of the 4,999, 156 firearms were recovered in Mexico three months after they were purchased in the United States, 112 firearms three to seven months, 141 firearms seven months to a year, 223 firearms one to two years, 270 firearms two to three years, and 3,968 firearms three years and over. Author phone conversation with ATF official based in Washington, DC in May 2010.

¹⁴⁶Author communication with ATF official in August 2010. Author phone conversation with retired ATF official based in Washington, DC in August 2010. Amy Isackson, "Recent San Diego Gun Smuggling Arrest Illustrates Well-Worn Route," March 4, 2010, KPBS, online at <http://www.kpbs.org/news/2010/mar/04/recent-san-diego-gun-smuggling-arrest-illustrates-/>.

FIGURE 8: TOP 10 U.S. SOURCE STATES 2007–2009



transporting firearms through California to Mexico instead of purchasing the firearms in California.¹⁴⁷ For instance, ATF investigated a case in 2009 where a resident of California was involved in a trafficking scheme in which he traveled to Nevada to help purchase over 20 firearms, including a Bushmaster “BA50” 50-caliber rifle. He then brought these weapons back to California and smuggled them into Mexico.¹⁴⁸ This shift in purchasing patterns for firearms trafficked to Mexico appears to be the result of stiffer laws on buying firearms in California.¹⁴⁹

ATF officials also say firearms traffickers continue to purchase firearms at gun shows and other secondary sources, which require fewer checks on a person’s identity and criminal history, as well as at U.S. gun stores. In Arizona, for example, traffickers are increasingly buying their firearms at U.S. gun shops and pawn shops, according to ATF and ICE officials.¹⁵⁰ These officials attribute this trend to continued efforts to watch for illegal activity at U.S. gun shows in Arizona.¹⁵¹ U.S. officials also believe U.S. gun shops are a logical option for illegally trafficking

¹⁴⁷Author communication with ATF official from January to May 2010. Amy Isackson, “Recent San Diego Gun Smuggling Arrest Illustrates Well-Worn Route,” March 4, 2010.

¹⁴⁸United States of America vs. Jonnatan Weiss, Criminal Complaint, Magistrate Number 2:09-mj-00465-PAL, United States District Court of Nevada, Filed on June 15, 2009, accessed document through the Public Access to Court Electronic Records (PACER) service in April 2010.

¹⁴⁹Author communication with ATF official from January to May 2010.

¹⁵⁰Author interview with ICE and ATF agents based in Arizona in January 2010.

¹⁵¹Author interview with ICE and ATF agents based in Arizona in January 2010.

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because these shops have large quantities of firearms and ammunition.¹⁵² While there are only a few known cases involving individuals working at U.S. gun shops engaged in activities supporting U.S. firearms trafficking to Mexico,¹⁵³ their potential collusion with firearms traffickers poses an enormous risk.¹⁵⁴ In Phoenix, Arizona, for instance, U.S. authorities in May 2008 arrested the owner of the X-Caliber gun store, George Iknadosian, who allegedly worked with others to traffic more than 650 AK-47 rifles to Mexican DTOs.¹⁵⁵ Some of the firearms purchased at X-Caliber were reportedly used to kill dozens of people in Mexico.¹⁵⁶

Transportation Routes and Techniques

According to U.S. authorities, it appears there has been little change in the main routes used by traffickers to transport firearms purchased in the United States across the border into Mexico. In September 2009, for instance, the U.S. Department of Justice's Inspector General included the most recent official map of trafficking routes in an interim review of ATF's Project Gunrunner. The map indicated that the three main trafficking corridors are: "(1) the "Houston Corridor," running from Houston, San Antonio, and Laredo, Texas, and crossing the border into Nuevo Laredo, Reynosa, and Matamoros; (2) the "El Paso Corridor," running from El Paso, Texas, across the border at Ciudad Juarez; and (3) the "Tucson Corridor," running from Tucson, Arizona, across the border at Nogales.¹⁵⁷ ATF officials, however, are increasingly concerned that an additional corridor could be from Florida to Guatemala to Mexico.¹⁵⁸ ATF officials say that once the firearms reach Mexico, they mostly follow major transportation routes through Mexico.¹⁵⁹

By far, the most common method of transporting the firearms across the U.S.-Mexican border is by vehicle using U.S. highways.¹⁶⁰ While U.S. authorities sometimes catch individuals with dozens of firearms, most are carrying smaller numbers

¹⁵²Author interview with ICE and ATF agents based in Arizona in January 2010.

