

Prepared Statement of Michael R. Bouchard

**Statement of Michael R. Bouchard, Retired Assistant Director
Bureau of Alcohol, Tobacco, Firearms and Explosives**

**Before the House Committee on Oversight and Government Reform
United States House of Representatives**

**Concerning Operation Fast and Furious and Related Firearms Trafficking
and Straw Purchase Issues.**

June 30, 2011

Good morning Representative Cummings and other distinguished members of this committee.

Thank you for the opportunity to appear before you to discuss an important matter that we all care very deeply about - keeping firearms out of the hands of criminals. Today, I am here to identify some of the difficulties which ATF and law enforcement officials face in the identification, apprehension, and prosecution of "firearm traffickers" – people who provide guns to others for criminal misuse.

By way of background, I was a career law enforcement officer. I was a police officer for more than 7 years and spent 20 years with ATF. Before retiring from ATF more than 3 years ago, I held a number of positions including field agent, supervisor, Chief, Arson and Explosives Programs Division, Special Agent in Charge, Baltimore Field Division, Deputy Assistant Director, Office of Strategic Intelligence and Information as well as Assistant Director, Field Operations. My statement and testimony before you today is based on my experience gained while conducting and supervising firearm trafficking investigations and while managing ATF's national field operations which often involved these types of cases.

Congress declared that the purpose of the Federal Firearms Law cited as the Gun Control Act of 1968 (GCA): *"....is to provide support to Federal, State, and local law enforcement officials in their fight against crime and violence, and it is not the purpose of this title to place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms appropriate to the use of hunting, trapshooting, target shooting, personal protection, or any other lawful activity, and that this title is not intended to discourage or eliminate the private ownership or use of firearms by law abiding citizens for lawful purposes, or provide for the imposition by Federal regulations of any procedures or requirements other than those reasonably necessary to implement and effectuate the provisions of this title."*

I can attest to the fact that from the first day on the job when the bureau swears its new special agents and industry investigators to the oath supporting and defending the Constitution of the United States, ATF instills in them the spirit, understanding and respect for what Congress has declared as the purpose to the GCA of 1968. ATF employees are keenly sensitive to the right to bear arms.

While the words in the preamble to the GCA recognize the plain and simple fact that firearms have a legitimate place in our society and provide many benefits, there is also recognition of another fact - when misused in crimes, firearms can have serious and violent consequences.

Therein lays the challenge which I believe underpins this hearing today: To enforce the Federal firearm laws so as to stop armed criminals while at the same time respecting the rights of lawful gun owners. Outside on the streets where armed criminals commit acts of gun violence, there are some “slippery slopes” to navigate in order to properly meet this challenge.

ATF’s main goal is to “protect the public” hopefully by preventing crime, before it occurs.

In the firearms arena, this can mean denying a potential criminal access to firearms through the background checks required by law at the time of purchase and it can mean disrupting and dismantling large and small firearms trafficking schemes which put guns into the hands of violent criminals.

Unfortunately, criminals bent on acquiring guns can be very clever in the methods that they use to circumvent the law and avoid detection. ATF and law enforcement must continually adjust to the criminal’s changing tactics and develop new strategies and tactics of their own.

Speaking of tactics, many times the tactics used by ATF are simultaneously viewed as too aggressive by some and not aggressive enough by others.

In general, on a day to day basis, ATF agents and investigators have been able to effectively prove some of these criticisms to be unwarranted by staying focused and true to the purpose of the GCA in stopping armed criminals while protecting the rights of law abiding citizens. Some time criticism is warranted but it is the exception rather than the rule. In fact, ATF is one of the most productive federal law enforcement agencies in the country, consistently generating the most criminal cases per agent, and producing some of the highest conviction rates in the country.

Generally the Federal Firearm Laws that ATF enforces prohibit such things as:

- Engaging in the business of dealing in firearms without a license.
- Selling or providing firearms to people known or having reasonable cause to believe are prohibited by law from possessing firearms.
- Causing firearms to be shipped by a common or contract carrier for transportation in interstate or foreign commerce to unlicensed persons.
- Knowingly making false statements and entries in records required to be kept pursuant to the law.
- Stealing and possessing stolen firearms which have affected interstate commerce
- Transferring a firearm knowing that it will be used in a crime of violence of drug trafficking crime.

First, there is no specific definition of “firearm trafficking”; the closest related term defined in the Federal Firearms Laws is most likely “engaged in the business” without a license. The term engaged in business is defined to only include persons who devote “time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms.” 18 U.S.C. 921(a)(21). The connotative differences in these two terms alone begin to cloud this issue.

It is difficult to quantify how many firearms are “trafficked” each year. ATF typically looks at a number of factors such as comparing where the gun was purchased, where it turned up in a crime, as well as the time frame between when it was purchased and recovered, commonly referred to as “time to crime.” If they see multiple recoveries from the same purchaser, or multiple recoveries

from guns purchased in a specific region, they may delve more closely into the matter.

Every firearm trafficking case differs based on the techniques used by the criminals, the complexity of the trafficking organizations, as well as the geographic area covered by the organization. For the purpose of this hearing, I will concentrate on the complexities of attacking a trafficking organization that supplies Mexican drug cartels.

Any criminal organization has a hierarchy and each assigns specific tasks to its members. Drug cartels assign some individuals to traffic narcotics, assign others to handle drug proceeds and yet others to supply the organization with firearms and explosives.

Firearms and explosives are used to protect the drugs, the proceeds, as well as to attack competitors or the police and military. In many cases, they are used to intimidate the population to ensure the citizens do not inform the police on the illegal activities of the organization.

When a “cell” in a criminal organization is formed to supply firearms, the cell leader creates “layers” of employees under him. Each layer isolates itself and employs even more people. At the lowest level are the gun buyers, often called “straw purchasers.” In traditional trafficking cases where the entire organization remains in the U.S., it is easier to target the entire organization. In cases involving Mexican cartels, the border causes significant complications for investigators, particularly when surveillance and wiretaps are involved.

In cases where firearms are legally sold between countries, the Department of State and the Immigration and Customs Enforcement become involved. ICE and the Customs and Border Patrol are also involved in interdicting the flow of illegal firearms from the United States to other countries such as Mexico.

What inevitably happens in these Mexico trafficking operations is that “straw purchasers” – people who complete the legal U.S. firearms transaction process in order to buy a gun actually intended for other people, wind up violating ATF laws first. In effect, ATF becomes tantamount to the first responder

Legal buyer or straw purchaser?

Straw purchasers typically have no criminal record and buy firearms on behalf of others for various reasons (i.e. profit, coercion, conspiracy, etc). If they buy firearms from Federal Firearm Licensees (FFL’s) they must fill out a Firearms Transaction Record Form 4473. This essentially establishes their eligibility to purchase the firearm. There is a question on the form which asks if they are buying the firearm for themselves or another person. If they answer it is for another person, the sale cannot proceed.

This becomes complicated because it is difficult to know if the person buying the guns from the dealer is a “straw purchaser” i.e, someone who uses someone else’s money to purchase a weapon on behalf of the other person; or whether the person is a “trafficker” i.e, engaging in the business of buying weapons they intend to transfer to others. If it is the former, one buy while lying on the form is a crime, if it is the latter he isn’t violating the law of engaging in business unless he engages in repetitive transactions with a motive of livelihood or profit. Everyone has a tendency to lump all of the purchasers as “straw purchasers” unless you know the arrangement behind it all you don’t know what crime may be occurring. An example of how confusing this can be is: if I buy a gun for a friend as a retirement present, I am not a straw purchaser. If I buy a .22 rifle for my minor son, I am not a straw purchaser. In both case I may intend to later transfer the firearms

to someone else, but at the moment of purchase I am the buyer and will have complete control over what I subsequently do with the weapon. I am a straw purchaser if you supply the money and I never really own the weapon, even though I filled out the form.

If the buyer lies, there is no way for the FFL to know that and most likely the transaction will proceed if all else is in order. Strikingly at this very point in time NO provable crime has occurred unless law enforcement already possesses the evidence to prove the purchaser knowingly provided false information to the FFL that the gun was being purchased for another person.