¹⁵³Government Accountability Office (GAO), "U.S. Efforts to Combat Arms Trafficking to Mexico Face Planning and Coordination Challenges," GAO-09-709, June 2009.

¹⁵⁴Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), "Following the Gun: Enforcing Federal Laws Against Firearms Traffickers," June, 2000, http://www.mayorsagainstillegalguns.org/downloads/pdf/Following_the_Gun%202000.pdf.

¹⁵⁵Brian Ross, Richard Esposito, and Joseph Ree, "ATF: Phoenix Gun Dealer Supplied Mexican Drug Cartels," ABC News, May 6, 2008, online at <http://abcnews.go.com/print?id=4796380>.

¹⁵⁶*Ibid.*

¹⁵⁷U.S. Department of Justice, "Interim Review of ATF's Project Gunrunner," September 2009, page 11-12.

¹⁵⁸Author interview with ATF official in Washington, DC in April 2010.

¹⁵⁹Author communication with ATF official in January 2010.

¹⁶⁰Government Accountability Office (GAO), "U.S. Efforts to Combat Arms Trafficking to Mexico Face Planning and Coordination Challenges," June 2009, page 22.

of firearms in order to avoid detection. ATF officials have said a good time to catch firearm smugglers is right after a U.S. gun show in Arizona or Texas.¹⁶¹ A source within the Mexican Center for Research and National Security (CISEN) said most weapons now cross through remote Arizona ports of entry, such as Lukeville and Sasabe.¹⁶² These two ports see very little traffic compared to nearby Nogales or Tijuana and, more importantly, there is no checkpoint infrastructure beyond that of Mexican Customs at the port of entry.¹⁶³

Both U.S. and Mexican citizens are also engaged in smuggling firearms with commercial and non-commercial vehicles, and they use various techniques to do so.¹⁶⁴ Using cars, trucks, vans, or buses, traffickers employ techniques such as zip-tying the firearms to a hidden compartment of the vehicle, or they stuff the firearms under a truck bed liner or in a fuel tank.¹⁶⁵ In other cases, the transporters have no fear of capture. For example, traffickers had about 30,000 rounds of ammunition sitting near the front seat of a civilian passenger bus when Mexican authorities caught them at an inspection point several miles inside Mexico from the Arizona border in March 2010.¹⁶⁶

A U.S. federal drug enforcement informant told the authors about another method traffickers have used: detergent boxes. “What you do is you cut open the bottom of the box, you know, and you pack in whatever weapon you’re going to carry, and you just glue that slice back in. The Mexican Customs don’t care as long as you’re not bringing in more than three boxes of detergent on a trip,” the informant said.¹⁶⁷

ICE officials in Arizona have also said firearms traffickers are increasingly using sophisticated and unsophisticated tunnels under the U.S.-Mexican border to smuggle firearms, which they say is an indicator of traffickers feeling some enforcement pressure from U.S. authorities.¹⁶⁸ An estimated 62 tunnels have been found along the border in Arizona and near San Diego, California since September 11, 2001.¹⁶⁹ ICE officials have also said firearms traffickers sometimes just throw firearms over the border fence, to be picked up by a cohort on the other side.¹⁷⁰

¹⁶¹Author communication with ATF official in May 2010.

¹⁶²Author interview with CISEN official in Sonora, Mexico in March 11, 2010.

¹⁶³*Ibid.*

¹⁶⁴Author interview with ATF and CBP officials in based on a review of U.S. prosecutions against firearms traffickers to Mexico.

¹⁶⁵*Ibid.*

¹⁶⁶Author interview with CISEN official in Sonora, Mexico in March 11, 2010

¹⁶⁷Interview, Jesus Angel, April 19, 2010.

¹⁶⁸Author interview with ICE official in Arizona in January 2010.

¹⁶⁹Alexis Madrigal, “Bots vs. Smugglers: Drug Tunnel Smackdown,” WIRE, May 16, 2009, online at <http://www.wired.com/wiredscience/2009/05/tunnelbots/#ixzz0oDjVTRDn>

¹⁷⁰Author interview with ICE official in Arizona in January 2010.

U.S. AND MEXICAN GOVERNMENT CHALLENGES

Despite increased efforts by the U.S. and Mexican governments to combat firearms trafficking, both countries continue to face significant challenges in bringing the phenomenon under control. One major challenge is the incompleteness and timeliness of some of Mexico's firearm trace requests to ATF. ATF also lacks sufficient resources and abilities to more effectively investigate leads from U.S. and Mexican firearm trace data and other sources. Even when ATF and ICE have developed cases against individuals engaged in firearms trafficking to Mexico, some ATF officials say there are limitations on where they can refer prosecutions. Relatively weak U.S. firearm laws and a few U.S. government practices also limit U.S. authorities from getting important tips on potential firearms traffickers and curtail their abilities to hold accountable individuals and gun stores that act irresponsibly. In addition, there are few restrictions on purchasing large quantities of ammunition. Although several CBP officials have said they would like to increase vehicle inspections going south, for the most part, it appears CBP has neither the staff, means, or the infrastructure to conduct effective southbound vehicle inspections at most of the U.S. ports of exit along the U.S.-Mexico border.

While Mexico has significantly increased its firearm trace requests to ATF in the last few years, there continue to be major challenges with incomplete trace requests. As mentioned earlier, of the estimated 20,451 firearms recovered in Mexico in 2009, ATF was only able to trace 4,999 firearms to the first purchaser.¹⁷¹ According to ATF, one major reason is that Mexican authorities often leave out the import stamp number for AK-47 variants.¹⁷² Since many AK-47s sold in the United States are imported from other countries, ATF needs that number to determine where the firearm was first sold in the United States. ATF officials face difficulties with AK-47 part kits imported to the United States as well as because there are no markings on the parts that indicate they have been imported into the United States.¹⁷³ Firearms traffickers are also increasingly obliterating the serial numbers on the firearms.¹⁷⁴

ATF officials say there is also a strong need to submit more timely trace requests.¹⁷⁵ For instance, it takes on average one year from the time a firearm is seized in Mexico

¹⁷¹Author phone conversation with ATF official based in Washington, DC in May 2010. ATF does not need to trace the firearm to the first purchaser in the United States to determine whether it came from the United States. That information can be determined by inspecting the firearm and checking with the manufacturer or distributor among other methods.

¹⁷²According to an ATF official, one of the reasons why Mexican authorities don't include the import number is that they are not required to include it on judicial case files. Author communication with ATF officials from February to April 2010.

¹⁷³Author communication with ATF official in August 2010.

¹⁷⁴Author interview with ATF and ICE officials from December 2009 to January 2010.

¹⁷⁵Author interview and phone conversation with ATF officials from January to April 2010.

to the time PGR officials in Mexico City submit the firearm trace request to ATF.¹⁷⁶ This lag time makes it much harder for ATF to catch traffickers because the first firearm buyer in the United States, or the straw purchaser, may not remember the name of the person to which he or she sold the firearm, among other challenges.¹⁷⁷ It appears one major reason why it takes so long to submit the requests is that all Mexican firearm trace requests are submitted by the PGR in Mexico City, which has a limited number of staff working on eTrace, instead of having federal field staff throughout Mexico submit the requests to ATF directly.¹⁷⁸

When U.S. officials ask Mexican authorities to inspect and trace a firearm used in a crime in Mexico, the U.S. officials also sometimes run into problems.¹⁷⁹ In some cities such as Tijuana, where U.S. law enforcement has a fairly strong relationship with Mexican law enforcement and the military, ATF receives regular access to the firearms.¹⁸⁰ As a result, ATF has been able to trace a firearm within a few days after Mexican authorities seize it.¹⁸¹ In other Mexican states such as Sinaloa, where ATF has little presence and corruption is a larger problem, ATF is relatively restricted from accessing the firearms.¹⁸² ATF agents working with Mexican authorities say the key to getting access to firearms is a physical presence in the Mexican city and building personal relationships with the respective Mexican officials.¹⁸³ These same ATF agents say it would also help if Mexico City provided clear support for ATF to physically inspect the firearms.¹⁸⁴ In some cases, Mexican law enforcement has to seek approval for each firearm by a Mexican judge in order for ATF to inspect the firearm.¹⁸⁵