If the straw purchaser buys the gun from a gun show or from a private individual, regardless of how many they buy, NO crime has been committed because no federal forms were completed even if they bought the guns on someone else's behalf. If a purchaser was just looking for a way to make a few bucks reselling the firearms, there is no crime until repetitive transactions take place. A one-time purchase and resale would not meet the definition of engaged in the business of dealing in firearms without a license. Even proving the element of "with the principle objective of livelihood and profit" is not as cut and dry as one might expect and could require moderate to significant investigative effort to establish the elements of proof.

Perfecting straw purchasing or engaged in the business cases and getting it prosecuted and tried are much different matters. In some jurisdictions these are not looked upon as priority cases because of many factors ranging from local customs and attitudes and to the fact that convictions merit low sentencing guidelines.

Our Crime Solving Success Depends Upon the Generation of Actionable Information

Information is the lifeblood of every investigation. Crime solving success is dependent upon our ability to collect and process data, sometimes involving tiny pieces of the puzzle, and assemble that data into actionable information and investigative leads. Law enforcement relies upon a number of sources involving the three "T"s; Teamwork, Tactics and Technology. When the three "T"s operate together, crime solving is most effective.

This following are examples of what law enforcement relies upon:

Teamwork:

Teamwork involves the coordination of information within ATF and across the entire Federal, state and local law enforcement community. There must be sustainable and standardized processes in place to collect, process and share information about the misuse of firearms across jurisdictions.

Teamwork also involves the entire criminal justice system. Prosecution and sentencing guidelines must recognize societal impact of straw purchases, and dealing in firearms without a license because they can have long lasting effects even after the case is adjudicated.

Teamwork involves lawmakers like you to provide law enforcement with clear laws to enforce carrying appropriate penalties to fit the crime. Law enforcement depends upon on you to appropriate the right number of resources and tools needed to enforce these laws and to sustain their ability to adapt to changing conditions.

Teamwork also involves the support of the firearms industry. I work closely with FFL Guard; an association that helps FFL's comply with the law. Their constituents are constantly seeking

advice on how they can continue to operate as legitimate businessmen who follow the law, while at the same time; they don't want to sell guns to those who put them in the hands of criminals. They work closely with ATF to ensure dealers and law enforcement are working together to prevent firearms from ending up in the hands of criminals.

Another association, the National Shooting Sports Foundation has worked closely with ATF to educate dealers and firearms purchasers in a program called "Don't Lie for The Other Guy." This program trains dealers to recognize the signs of straw purchases and also educates buyers about the risks associated with straw purchases. Together with ATF, they have undoubtedly reduced the number of straw purchases in the United States.

I am confident that the responsible people in the firearms industry are interested in collectively developing our strategies to keep firearms out of the hands of criminals.

Teamwork also involves the public at large.

Tactics:

It is extremely difficult to identify firearms traffickers, particularly when the chain starts with what appears to be a lawful sale to a person who is not prohibited from purchasing or possessing firearms. Ideally, ATF and other law enforcement agencies desire to identify unlawful transfers as soon as they occur. However, that is not always possible. As a result, they often resort to various investigative tactics to determine if a law has been broken.

Thorough investigation, good old fashioned police work is the keystone tactic to conducting a gun trafficking investigation. This requires careful and diligent investigation in order to first establish if a crime in fact has been committed. It is not against the law in most states to make repetitive purchases involving multiple firearms. The key is- how can one differentiate who is a law abiding citizen and who is up to no good. As stated earlier the challenge is to stop armed criminals while respecting the rights of lawful gun owners.

Surveillance and interviews of individuals are essential tactics in firearms trafficking investigations. The goal is to identify all of the co conspirators in an organization and that often involves watching firearms change hands. The most difficult decision is when to end the surveillance and approach the suspects. If sufficient evidence does not exist for a prosecution e.g. an illegal transfer hasn't taken place, or the prosecutor wants to see a certain number of firearms change hands, there is little the law enforcement officer can do. If they are too aggressive, they risk violating the rights of a gun owner.

The use of informants is another tactic relied upon. Usually the investigations can move forward much more quickly because the informant may have quick access to violators and what they are doing. Informants can introduce undercover agents trained and adept at gathering the critical evidence needed to determine and prove a violation. The protection of the informant becomes a matter to be dealt with carefully and professionally.

Another useful tactic is the reporting of multiple sales as required by law of federally licensed dealers. In many cases, this tool can act as an early notice that someone may be involved in trafficking firearms. Without it, ATF may have to wait until the guns are traced in crimes.

Presently, whenever a person buys two or more handguns from an FFL in a 5 business day period, a multiple sales report is sent from the FFL to ATF declaring the sale. With this

information, ATF can make certain inquiries to determine if further investigation is warranted. The purchaser is under no obligation to speak to the agents making inquiry as the fact the sales transaction was completed at least on its face indicated that the FFL believed the legal requirements of the transaction were met. The private sales of handguns are not subject to multiple sales reporting at all. Furthermore, rifles and shotguns are not subject to any multiple sales reporting at this time.

This requires careful and diligent investigation in order to determine if a crime is being committed because the Federal government and most states do not impose limitations as to the number of guns a person may buy. In fact, many people buy large numbers of firearms for their “personal collection” and often sell them through private sales.

Technology.

Crime Gun Tracing, eTrace and NCIC, help police identify purchasers and the unlawful possessors of firearms and help determine patterns and trends which can be of use in developing new tactics and strategies in combating unlawful gun trafficking. This data helps law enforcement understand “who” was involved in the transactional history of the firearm in question. This data however is not tracked in connection with gun sales made between non-licensed individuals causing the trace process to come to a dead end.

There are arguments about how trace data is used because some claim statistics can be manipulated based on the wording in the request for data. Consistency in requests for data requests would serve to ensure the most accurate data is produced.

The National Integrated Ballistics Information Network (NIBIN) relates to bullets and cartridge cases, discharged during crimes. Police rely upon this data to link seized firearms to prior crimes and to link two or more crimes together. NIBIN helps them understand “what” specific crimes a firearm was misused in.

Tools like eTrace for crime gun tracing, NCIC for stolen firearms reporting and recognition, NIBIN for ballistics evidence, CODIS for DNA, and AFIS for fingerprints, can help police identify criminals and prevent them from escaping detection simply by crossing a city, state or international boundary line.

Maximum utilization of these tools can be accomplished through sustainable operational support and well defined and consistently applied protocols applied regionally by all law enforcement agencies in areas where armed criminals are most likely to be crossing multiple police jurisdictions as criminals have done in the very matters we are discussing today.

The Difficulties of Deciding Which Tactics to Use

When conducting firearms trafficking investigations, investigators can pursue the individual straw purchaser, who operates at the lowest level of the organization, or target higher level individual in the criminal organization. Like drug dealers, straw purchasers are easily replaced by an endless supply of people who are willing to assume the risk.

Not long ago, ATF faced stiff criticism from the Office of Inspector General for concentrating on straw purchasers. It was suggested that ATF limit those cases and target the senior levels of trafficking organizations.

If law enforcement chooses to attack the hierarchy of the organization, they must prove that the firearms purchased by the straw purchaser were delivered to another and on up the chain. The investigators must collect and develop evidence to show that something unlawful occurred in the transfer, possession, and use of those firearms.

If the agent has sights on the higher levels of the organizations, he/ she will have to use a number of tactics such as surveillance, wiretaps, and prove the hierarchy directed the purchase and illegal transfer of firearms for criminal purposes. Attacking the hierarchy is the most efficient and effective way to dismantle a gun trafficking network, it is not without difficulties and risk. In the case of trafficking guns to Mexico, the agents must prove the firearms were intended for the organization and members of the conspiracy acted together to violate the law.

Adjusting Law Enforcement Tactics to Fit the Local Crime Problem

Criminals are often smart and adjust their tactics based on how law enforcement investigates crimes. Having nothing but time and endless resources at their disposal, they can frequently sit back and wait for law enforcement to move elsewhere before they commit their crimes. For example, if traffickers suspect law enforcement has followed a straw purchaser to a location; they will simply leave the guns at a location and not take any action. Since the firearms are not contraband and the straw purchaser is not prohibited from buying guns, no crime has taken place. Although law enforcement officials strongly suspect a crime has occurred, they cannot seize the firearms, or take any action. They can spend endless hours conducting surveillance, or they can take aggressive action against the potential offenders and issue them a warning. They must keep in mind, the same organization will have numerous straw purchasers doing the same thing across a wide spread area.

In the past, in response to rising violent crime, ATF has aggressively approached suspected straw purchasers and used a variety of investigative tactics to prove their cases. In the case of the Richmond Virginia Gun Shows in 2006, ATF's actions drew swift criticism from the gun lobby and Congressional members.

I testified before the House Sub-Committee on Crime, Terrorism and Homeland Security to explain the tactics used by ATF. Those tactics worked and they helped reduce the number of firearm related murders and assaults in Richmond, Virginia. While some tactics were not consistent with ATF's best practices, they were all legal and were enforced equally to avoid any type of "profiling." In fact, the Department of Justice Office of the Inspector General later reported the difficulties ATF faced when approaching straw purchasers, specifically at gun shows.

My point here is that ATF must be vigilant to continually balance the mission to enforce the Federal Firearm Laws so as to stop armed criminals while at the same time fulfilling its mission to respect the rights of lawful gun owners. ATF relies on you and the public to get that right. The key is to ensure that ATF follows the law, treats everyone equally and strives to prevent crimes before they occur. I know from my experience at ATF its people are open to new ideas and ways in which to improve.

These examples provide a brief glimpse into the quandary faced by law enforcement when investigating straw purchasers and suspected firearms traffickers. The guns are not contraband and the buyer most often isn't prohibited from purchasing quantities of guns. The buyer can sell the guns as long as they did not lie on the form 4473 and their actions do not rise to the level of

“engaging in the business without a license”. Generally speaking, the buyer can hold onto those guns and sit back and watch for any law enforcement action. If and when the guns involved in the scheme turn up in crimes and are traced back to the violators, law enforcement can take more additional investigative action (e.g. search and arrest warrants). Meanwhile, until the firearms are moved to through the organization, investigators cannot prove that senior members of the organization conspired with others to perform overt acts in furtherance of the crime (e.g. paying for the firearms, issuing directives, taking possession, etc.) the hierarchy remains in place and are free to backfill those who face arrest.

Weak Penalties Exist for Straw Purchasers and Gun Traffickers.

Even when a case is perfected against a straw purchaser and a federal conviction is obtained, the sentences they receive are extremely weak. Since straw purchasers typically have no previous record, they are not likely to be sentenced to prison for more than six months unless extremely high numbers of firearms are proven to have been trafficked. In those cases, they simply plea to one count and accept their light sentence. The sentencing guidelines do not reflect the seriousness and long lasting effects of the problem of illegally trafficked guns – each one a ticking time bomb held by criminals hiding within in our communities and as the months and years go by, they are used in more violent crimes. In my opinion, straw purchasing of firearms should be treated not as a falsification of a federal form, but as a serious act where a firearm was put into the hands of a criminal. In essence, the straw purchaser is a co conspirator liable for the actions of the others.

Concerns on the Part of Federal Firearms Licensees and Certain Trade Associations

The issue of straw purchasing and firearms trafficking is a matter of concern for many FFL’s, as well as trade associations who represent them. The dealers face a dilemma, if they believe a firearm transaction is illegal, they cannot make the sale. However, in many cases, the straw purchase of firearms isn’t blatant; in fact it is well hidden.

Commonly, straw purchasers buy quantities of the same type of firearm, or they buy a type of firearm that is often traced back to crimes in that area. The FFL may suspect the person is a straw buyer but can’t prove it because buying multiple firearms is not illegal.

If the dealer contacts law enforcement and brings it to their attention, they face the potential loss of business from customers, or they could face serious harm if a trafficking organization believes the dealer tipped police to their activities.

In some cases, ATF may be monitoring the sales and tells the dealer to let the sales take place so they can follow the guns to the responsible parties in the trafficking scheme. This places the dealer in a quandary.

If a large number of guns purchased from a dealer are traced to crimes, the dealer often faces public scrutiny as being a source of crime guns when in fact they unwittingly sold to people they thought were legitimate, or they were working with law enforcement in an investigation.

Conclusion

In conclusion, I want to thank the committee for the opportunity of meeting with you today. While I retired from ATF more than 3 ½ years ago, I still care deeply for the dedicated employees who work there, and I care deeply about the mission they undertake each day. They do their best

every day to keep our country safe. While they occasionally make mistakes and everyone may not always agree with their approaches, they are out there every day, risking their lives to keep guns out of the hands of criminals. I hope your committee can help ATF and the entire law enforcement community, strengthen their ability to combat firearm trafficking organizations. It is obvious that the criminals change their tactics to exploit weaknesses in our laws. I believe we all know it is time that we put ideologies aside and use common sense approaches to attack a problem that affects the security of our country and its neighbors.

As policy makers, you decide what issues merit your attention, and what existing policies need to be adjusted. In my opinion, the most urgent matters facing those charged with investigating gun crimes are:

- Multiple sales reporting on certain long guns (e.g. auto loading rifles) – these guns are the core of the trafficking to Mexico issue.
- The recognition of societal impact of straw purchase & dealing in firearms without a license in the prosecution and sentencing guidelines for use in the field.
- The need for specific a firearm trafficking statute and appropriate penalty.
- The issue of extending current background checks to all sales of firearms at gun shows.
- The effective use of crime solving data collection systems like eTrace and NIBIN by directing all Federal agencies to trace their crime guns through ATF and process them through NIBIN.

I would be happy to answer any questions the committee may have.

Testimony By

Colby Goodman

Independent Consultant

Lead Author or Author of

“U.S. Firearms Trafficking to Mexico: New Data and Insights Illuminate Key Trends and Challenges”

And

“Update on U.S. Firearms Trafficking to Mexico Report”

Before the

U.S. House of Representatives

Government Reform and Oversight Committee

“Forum on the flow of illegal guns on both sides of the U.S./Mexico border”

Thursday, June 30, 2011

“Understanding Data and Evidence on U.S. Firearms Seized in Mexico”

Written Statement by Colby Goodman

Thursday, June 30, 2011

Introduction

Ranking Member Cummings and distinguished Members of the Committee, I am grateful for the opportunity to appear before you today to discuss the issue of U.S. firearms trafficking to Mexico. Although my research expertise had previously involved investigating international arms trafficking to countries under UN arms embargoes, I was pleased to receive a request from my colleague Eric Olson at the Woodrow Wilson International Center for Scholars to write a report about U.S. firearms trafficking to Mexico in late 2009. After repeatedly hearing anecdotal accounts of U.S.-origin firearms being used by Mexican organized crime groups, I looked forward to getting a better grip on the magnitude of the problem and the role U.S. firearms were playing in Mexico.

Luckily, for my research, sometime in late 2009, the Mexican authorities provided the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) with a huge list of firearms seized in Mexico since the start of President Calderon’s Administration in December 2006. While Mexico still needs to make significant improvements in its firearm trace requests for ATF to effectively initiate U.S. investigations, this list was the start of much improved information sharing on guns recovered in Mexico. Critically, the list and many additional firearm trace requests, totaling over 78,000 as of April 2011, from Mexico has given ATF a much better sense of the role U.S.-origin firearms are playing in Mexico. And, I am pleased that ATF has recently publicly released additional data on U.S.-origin firearms recovered in Mexico in 2009 and 2009 to Senators Feinstein, Schumer, and Whitehouse.

As a result, we now know without a doubt that at least 30,265 U.S.-origin firearms have been recovered in Mexico between the years of 2007 and 2010. At least two factors suggest that there have been many more U.S.-origin firearms recovered in Mexico from 2007 to 2010: 1) ATF places each firearm it receives information on in the year in which it was seized in Mexico instead of the year ATF receives the trace request; and, 2) Mexico often sends trace requests to ATF for firearms seized in Mexico over a year and a half ago. Thus, publicly available data from June 2009 that provides data on U.S.-origin firearms recovered in Mexico in 2008 and 2007 is likely seriously under estimating the current number.