Thanks to some increased funding from the U.S. Congress in the last few years, ATF has received some additional staff to follow up on firearms trace requests and address U.S. firearms trafficking to Mexico in general. Starting in FY 2007, ATF had around 100 special agents and 25 industry operations investigators working for Project Gunrunner.¹⁸⁶ According to ATF, as of mid-February 2010 they have about 190 special agents, 145 Industry Operations Investigators, and 25 support staff

¹⁷⁶Author communication with ATF official in April 2010.

¹⁷⁷Author interview with various ATF officials in Washington, DC from February to April 2010.

¹⁷⁸Author communication with ATF officials in April 2010.

¹⁷⁹Author communication with ATF officials in March and April 2010.

¹⁸⁰Author communication with ATF official in January 2010. Author interview with Mexican General based in Tijuana in January 2010.

¹⁸¹Author communication with ATF official in April 2010.

¹⁸²Author phone conversation with ATF official based in Texas in March 2010.

¹⁸³Author interview with a couple of ATF officials in Washington, DC in April 2010. Author phone conversation with ATF official in April 2010.

¹⁸⁴Author phone conversation with ATF official in March 2010.

¹⁸⁵Author phone conversation with ATF official in March 2010.

¹⁸⁶Vivian S. Chu and William J. Krouse, "Gun Trafficking and the Southwest Border," Congressional Research Service Report, September 21, 2009, page 13.

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working on Project Gunrunner in states along the southwest border.¹⁸⁷ While this staff increase appears to have helped with firearms seizures and prosecutions, ATF officials stationed along the U.S. southwest border say they still do not have enough staff to investigate many leads.¹⁸⁸ ATF agents attribute the lack of resources to the fact that ATF started with an extremely low staff level when the U.S. Congress started to increase resources for them.¹⁸⁹ Although ATF plans to add staff at the U.S. consulates in Hermosillo, Guadalajara, Matamoros, Mérida, Nogales, and Nuevo Laredo, Mexico, by the end of 2010, which are key to improving Mexico's firearm trace requests, this plan requires additional funding from the U.S. Congress. And, the funding was not included in the supplementary appropriations approved by the U.S. Congress in August 2010 for border-related efforts.¹⁹⁰

When ATF investigates a case they also face several challenges with U.S. courts accepting the case and successfully prosecuting it. As with other crimes, such as drug smuggling or seizures, U.S. attorneys sometimes place minimum requirements on the types of cases they will accept for prosecution related to firearms trafficking.¹⁹¹ While U.S. federal attorneys told the authors they will look at any firearms trafficking case given to them, some ATF agents have said U.S. attorneys often will not prioritize a case if it involves less than 10 to 20 firearms trafficked and no one was killed or injured from one of the firearms.¹⁹² As a result, some ATF agents believe they must wait until a known firearms trafficker moves 10 or more firearms and someone is killed with one of those firearms before they can pursue a case.¹⁹³ In some cases, U.S. federal authorities have referred firearms trafficking cases to U.S. state courts, but it is uncommon to do so because the most common crime, lying on Federal Form 4473 or straw purchasing, is often only a federal crime with no comparable state law.¹⁹⁴ In one unique case, the Arizona Attorney General brought charges against the X-Caliber gun store owner, mentioned above, based on Arizona state law regarding "fraudulent schemes" for lying on Federal Form 4473. The Arizona county judge presiding over the case, however, ruled that the Attorney General could not prove that the firearms purchased went to a prohibited person and threw out the case.¹⁹⁵

¹⁸⁷Statement of Kenneth E. Melson, ATF, March 4, 2010..

¹⁸⁸Author interview with ATF agents from December, 2009 to January 2010.

¹⁸⁹Author interview with ATF officials in from October, 2009 to January 2010.

¹⁹⁰Author interview with ATF official in Washington, DC, in May 2010.

¹⁹¹Author interview with ATF officials in from January to May 2010.

¹⁹²Author interview with ATF official in May 2010 and in January 2010. Author interview with U.S. Attorney from the Southern District of California in January 2010.