While previously released information on U.S.-origin firearms recovered in Mexico has helped motivate the U.S. Congress to increase funding for ATF to combat U.S. firearms trafficking to Mexico, there is still significant confusion and some misconceptions about elements of the issue. ATF’s unwillingness to provide some key aggregate data to the public and explain it as well as the fact that one can rarely get a full picture of such an illegal trade has contributed to this confusion. In an attempt to clarify these issues, I will highlight what the current publicly available data and evidence shows. This will be followed by some information on how U.S.-origin firearms are being used and a few recommendations to address the current problems.

Myth 1: ATF only has information on a very limited number of firearms seized in Mexico

With the release of the insightful Government Accountability Office (GAO) report in June 2009 entitled “U.S. Efforts to Combat Arms Trafficking to Mexico Face Planning and Coordination

Challenges,” the wider U.S. policy community became better aware of many issues related to U.S. firearms trafficking to Mexico. One of those issues was the fact that Mexico was only providing firearm trace requests to ATF on a small number of the overall total firearms they had seized each year. According to this GAO report, for example, “in 2008, of the almost 30,000 firearms that the Mexican Attorney General’s office said were seized, only around 7,200, or approximately a quarter [25 percent], were submitted to ATF for tracing.” Although this was the case in June 2009, things have changed.

Since late 2009, as mentioned earlier, Mexico has been providing a lot more data to ATF on the firearms it seizes. According to recent Mexican government figures, Mexico has confiscated a total of 102,600 firearms as a part of various crimes in Mexico from the start of President Calderon’s Administration in December 2006 to March 10, 2011. Of the 102,600 firearms, ATF has indicated that Mexico has submitted 78,641 firearm trace requests related to firearms seized from December 2006 to March 2010. While ATF has since said thousands of these trace requests are duplicates, that gives ATF information on at least 68,000 unique firearms or 70 percent of Mexico’s total. The more pressing problem now is the quality of the information in the trace requests.

Myth 2: The overwhelming majority of the U.S.-origin firearms seized in Mexico come from U.S. government transfers to the Mexican military or police

While it’s possible although not probable when more data becomes available that U.S. government approved exports will have a larger role, it is clear from the current data and evidence that Mexican organized crime organizations are obtaining many of their firearms from the U.S. domestic gun market. According to ATF in May 2010, they were able to trace to the first purchaser or seller an estimated 25 percent (17,452) of the firearms Mexico had seized from 2007 to 2010 (69,808). According to U.S. officials within ATF and the U.S. Department of State, of the 17,452 firearms, ATF traced only around one percent of them to U.S. government approved exports of firearms to Mexico. ATF traced the rest of these firearms to first purchasers in the U.S. domestic gun market.

Additionally, ATF said in March 2010 that individuals connected with U.S. prosecutions related to the U.S. domestic gun market illegally transferred an estimated 14,923 U.S. firearms to Mexico from FY 2005 to FY 2009. In FY 2009 alone, such individuals trafficked 4,976 U.S. firearms to Mexico. In a recent example from March 2011, a U.S. Federal Grand Jury in Texas indicted three men for illegally buying firearms at U.S. gun stores to be delivered to Mexico. The case also alleges that a pistol one of the men purchased in October 2010 from a Texas gun dealer was used in an attack on two U.S. ICE agents in Mexico, killing one agent and wounding another.

Myth 3: Mexican organized crime groups are not obtaining their automatic AK-47s from United States

Although it is certainly true that Mexican organized crime groups are buying AK-47s from Central America, ATF has indicated that some of the U.S. imported AK-47s had been converted from semi-automatic rifles to fire as a select-fire machine guns before being seized by Mexican authorities. There have been reports that specialists in Mexico do the conversions, but it’s also possible the conversion happens in the United States. Additionally, there is evidence to suggest that Mexican organized crime groups value newer or refurbished U.S. imported AK-47s over older often less taken care of AK-47s from Central America. A former drug trafficker indicated to my co-author, Michael Marizco, that one can sell an AK-47 in Mexico along the southwest border for two to three times the price of what it costs in the United States. If one sells the same AK-47 farther from the U.S. border in Mexico, say in Oaxaca, the firearm can be sold five to seven times above the purchase price.

Role of U.S.-origin firearms in Mexico

While it is clear that arms such as hand grenades, rocket propelled grenades, and mortars obtained from Central America are wreaking havoc in Mexico, there are many anecdotal accounts showing that Mexican crime groups are using firearms, including of U.S.-origin, in troubling ways. Often preferring to engage in surprise or secret attacks, Mexican organized groups have used powerful pistols or concealable AK-47s for many of their attacks on Mexican authorities, frequently fueling corruption and insecurity among civilians. Stemming from just one U.S. firearms trafficking scheme in 2007, for example, ATF found that U.S. AR-15 rifles and Berretta and FN pistols, among other firearms, had been used in attacks on Mexican Police, civilian judiciary staff, the military, and a Mexican businessman. According to a Washington Post article in April 2011, children are also increasingly a target in drug violence. In the recent past, for instance, they have been “shot in a car seat... [and] killed as their grandmothers cradled them.”

Sometimes, Mexican organized crimes groups can have the upper hand against Mexican police just by obtaining more firearms or ammunition. In May 2008, for instance, seven Mexican federal police officers were gunned down by Mexican traffickers because the traffickers had more ammunition.

U.S.-origin .50 BMG caliber sniper rifles have also played a destructive role in Mexico. ATF officials have said Mexican crime groups continue to seek .50 BMG caliber rifles because they can strike accurately from more than a mile away and penetrate light armor. In several examples, such groups have used .50 BMG caliber rifles to assassinate Mexican police and other government officials traveling in armored vehicles. In early 2008, for example, it was reported that Mexican gunmen used a U.S.-origin .50 BMG caliber rifle to shoot Francisco Salazar, the head of local police operations in Ciudad Juárez. In Sonora, Mexico my co-author spoke with Jesus Angel, a former drug trafficker for the Juarez Cartel. Describing the way Mexican organized crime groups use .50 caliber rifles, he said: “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.”

Conclusion and Recommendations

Given the increased data and evidence on U.S. firearms in Mexico, it is abundantly clear that U.S.-origin firearms have and are playing a significant role in the violence in Mexico. The time has certainly come for the U.S. government to take stronger and more effective action to combat this issue. First, in order to stop more firearms traffickers in the act, the U.S. Congress could help ATF get passed its proposed rule requiring U.S. gun stores to notify U.S. law enforcement when an individual buys two or more assault-type rifles in a month. If there needs to be a narrowing of this proposed rule to push it through, I would encourage my colleagues to consider it.

Second, the U.S. Congress should seriously consider ways of addressing U.S. Attorneys unwillingness to accept U.S. firearms trafficking to Mexico cases involving straw purchasers. This unwillingness has been a major factor as to why ATF agents often “watch” known arms traffickers until they traffic dozens of firearms. This challenge could be improved by increasing the prison sentences for straw purchasers and by creating a narrowly focused firearms trafficking statute. Third, the U.S. Congress could specifically earmark funding for the U.S. Department of Homeland Security to add higher quality license plate readers to more of the U.S. outbound highways as a way to help ATF stop traffickers and improve evidence for criminal cases.

Although these improved actions would likely have no immediate effect on preventing a trafficker from shooting a Mexican police officer, they, along with greater efforts to stem trafficking from Central America, could eventually help reduce organized crime group's massive arsenals of guns and ammunition. And, this reduction in capabilities, both in total numbers and loss of firearm sophistication, might weaken such organizations enough for Mexican authorities to overtake them or regain some space. As a result, it would be easier for Mexican authorities to proceed with their judicial and police sector reforms and eventually provide more security to its citizens. Allowing the current state of play to continue, however, would likely take away an important element in the U.S. and Mexican governments fight to tackle Mexican organized crime.

Thank you and I am happy to answer any questions.



Statement By

**Eric L. Olson, Senior Associate
Woodrow Wilson International Center for Scholars
Latin America Program - Mexico Institute**

**Prepared for a Congressional Forum
On Violence and Firearms Trafficking to Mexico
Thursday, June 30, 2011
Congressional Visitor's Center**

“Threats posed to Mexico and the United State by organized criminal networks.”

Public Statement by Eric L. Olson

Senior Associate, Woodrow Wilson Center's Mexico Institute

Thank you, Representative Cummings and distinguished Members of Congress for the opportunity to appear at this forum on behalf of the Woodrow Wilson International Center for Scholar's Mexico Institute.

The Woodrow Wilson Center is a living, national memorial to President Wilson established by Congress in 1968. It is a nonpartisan institution, supported by public and private funds, engaged in the study of national and world affairs. The Center establishes and maintains a lively, neutral forum for free and informed dialogue. It is our hope that the research we conduct and the information we gather can be useful to Members of Congress from all political parties as they seek to better understand the world we live in. In that vein, I was happy to accept your invitation to provide information on the context of current violence in Mexico and the threat this poses to that country and our own.

Last year I co-edited a report entitled, “Shared Responsibility: U.S.-Mexico Policy Options for Confronting Organized Crime.” One of the chapters in this report dealt specifically with the problem of firearms trafficking. The lead researcher and author for that chapter is my good friend and colleague Colby Goodman, appearing with me today. He will focus more specifically on trafficking, and I will focus on the violence in Mexico.

It is now common knowledge that Mexico has experienced a dramatic increase in crime-related violence and homicides in recent years. Official government statistics are available through the end of 2010 and show that just over 35,000 people were killed between 2007 and the end of last year. While government statistics have not been updated since the beginning of this year, other reliable studies indicate that 2011 is on track to surpass 2010 as the deadliest year yet in crime related violence. According in a data base compiled by Mexico's “Reforma” newspaper, and analyzed by the Trans-Border Institute at the University of San Diego, there were 6,439 cartel-related homicides between January 1 and June 24, 2011. If the trend continues – and we don't know that it will – 2011 will be the deadliest year yet with a possible increase over last year of about 15%. Also, using the same data set, we estimate that just over 500 people have been killed in organized crime related incidents since the Full Committee hearing on June 15th. The violence is concentrated in several key states and localities, and some previously hot spots

have seen violence level off while others have experienced and important increase in violence so far this year.

But the statistics don't tell the whole story. For instance, it is clear that the erupting violence caused by organized crime in Mexico has been exacerbated by the relatively easy access criminal groups have to military-style firearms like AK-47s and AR 15s, and even .50 BMG caliber rifles. Let me provide you a couple of examples. On Monday afternoon, 15 masked men entered the police station in Santa Catarina, a municipality just west of Monterrey, and gunned down Police Chief Germain Perez Quiroz in his own office. During the attack, three municipal police officers were abducted at gunpoint as well. Later that same afternoon, in Monterrey, four young men were lined up against a wall in the back of a shopping center and shot execution-style.

Well-armed organized crime groups are more likely to attack their rivals, law enforcement, and government officials when they have superior weapons and can act with total impunity, and journalists and innocent bystanders, too, often pay the price. Last year, Colby and I and 4 other colleagues were in Ciudad Juarez, Mexico the day after 15 young people were gunned down while they celebrated a victory by their sports team. They celebrated at their homes in a working class neighborhood on the edge of town. We went to express our condolences the next day and what we were told was that the hit men were looking for a rival gang member but apparently found it easier to spray the room with bullets and kill many innocent youth than one specific target. Outside the home of one victim was a hand written message that said, "What do you want us to do? Arm our children?" One of the weapons used in this heinous crime was traced back to the United States.

According to government and independent research it would appear that the vast majority of the 40,000+ cartel related homicides are the result of conflicts within and amongst criminal organizations. These are what the government of Mexico calls "narco-executions." By some estimates this accounts for roughly 90 % of all cases. Some of these cases are the result of competition and changing alliances amongst the cartels, but another portion is the result of government action; the results of fragmentation when a drug lord is either killed or arrested. The process of fragmentation is often violent as the organizations seek to reestablish control of a particular territory or access point into the United States.

A smaller amount of homicides are the result of direct confrontation between the government and cartels. Here the estimates are about 10 %, with the number of government authorities directly targeted and killed by the cartels at around 2%.

We do not have precise numbers on how many deaths are the result of firearms, but it's safe to say that the vast majority of these cases involve gun fire. Other weapons – such as grenades, tools such as hammers, blunt objects and knives – are used as well, but these are definitely in the minority.

As you are aware, Mexican President Felipe Calderón has made combating drug cartels a priority for his Administration. One element of that strategy is to focus on disrupting the flow of weapons from the United States into Mexico. He has raised this in every trip he has made to the United States in the last year including before a combined session of Congress in March 2010. While the President has been clear that Mexico must do more to combat drug trafficking in its territory – both north and south – he has also called on the United States to assume its responsibility for the flow of weapons that are fueling the violence.

Ultimately, it seems that organized crime, the enormous profits it generates, and the violence it uses has shaken the Mexican people and has paralyzed the government's ability to effectively protect its citizens in specific areas of the country. In a meeting with the victims movement last week, President Calderon expressed dismay at the government's inability to secure more people but he did not apologize for undertaking his strategy of confronting the cartels.

The institutions of government, particularly in some states and municipalities, have been weakened and rendered ineffective. Fortunately this is not the case in all of Mexico and I still maintain some optimism that the Mexican state can withstand and overcome its problems with organized crime. Nevertheless the threats and dangers are real and require constant attention and diligence by the Government of Mexico.

And for obvious reasons, what happens in Mexico has a major impact in the United States. There are enormous cultural, historical, and economic ties between our two countries that suggest that the countries are bound together in many ways. Furthermore, the United States is the primary market for the illegal drugs trafficked through Mexico, and the United States is the source of most of the weapons being used in drug-related violence in Mexico. As Secretary Clinton and President Obama have said on numerous occasions, the U.S. shares in the responsibility for what is happening in Mexico.

A troubled and weakened Mexico is not in the best interest of the United States and, as such, both President Bush and President Obama have been committed to a policy of security cooperation with Mexico that has led to increased intelligence sharing, training, equipment transfers, and social investments designed to strengthen the capacities of Mexico's law enforcement and military forces engaged in the struggle with organized crime.

Finally, probably the most important policies the United States can undertake, in addition to supporting Mexico and disrupting the flow of weapons, is to increase its efforts to combat money laundering and reduce and prevent consumption of illegal drugs, especially cocaine, in the United States. These are complex issues requiring a long term strategy, but they also may be the most effective way for the United States to contribute to a reduction in violence in Mexico and thereby lower the risks to the United States posed by organized crime and violence in Mexico.

Thank you and I am happy to answer your questions.

**Statement to the House Committee on Oversight and Government Reform
United States House of Representatives**

**Thomas R. Mahoney
Assistant State's Attorney
Cook County State's Attorney
Supervisor, Gang Crimes Prosecutions**

June 30, 2011

Every year, thousands of guns make their way into hands of criminals through interstate firearms trafficking. According to the Centers for Disease Control and Prevention website for the National Center for Health Statistics, illegal firearms contribute to more than 12,000 gun murders in the United States each year. ATF statistics indicate that virtually all guns recovered in crimes committed nationwide were originally sold by licensed gun dealers (FFLs) within the U.S. These guns entered the illegal market through a number of methods including theft, burglary, and robbery;; gun dealers participating in illegal sales, "straw purchasers" buying guns on behalf of criminals; and subsequent sales by unlicensed private sellers who are not required by federal law to conduct background checks of potential buyers. Consequently, states with weaker gun laws are disproportionately the top sources of guns recovered in crimes committed in adjacent states. Further, statistics indicate that these states have a greater proportion of guns recovered in crimes shortly after their initial purchase, a measure considered by the ATF to be a key indicator of illegal trafficking.

According to 2009 firearm trace data from the ATF, ten states accounted for nearly half of the guns that crossed state lines before being recovered in crimes. The ten states are also the source of a greater proportion of guns recovered in crimes committed less than two years after their initial purchase- a measure known as the gun's "time to crime."

According to ATF, the time to crime of less than two years is a strong indicator that the gun was illegally trafficked. In 2009, ATF successfully traced 61 percent of over 238, 000 guns recovered at crime scenes. These guns were traced back to source states.

Testimony of Paul Helmke
President, Brady Campaign & Center to Prevent Gun Violence
at the
U.S. House of Representatives, Oversight and Government Reform Committee
Forum on Law Enforcement Tools to Stop the Flood of Illegal Weapons
June 30, 2011

Thank you Ranking Member Cummings, and other Members of the Committee for arranging this forum and for giving me the opportunity to offer testimony today.