¹⁹³Author interview with ATF official in Washington, DC, in May 2010.

¹⁹⁴Author interview with ATF officials in Washington, DC.

¹⁹⁵State of Arizona vs. George Iknadosian, Honorable Robert L. Gottsfield, Superior Court of Arizona Maricopa County, CR2008-006471-001 DT, March 18, 2009, online at <http://webcache.googleusercontent.com/search?q=cache:6Q6bEKRMhOkJ:www.courtminutes.maricopa.gov/docs/Criminal/032009/m3628712.pdf+Maricopa+County+Superior+Court+Judge+Robert+Gottsfield+iknadosian&cd=13&hl=en&ct=clnk&gl=us&client=firefox-a>.

While there are several relatively weak U.S. gun laws and a few government practices that limit U.S. efforts to curtail firearms trafficking to Mexico, the authors found a few especially challenging. Since 1993, the U.S. government has required U.S. gun stores to notify state or local law enforcement whenever a gun store sells “more than one handgun to any non-licensee within five consecutive business days.”¹⁹⁶ Outside of situations in which ATF or ICE officials inspect a gun store or when a gun store tips off U.S. authorities, however, in most states authorities are not notified if an individual is buying dozens of military-style assault rifles in a short period of time, which is a key indicator of potential firearms trafficking. U.S. authorities are also only allowed to inspect a gun store unrelated to a specific warrant once a year, and many gun stores located along the U.S. southwest border are not inspected on an annual basis.¹⁹⁷ Also, if ATF finds that the gun store has violated the law, the crime is often a misdemeanor instead of felony, and ATF rarely revokes the license of a gun store for violating the law.¹⁹⁸

Unlike sales at gun stores, in many states private individuals are not required to conduct a background check or keep records when they sell or transfer a firearm to another person.¹⁹⁹ These two loopholes continue to make it much easier for prohibited persons to purchase firearms and much harder for U.S. authorities to successfully trace how a firearm illegally reached Mexico. In addition, because rounds of ammunition, unlike firearms can only be used once and have a relatively shorter life span, DTOs engaging in fighting are often in constant need of more rounds. As such, ammunition poses just as much or more of a threat to Mexican authorities and civilians. Yet, many U.S. states do not require U.S. gun stores to run a background check or check IDs on individuals buying ammunition and maintain records on ammunition sales.²⁰⁰

Because it is difficult for federal and local authorities to search vehicles for illegally possessed firearms in the United States, ATF officials have said they sometimes prefer to call ahead to CBP and ask them to inspect a vehicle ATF suspects is smuggling firearms across the U.S.-Mexican border.²⁰¹ However, sometimes CBP is not able to identify the vehicle before it crosses the border because some U.S. ports of exit do not have license plate readers or they are using license plate readers that sometimes confuse “8s” with

¹⁹⁶Vivian S. Chu and William J. Krouse, “Gun Trafficking and the Southwest Border,” Congressional Research Service Report, September 21, 2009, page 11.

¹⁹⁷Violence Policy Center, “Iron River: Gun Violence & Illegal Firearms Trafficking on the U.S.-Mexican Border,” April 2009, page 23.

¹⁹⁸Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), “Following the Gun: Enforcing Federal Laws Against Firearms Traffickers,” June 2000, pages xi and xii.

¹⁹⁹Vivian S. Chu and William J. Krouse, “Gun Trafficking and the Southwest Border,” Congressional Research Service Report, September 21, 2009, page 11.

²⁰⁰Legal Community Against Violence (LCAV), Ammunition Regulation, February 2008, online at http://www.lcav.org/content/ammunition_regulation.pdf.

²⁰¹Author communication with ATF agent in from January 2010 to May 2010.