My name is Paul Helmke, and I am President of the Brady Campaign to Prevent Gun Violence, the nation's largest, non-partisan, grassroots organization leading the fight against gun violence.

More than three months ago, we sent a letter House Judiciary Committee Chairman Lamar Smith urging him to convene a hearing to address the problem of gun trafficking into Mexico with particular focus on whether changes in current law are needed to attack the problem. We have urged Oversight Committee Chairman Darrell Issa to take a similar approach. Thus far, our requests have fallen on deaf ears. That is why we are especially grateful to Ranking Member Cummings for the leadership you have shown by allowing this important topic to be discussed today.

The bad news is all too obvious - we have a problem with gun violence in this country which not only leads to our arming the vicious cartels that have terrorized Mexico, but also endangers way too many Americans. The less obvious good news is that we know what to do to reduce this gun violence..

We are now just days away from the six month anniversary of the shootings in Tucson. Since the Tucson shootings, more than 47,000 Americans have been shot, and Americans are still being slaughtered at the rate of at least 32 people shot and killed in gun homicides every day. If today is a typical day in America, eight children and teens will die from gunfire. And for every person killed by guns, at least 3 are injured but survive.

Yet as the six month anniversary of Tucson approaches, we have still seen no change in our nation's weak or non-existent gun laws. We still have no federal law criminalizing gun trafficking, banning assault weapons and magazines, or closing the loopholes in our Brady Background Check system that help arm dangerous killers and supply gun traffickers. The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) remains without a confirmed leader and continues to be stymied by laws and Appropriations riders that tie its hands and allow corrupt gun dealers to flagrantly violate the law and keep on selling guns.

And thousands of American guns continue to flood across the border into Mexico, threatening the stability of our neighbor to the south. Cartel violence is a direct threat to U.S. safety and security as well. The Department of Homeland Security has warned that "Mexican Drug Trafficking Organizations constitute the greatest organized crime threat to the United States."

There are three main steps we should take to strengthen our gun laws to stop gun trafficking. First, we should close the private seller loophole exploited primarily at gun shows and apply Brady

background checks to all gun sales. Second, we should enact a ban on the sale of military-style assault weapons and assault clips. And third, we should strengthen ATF's ability to crack down on the corrupt gun dealers that supply the criminal market.

Number One – We must make sure that no guns are sold without a background check, so no one who is prohibited from buying guns can buy one.

We must make sure that such dangerous people who are barred from buying a gun at a gun shop cannot then walk into a gun show and obtain the same gun without a background check from a private seller.

Under current federal law, there are two categories of gun sellers: licensed sellers, and unlicensed sellers. If you are “engaged in the business” of selling guns, you are required to have a federal firearms license, and you cannot sell a gun without a background check that determines if the purchaser is prohibited from buying guns.

But federal law allows people without a license to sell guns without a background check. These unlicensed sellers are not required to check the background of the purchaser, and they are not required to keep any records.

An estimated 40% of gun sales are made by unlicensed sellers without a background check. ATF has found that no-check sales at gun shows and other sales by unlicensed gun sellers are a major source for the illegal gun market, with trafficking “cases involving gun shows and flea markets account[ing] for 30.7% of all trafficked guns in the U.S.”¹ ATF Assistant Special Agent in Charge of the Dallas Field Division, Michael Golson, said of trafficked weapons entering Mexico from the U.S.: “‘They’re coming from gun shows and flea markets.’ Often, he says, private collectors are selling their weapons because ‘they don’t have the same restrictions.’”²

We need to require Brady background checks for guns sold at gun shows and all private sales. We support S. 35 and H.R. 591 as well as the broader efforts to fix the entire gun checks system.

Number Two – We need to prohibit the sale of military-style semi-automatic assault weapons and assault clips.

Gun traffickers are able to purchase large quantities of military-style semiautomatic assault weapons and .50 caliber sniper rifles that can penetrate armored car plating and airplanes. The Tucson shooter was able to buy high-capacity assault clips that let him fire more than 30 rounds without pausing to reload.

¹ Garen J. Wintemute, *Gun shows across a multistate American gun market: observational evidence of the effects of regulatory policies*, 13 INJURY PREVENTION 150 (2007) (citing BUREAU OF ALCOHOL, TOBACCO & FIREARMS, *Following the Gun: Enforcing Federal Firearms Laws Against Firearms Traffickers* (June 2000)). For more details on the importance of background checks, see BRADY CENTER TO PREVENT GUN VIOLENCE, *Brady Background Checks: 15 Years of Saving Lives* (Nov. 2008), available at: <http://www.bradycenter.org/xshare/pdf/reports/brady-law-15years.pdf>.

² Cami McCormick, *The U.S. Guns in Mexico's Drug War*, CBS NEWS, Mar. 26, 2009.

Mexican law enforcement is increasingly being out-gunned by drug gangs bearing military-style assault weapons, .50 caliber sniper rifles, and other high-powered weapons from the U.S. Recent data shows a surge in seizures of military-style assault rifles and .50-caliber guns, and according to ATF, cartels favor more powerful weapons like AK-47s, AR-15s, and FN 5.7 mm caliber pistols, known in Mexico as “Cop Killers” because they can pierce body armor. Mexico Attorney General Medina Mora has said that before the assault weapons ban was allowed to expire, only 21 percent of the weapons Mexico seized from traffickers were assault rifles, while today, it is more than half.³

Similarly, in the U.S., since the federal assault weapons ban expired in 2004, police chiefs across the country report increases in assault weapons used in crime and used against them. It is far too easy for dangerous people like the shooter in Tucson to get assault clips that are designed to enable shooting mass numbers of people quickly and efficiently without reloading.

We support legislation to ban the sale of these semi-automatic assault weapons and bills such as H.R. 308/ S.32 that ban assault clips to keep these weapons of war off our streets.

Number Three – We must give our police and federal law enforcement the tools and resources they need to fight gun crimes, including illegal gun trafficking and corrupt gun dealers.

We know how criminals get guns. But we don’t give law enforcement the tools to stop them effectively.

Studies have shown that virtually every gun used in crime started out in the legal market. Criminals want new guns, and they get new guns, mostly from a small group of dealers. About 1 percent of gun dealers sell almost 60 percent of crime guns.⁴ An ATF report issued in 2000 found that corrupt gun dealers, on average, trafficked over 350 guns each to the criminal market.⁵ Among dealers inspected by ATF who had sold high numbers of guns traced to crime, 75% were found to have violated Federal firearms laws.⁶

We must give law enforcement all the tools it needs to crack down on corrupt dealers, to prevent them from continuing to supply dangerous people with guns. Instead, we tie law enforcement’s hands, we put blinders on them, and we give special protections to corrupt gun dealers who supply criminals.

Corrupt dealers who violate gun laws are specially protected under the law. Instead of letting ATF operate as other law enforcement entities do, ATF is barred from conducting more than one

³ Mexico: U.S. must stop gun trade at border, CBS News, Feb. 28, 2009, available at: <http://www.cbsnews.com/stories/2009/02/28/world/main4835694.shtml>.

⁴ Bureau of Alcohol, Tobacco and Firearms (ATF), *Commerce in Firearms in the United States 2* (2000). See also Glenn L. Pierce, LeBaron Briggs & David A. Carlson, *The Identification of Patterns in Firearms Trafficking: Implications for Focused Enforcement Strategies, A Report to the United States Dep’t of Treasury, Bureau of Alcohol, Tobacco and Firearms Office of Enforcement*, 12-13 (1995); Report of Sen. Charles E. Schumer, *A Few Bad Apples: Small Number of Gun Dealers the Source of Thousands of Crimes* (June 1999) (finding that 137 of the worst dealers accounted for 34,000 of crime guns over three years); Philip J. Cook and Anthony A. Braga, *Comprehensive Firearm Tracing: Strategic and Investigative Uses of New Data on Firearms Markets*, 43 Ariz. L. Rev. 277, 294 (2001).

⁵ ATF, *Following the Gun: Enforcing Federal Laws Against Firearms Traffickers* x, 10-15 (June 2000).

⁶ ATF, *ATF Regulatory Actions: Report to the Secretary on Firearms Initiatives* 20 (Nov. 2000).

unannounced investigation of any gun dealer each year. So after a dealer has been inspected once, he knows it's unlikely ATF will visit for another year.

It is also too difficult to stop corrupt gun dealers from continuing to sell guns, even after they have been found to violate gun laws. To revoke a gun dealer's license, ATF must meet an extraordinary burden of proof, higher than required even in most criminal cases. ATF must prove that a dealer "willfully" violated the law, requiring proof that the dealer not only broke the law but also knew that his or her conduct was unlawful. Because of this standard, ATF generally requires repeated violations of the law over many years before it attempts to revoke a license. As a result, license revocations are exceedingly rare.

And even if ATF succeeds in revoking a license, corrupt gun dealers are allowed to continue to sell guns while their case is on appeal. In fact, gun dealers have been allowed to sell guns even after their licenses have been finally revoked.⁷ We must stop allowing gun dealers who violate the law to continue to do so.

We must give ATF the power to track trafficked guns by supporting the proposed rule to require reporting of assault rifle sales along the Mexico border.

We support legislation like S. 2878/H.R. 4298 introduced last Congress by Senator Kirsten Gillibrand and Rep. Carolyn McCarthy to strengthen ATF and give it the tools it needs to crack down on corrupt gun dealers. We strongly oppose legislation like H.R. 1093 being pushed by the gun lobby to make it virtually impossible for ATF to revoke the licenses of law breaking gun dealers.

These are just some of the policies that we should implement to protect our families and communities from the scourge of gun violence.

There are many more lethal loopholes in our gun laws that we hope will be addressed in future hearings. These include the following:

- Current law enables gun traffickers and gangs to be supplied with arsenals, placing no limit on the number of guns you can buy in a single purchase. Purchases of multiple guns, whether one hundred or one thousand or more, require only another form notifying ATF, but the guns are sold, and no additional questions are asked about why someone wants an arsenal. Not surprisingly, it is typically gun traffickers who want 10, 50, or 100 guns at a time, so they can stock their inventory to sell on the streets.
- Current law allows suspected terrorists, even if they are deemed too dangerous to fly on airplanes, to buy all the guns they want, as long as they have not been convicted of a felony or fall into another category of prohibited gun purchasers. We are pleased that Senator Frank Lautenberg and Representative Peter King have introduced the Bush Administration's proposed legislation, S. 34/H.R. 1506, to give the Attorney General discretion to deny such gun sales. This is an important start to closing this loophole.

⁷ See, e.g., "Former Gun Dealer Faces Criminal Charges," WBAL-TV, (April 20, 2007), <http://www.wbaltv.com/news/12638343/detail.html>.

These proposals should not be controversial.

The proposals I have discussed today are basic “law and order” policies. Most Americans across the country support them. Law enforcement supports them. They will not prevent law-abiding citizens from having a gun in their home, if they choose. They will not cost a single sportsman a day of hunting season. Plugging the lethal loopholes in our laws is simple common sense.

We have all heard from pundits who say that Congress is afraid to tackle the gun issue because guns are a third rail of American politics. I reject that. As a lifelong participant in our political system, I think the most dangerous thing a political leader can do is ignore an issue that is important to the American people, or to do nothing when change is a necessity. After the Tucson shootings especially, politicians ignore the gun crisis at their peril.

I got involved in this issue as a Republican mayor in Fort Wayne, Indiana. Sensible gun laws should not be supported by just one party, or one region, or just big cities, or whatever. Supporters of sensible gun laws have come from rural America, from the West, from the South, Republicans as well as Democrats. The common thread among them is they had the courage of their convictions, and the judgment to trust in the common sense of the American people.

What we are doing now about gun violence is not working. We can do better. Too many of our neighbors are suffering the same pain experienced by the Tucson, and Virginia Tech, and Columbine, and all too many other victims and families every day.

At least thirty-two times a day.

I ask Congress what we should all be asking ourselves: What are you going to do about it?

Thank you very much.

###



Violence Policy Center

1730 Rhode Island Avenue, NW
Suite 1014
Washington, DC 20036

202.822.8200 voice
202.822.8205 fax
www.vpc.org web

**Statement of Kristen Rand
Legislative Director
Violence Policy Center**

**Before the Committee on Oversight and Government Reform,
U.S. House of Representatives**

**Hearing on
Firearms Trafficking on the U.S.—Mexico Border**

June 30, 2011

Thank you Representative Cummings and members of the Committee for inviting me to present the views of the Violence Policy Center on this important topic. Founded in 1988, the Violence Policy Center is a national non-profit 501(c)(3) tax-exempt educational organization that works to reduce gun violence. The VPC has conducted several major research projects examining the problem of firearms trafficking from the United States to Mexico.

The U.S. Civilian Gun Market—An Ideal System for Smuggling

It is beyond question that firearms from the U.S. civilian gun market are fueling drug-related violence in Mexico—

- According to Mexican President Felipe Calderón, Mexico has seized 100,000 guns in the last four years and 84 percent of them came from the United States.
- New Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) data show that of 29,284 firearms recovered in Mexico in 2009 and 2010 and traced, 20,504 or 70 percent were manufactured in the U.S. or first imported into the U.S. from third countries before being trafficked to Mexico.

This is hardly surprising since if one set out to design a “legal” market that encourages the funneling of guns to criminals and traffickers, one would be hard-pressed to come up with a “better” system than the U.S. civilian gun market—short of simply and openly selling guns directly from manufacturer and importer inventories. The U.S. civilian gun market has become a

beacon for gun traffickers, criminal organizations, and even terrorists.¹ There is simply no other place in the world where firepower sufficient to outfit an army can be purchased right off the shelves.



The U.S. gun market not only makes gun trafficking in military-style weapons easy, it practically compels that traffic because of the gun industry's increasingly ruthless design choices over the last several decades combined with the market's loose regulation.

Military-Style Weapons: Traffickers' Weapons of Choice

Military-style weapons are unquestionably the "weapons of choice" of Mexican Drug Trafficking Organizations (DTOs). This fact is confirmed by information regarding gun seizures in Mexico, available trace data, information contained in federal court documents, and news reports. The civilian firearms market in the U.S. caters to the needs of traffickers with a militarized product line that emphasizes firepower and lethality. As the Violence Policy Center documents in a recent report, *The Militarization of the U.S. Civilian Firearms Market*, the U.S. gun industry has become increasingly

¹ See: "How Can I Train Myself for Jihad," found in a safe house in Afghanistan soon after September 11, 2001 (in the files of the Violence Policy Center); and, a recently released video featuring Adam Gadahn, an American-born member of the terrorist group, urging followers to immediately launch violent acts of jihad by exploiting the firepower available on the U.S. civilian gun market and the weaknesses in U.S. gun laws and the background check system (<http://www.youtube.com/watch?v=EpRQzTP8H1o>).

focused on producing militarized firearms over the last 30 years as it struggles to maintain demand for its products. Today, the civilian gun market is defined by the following trends that are clearly reflected in the arsenals assembled by Mexican DTOs—

● **Guns that are identical to those used by the Armed Forces of the United States and other countries.** These firearms include such sophisticated weapons as the Barrett 50 caliber anti-armor sniper rifle and the FN Herstal Five-seveN 5.7mm pistol. The Barrett 50 caliber sniper rifle (below) is specifically designed to engage and destroy materiel targets on the battlefield at long range. These anti-armor rifles combine range and striking power that is far beyond that of any hunting rifle. Armored personnel carriers, aircraft, rail tank cars, bulk fuel storage, and concrete bunkers are vulnerable to 50 caliber rifle fire at distances of 1,000 to 2,000 yards.



The FN Five-seveN (below) is a 5.7mm pistol manufactured by the Belgian company Fabrique Nationale, certain ammunition for which is capable of piercing body armor.