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“Bs.”²⁰² CBP officials may also attempt to stop a vehicle heading south by just standing in front of the cars, which could be dangerous if a vehicle decided to speed through the border check point.²⁰³ Compared with vehicles going north or into the United States from Mexico, U.S. authorities also conduct relatively few checks on vehicles going south.²⁰⁴

CONCLUSION AND RECOMMENDATIONS

The Mexican and United States governments are facing growing and menacing problems because of increased access to high powered weapons by Mexican DTOs. Since President Felipe Calderon took office in December 2006, there have been an estimated 28,000 drug-related killings, and most of these deaths, including extremely violent ones, were in the last two years.²⁰⁵ According to Mexican official numbers, during the same period “a total of 915 municipal police, 698 state police and 463 federal agents have been killed at the hands of criminal gangs.”²⁰⁶

Despite increased efforts by both governments to reduce Mexican DTOs access to large volumes of firearms and rounds of ammunition, the DTOs continue to obtain and use such firearms and ammunition from the United States and elsewhere to attack Mexican police, justice officials, and recently officials from the U.S. Department of State. In some cases, the large volume of ammunition or the military-style firearms used by the DTOs enabled them to overpower Mexican federal or local police or assassinate Mexican officials. DTOs are also increasingly using firearms to attack or kidnap journalists, politicians, and businesses and levy “taxes” on the public. As a result of all of these actions, the Mexican government’s efforts to provide public security to its citizens is seriously eroding, putting Mexican citizens at significant risk both from targeted attacks and as collateral damage. DTO actions are also contributing to major migration away from the violence and, in some cases, towards the United States.

New information shows that a significant amount of military-style assault rifles, other types of rifles and pistols come directly from the United States and are being used by Mexican DTOs. According to the Mexican government in May 2010, an

²⁰²Author communication with ATF agent from January 2010 to May 2010.

²⁰³Author interview with CBP officials in El Paso, Texas, in January 2010.

²⁰⁴Author interview with CBP officials in El Paso, Texas, in January 2010. Government Accountability Office (GAO), “U.S. Efforts to Combat Arms Trafficking to Mexico Face Planning and Coordination Challenges,” page 35.

²⁰⁵Arthur Rice, “Drug war death toll in Mexico since 2006 exceeds 28,000, officials say,” CNN, August 4, 2010, online at <http://edition.cnn.com/2010/WORLD/americas/08/03/mexico.drug.deaths/#fbid=xmlBaZOfuTn&wom=true>. Luis Astorga and David A. Shirk, Drug Trafficking Organizations and Counter-Drug Strategies in the U.S.-Mexico Context, Woodrow Wilson International Center for Scholars, Mexico Institute, “Working Paper Series on U.S.-Mexico Cooperation,” April 2010, page 3, online at <http://wilsoncenter.org/topics/pubs/Drug%20Trafficking%20Organizations.%20Astorga%20and%20Shirk.pdf>.

²⁰⁶Tim Johnson, “As death toll rises, Mexico rethinks drug war strategy,” McClatchy Newspapers, August 13, 2010, online at <http://www.kansascity.com/2010/08/13/2149024/as-death-toll-rises-mexico-rethinks.html>.

estimated 60,000 U.S.-origin firearms were seized in Mexico from 2007 to 2009.²⁰⁷ A review of U.S. prosecutions associated with ATF's Project Gunrunner concludes that an estimated 14,923 firearms were trafficked to Mexico from FY 2005 to FY 2009; 4,976 of these firearms were from FY 2009 alone.²⁰⁸ And, these numbers don't include the thousands of firearms and hundreds of thousands of rounds of ammunition headed for Mexico that U.S. authorities have seized. The price differential between U.S.-origin AK-47 semi-automatic rifles sold just across the U.S.-Mexican border (\$1,200 to \$1,600) and U.S.-origin AK-47s sold in southern Mexico (\$2,000 to \$4,000) is another indicator of the demand for U.S. firearms in Mexico and the lack of quality assault rifles from Central America. Information provided to ATF by Mexico also shows that U.S.-origin firearms are regularly used by DTOs to commit crimes in Mexico.

The top two U.S. firearms recovered in Mexico that had been purchased in the United States in the past three years were AK-47 type semi-automatic rifles and AR-15 semi-automatic rifle clones.²⁰⁹ ATF officials say many of the Romanian manufactured AK-47s are imported to the United States as a whole firearm or as a parts kit from Europe despite a U.S. ban on the importation of semi-automatic assault rifles.²¹⁰ ATF officials and a review of U.S. prosecutions also indicate that DTOs are increasingly seeking, receiving, and using U.S.-origin .50 BMG caliber rifles and 5.7mm pistols and rifles and AK-47 drum magazines with 50, 75, to 100 rounds of ammunition.

Given the Calderon administration's commitment to confront the DTOs, both the U.S. and Mexican governments are working in unprecedented ways to address U.S. firearms trafficking to Mexico. Nevertheless, to get this troubling phenomenon under control the U.S. government should consider taking several additional steps. First, the U.S. Congress could more significantly ramp up funding for ATF programs that have demonstrated a positive impact on prosecutions and seizures, including adding ATF staff along the southwest U.S. border and in Mexico where U.S. firearms are being seized. As demonstrated by ATF's GRIT operation in Houston, Texas, in 2009, an influx of 100 ATF agents into an area of heavy U.S. firearms trafficking resulted in a large increase in U.S. prosecutions, as well as, firearms and ammunition seizures. Additionally, since the Mexican government is seizing a large amount of firearms in the Mexican states of Michoacan, Sinaloa, Tamaulipas, and Jalisco, it would seem logical to increase funding for ATF to add agents to U.S. consulates in Guadalajara (for Jalisco and Michoacan), Hermosillo (for Sinaloa),

²⁰⁷Kara Rowland, "Calderon Blames U.S. guns for Violence," *The Washington Times*, May 21, 2010.

²⁰⁸Statement of Kenneth E. Melson, ATF, March 4, 2010.

²⁰⁹Author communication ATF official in August 2010. ATF analysis was presented at the International Terrorism Conference in Anaheim, CA.

²¹⁰Author communication with ATF official in January 2010. Author phone conversation with staff from Violence Policy Center in May 2010.

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and Nuevo Laredo and Reynosa (for Tamaulipas). Although the authors did not fully research ICE's staffing needs, they have contributed numerous U.S.-related prosecutions and should also be considered for additional funding.

To better address some of the challenges ATF and ICE have faced in referring firearms trafficking cases for U.S. prosecution, there are a few options. Similar to the Arizona state attorney's experience, other state attorneys general could bring charges against individuals engaged in straw purchasing based on state laws related to "fraudulent schemes." ATF and ICE, however, will need to avoid the problems ATF encountered with the X-Caliber case. States should also consider adding a law on straw purchasing as Colorado has done or adding a separate state form similar to the federal form 4473 for individuals to fill out when purchasing a firearm as California has done. New congressional funding to add 30 U.S. attorneys to support cases on firearms and cash smuggling along the U.S. southwest border should also help.²¹¹ In partnership with the gun industry trade association, the National Shooting Sports Foundation, ATF developed a campaign entitled "Don't Lie for the Other Guy" designed to reduce firearm straw purchasing by educating gun dealers, U.S. citizens, and residents of the illegality of such practices and started implementing it in some but not all key U.S. cities along the southwest border in 2008.²¹² The campaign educates people by putting signs in U.S. gun stores, billboards along the highway, and at bus stops.²¹³ Although there doesn't seem to be any evaluation of the program, it appears the campaign could help to reduce straw purchasing if the threat of sanctions is real. Having more ATF staff working to enforce this law and perhaps increasing the penalties for a straw purchase could make it more effective. Also, U.S. authorities could add a phrase to form 4473 about the illegality of transferring firearms to Mexico unless one obtains a license, to improve U.S. prosecutions on cases related to smuggling of firearms into Mexico.²¹⁴

The U.S. government should also consider changes in federal law related to firearms purchasing and some federal enforcement practices. Similar to when individuals buy multiple handguns, for example, a federal or state law could be created so that U.S. authorities would be notified when individuals buy a certain amount of military-style firearms in a short period of time. As the example in the introduction

²¹¹U.S. Department of Justice, "New Congressional Funding to Enhance Department of Justice Southwest Border Strategy," August 12, 2010, online at <http://www.atf.gov/press/releases/2010/08/081210-doj-new-congressional-funding-for-southwest-border.html>.

²¹²Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), "Don't Lie for the Other Guy Campaign," Fact Sheet, June 2008, <http://www.atf.gov/publications/factsheets/factsheet-dont-lie-campaign.html>.
<http://www.dontlie.org/tour.cfm>

²¹³Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), "Don't Lie for the Other Guy Campaign," Fact Sheet, June 2008.

²¹⁴U.S. authorities in Arizona have encountered difficulties with prosecutions related to smuggling as the law requires individuals to know that they are breaking the law when they transport firearms from the United States to Mexico without first obtaining a license from the U.S. government.

shows, this information is key to helping stop firearms trafficking to Mexico. With added staff, ATF could also increase their annual inspections of U.S. gun stores along the southwest border and be more aggressive in revoking the license of U.S. gun stores that repeatedly violate U.S. law. Adding a way for ATF to fine U.S. gun stores for violations, much as the U.S. government has fined U.S. arms manufacturers that violate U.S. arms export control laws, could be an effective intermediate method to help curb illegal activities. Since the U.S. government already bans the importation of semi-automatic assault rifles into the United States and many assault rifles that reach Mexican DTOs come from U.S. imports, ATF could better enforce this law.

The U.S. government should also ensure some type of import markings are placed on AK-47 semi-automatic rifle part kits imported into the United States. As private sales through gun shows and other means are easy ways for prohibited buyers to obtain firearms, it also remains critical to require private sellers to check the background of the seller and keep records of their sales. To better curb the large volume of ammunition to DTOs, U.S. gun stores and other sellers should also conduct a background check on individuals buying ammunition and keep essential records on those purchases. Similar efforts have been used by authorities in Los Angeles, and it has prevented prohibited buyers from purchasing ammunition.²¹⁵

While the authors believe the most effective way to curb firearms trafficking to Mexico is by focusing on how to prevent and stop illegal firearms buying in the United States, both the U.S. and the Mexican governments could strengthen some of their efforts at the border that would help stem firearms smuggling and not curtail the flow of civilian vehicle traffic significantly. For instance, U.S. authorities at the border could improve their ability to detect and stop vehicles they are aware are attempting to smuggle firearms from the United States to Mexico, including increasing the number of quality license plate readers for southbound operations at the border.²¹⁶ Building some infrastructure at U.S. southbound areas would also help prevent vehicles from escaping inspection by speeding across the border and protect CBP and ICE staff. Both the U.S. and Mexican governments could also engage in random inspections of vehicles at times when the likelihood of firearms smuggling may be high. For example, it is more likely that one would find a few cars attempting to smuggle firearms into Mexico several hours after a U.S. gun show in U.S. cities along the U.S.-Mexico border.

Lastly, the Mexican government should consider improving some of its efforts related to tracing firearms. In order to speed up the time between when a firearm is seized in Mexico and when it is submitted for tracing to ATF, the PGR could more

²¹⁵Legal Community Against Violence (LCAV), *Ammunition Regulation*, February, 2008.

²¹⁶Testimony of Allen Gina, Assistant Commissioner, Office of Intelligence and Operations Coordination, U.S. Customs and Border Protection, Department of Homeland Security, before the House Homeland Security Committee, Subcommittee on Border, Maritime and Global Terrorism and the House Foreign Affairs Committee, Subcommittee on Western Hemisphere, May 27, 2010, online at http://www.cbp.gov/xp/cgov/newsroom/congressional_test/gina_mexico.xml.

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quickly move ahead with plans to provide field staff in all Mexican states with the capacity to independently submit an electronic trace request to ATF. This action would be key for ATF to track down criminal suspects in the United States and thwart future firearm trafficking to Mexico. Once PGR's plan is approved, it would help if ATF provided PGR officials in Mexican states with Spanish eTrace, training on identifying firearms and filling out the eTrace forms, and eventually and potentially full access to ballistics information through NIBIN. The PGR should also create a formal policy that allows ATF to physically inspect firearms housed eized and stored in Mexico along with Mexican authorities to speed up the tracing and assist with U.S. criminal prosecutions in the United States. Although it appears the Mexican government is prosecuting many individuals related to firearms trafficking in Mexico, this could be researched further and perhaps improved.

The U.S. government continues to have a unique opportunity to assist the Calderon administration to weaken Mexican DTOs before the situation worsens. Helping curb DTOs' easy access to large quantities of sophisticated firearms and ammunition and thus their ability to overpower Mexican authorities is one critical way the U.S. government can address a serious threat to Mexico and increasingly to the United States.