- **Variants of military firearms that would otherwise be illegal to sell on the civilian market.** These are principally semiautomatic versions of military assault weapons. They include: many variants of the AR-15 (the civilian version of the U.S. military M-16 assault rifle); numerous semiautomatic versions of the Kalashnikov assault rifle, popularly known as the AK-47; and, the FN PS90, a futuristic-looking rifle in a bullpup configuration. Assault weapons are favored by traffickers because they incorporate specific design characteristics that make them more lethal—that is, more effective killing machines—than standard sporting firearms. Unlike true military weapons, they are semiautomatic (firing one bullet per trigger pull), not fully automatic (firing bullets as long as the trigger is depressed). Military and civilian assault weapons, however, share key design features, including: pistol grips or barrel shrouds that allow the weapon to be “spray-fired” from the hip; and, the ability to accept detachable, high-capacity ammunition magazines holding from 10 to 100 rounds of ammunition. These features make it possible for the shooter to quickly fire across a relatively wide area with a lethal spray of bullets. This increased lethality makes assault weapons particularly dangerous in civilian use and explains their appeal to traffickers. It also distinguishes them from true hunting or target weapons.



WASR AK-47 Variant



FN PS90

- **Pistol versions of popular assault rifles.** Relatively new on the market, these guns combine the firepower of a rifle with the concealability of a handgun. Popular models of this new breed of assault pistol include the Bushmaster Carbon 15 pistol and the Romanian Draco AK-47 pistol (pictured below).



New VPC Research Sheds Light on Traffickers' Weapons of Choice

Insight into the makes and models of firearms most preferred by traffickers can be gained from examining information contained in federal indictments involving plots and conspiracies to traffic guns to Mexico. In 2009, the Violence Policy Center began a project of tracking and analyzing federal indictments and other court documents alleging gun trafficking to Mexico in which the guns were specifically identified, often including serial number information.² We have analyzed documents in 62 cases filed since 2006 involving more than 3,000 firearms and approximately 100,000 rounds of ammunition. The patterns are striking.

Our analysis confirms that traffickers have become focused on certain "weapons of choice": AK-47 variant rifles, with the most popular being the Romanian WASR; AR-15 variant rifles including those manufactured by Bushmaster and DPMS; FN Five-seveN handguns; 50 caliber sniper rifles and 50 BMG belt-fed rifles; and, most recently, Draco AK-47 pistols like the ones used in the attack on ICE agent Jaime Zapata.

² *Indicted: Types of Firearms and Methods of Gun Trafficking from the United States to Mexico as Revealed in U.S. Court Documents*, Violence Policy Center, April 2009.

These patterns are entirely consistent with analyses recently performed by news organizations.³

The ready availability of military-style firearms combined with extremely weak regulation of gun dealers and gun transfers, particularly in some border states, simply make illegal gunrunning too easy.



Romanian AK-47 WASR10/63SFP
7.62x39 semi-auto, Tapco polymer side-folding stock, black synthetic forend and pistol grip, slant cut muzzle brake, bayonet lug, bayonet, high capacity magazine... 15-1811 **\$409.95**
Two or more . . . each **\$399.95**

Romanian AK-47 WASR10C
7.62x39 semi-auto with Tapco AR style collapsible stock, black synthetic pistol grip, slant cut muzzle brake, bayonet, bayonet lug and high capacity mag . . . 15-1217 **\$409.95** - **Two or more** . . . each **\$399.95**

Romanian AK-47 WASR10CG
7.62x39mm semi-auto with Tapco AR style collapsible stock, Tapco Galil style forend, black synthetic pistol grip, slant cut muzzle brake, bayonet, bayonet lug and high capacity mag 15-1744 **\$439.95**
Two or more . . . each **\$429.95**

Romanian AK-47 WASR10UF
7.62x39mm semi-auto with underfolding stock, wood or synthetic forend, slant cut muzzle brake, bayonet lug and high capacity mag. . . 15-1851 **\$429.95**
Two or more . . . each **\$419.95** - **Five or more** . . . each **\$399.95**

Shotgun News ad for Arizona-based J&G Sales features WASR AK-47 variants

³ Dan Freedman, "Smuggled weapons: Bigger the better—Mexican gangs opt for assault rifles, study finds," *Houston Chronicle*, May 29, 2011 (<http://www.chron.com/dispatch/story.mpl/topstory/7586144.html#ixzz1QaBGAHTz>); "Romanian weapons modified in the U.S. become scourge of Mexican drug war," Center for Public Integrity, February 3, 2011 (<http://www.iwatchnews.org/2011/02/03/2158/romanian-weapons-modified-us-become-scourge-mexican-drug-war>).

Gun Manufacturers are Free to Make and Distribute Excessive Firepower

Although the gun lobby often maintains that the firearms industry is heavily regulated, in fact the industry is lightly regulated. The structure of the gun industry is relatively simple. Domestic and foreign manufacturers make the firearms. There are very few restrictions on what they can make. Any gun that is 50 caliber or less and not fully automatic (capable of firing more than round with one pull of the trigger) is perfectly legal to manufacture. Foreign-made firearms are brought into the country through importers and then enter the same channels of commerce as domestically produced guns.

In theory, firearms that are not “particularly suitable” for, or “readily adaptable” to, “sporting purposes” are excluded from import into the United States under 18 USC §925(d)(3) (a provision of the 1968 Gun Control Act). In practice, however, the “sporting purposes” test is subject to administrative interpretation as to its definition and its application in specific cases. A ban on imported assault rifles has technically been in place since 1989, a product of the George H.W. Bush administration. The “import ban” was the direct result of the federal government’s efforts to crack down on the weapons favored by U.S. drug cartels. In fact, a primary proponent of the 1989 ban was then-“Drug Czar” William Bennett.⁴ The ban was strengthened by the Clinton administration in 1998 to exclude from import any assault rifle with the “ability to accept a detachable large capacity magazine originally designed and produced for a military assault weapon.” The Clinton administration acted in response to gun industry efforts to evade the import restrictions, including slight cosmetic modifications to gun designs.

Under the George W. Bush administration, enforcement of the import ban was abandoned and unfortunately the Obama administration has not stepped up enforcement despite encouragement to do so by many members of Congress.⁵ This lack of enforcement allows the continuing importation into the United States of many of traffickers’ most powerful “weapons of choice,” including the Romanian WASR assault rifle, the FN Herstal PS90

⁴ “Bennett feels the heat over stand on guns,” *Chicago Tribune Wires*, March 18, 1989.

⁵ See, for example, February 12, 2009, letter to President Obama from 53 Members of Congress urging return to enforcement of the ban on imported assault weapons; and, *Halting U.S. Firearms Trafficking to Mexico*, A Report by Senators Dianne Feinstein, Charles Schumer, and Sheldon Whitehouse to the United States Senate Caucus on International Narcotics Control, One Hundred Twelfth Congress, First Session, June 2011.

assault rifle, the FN Five-seven, known in Mexico as the *matapolicia*, or “cop-killer,” and the newly popular Draco assault pistol.

The ready availability of extreme firepower combines with light regulation of gun dealers to create a system that facilitates illegal gun trafficking.

Modest Controls on Gun Transfers Contribute to Gun Trafficking

Domestic firearm manufacturers, importers, dealers, and ammunition manufacturers are required to obtain Federal Firearms Licenses (FFLs). This licensing regimen effects the central purpose of the Gun Control Act of 1968, the core federal gun law, of supporting state control of firearms by basically forbidding interstate commerce in guns except through federally licensed dealers. However, Federal Firearms Licenses are issued on a virtually *pro forma* basis. Anyone who is at least 21 years old, has a clean arrest record, nominal business premises, and agrees to follow all applicable laws can obtain a license valid for three years upon paying a fee and submitting a set of fingerprints with an application form. The result is that there are almost 8,500 FFLs operating in the border states of Arizona, California, Texas, and New Mexico. By contrast, ATF’s authority and available resources to oversee these dealers is quite limited. For example, the agency can only inspect a dealer once a year, yet because of a lack of resources the agency cannot meet even that modest enforcement goal. In 2009, ATF inspected only 21 percent of firearms dealers. And the number of compliance inspections dipped in 2010 according to information from ATF. Dealer inspections have also turned up some extremely troubling information. For example, for the three-year period of 2008 through 2010, an astounding 62,134 firearms were determined to be missing from the inventories of dealers that were inspected. The agency is further hamstrung by a lack of flexibility to sanction corrupt dealers. License revocation is the sole option and existing law imposes an excessively difficult standard in order to revoke the license of law-breaking dealers. Thus, the agency rarely exercises its revocation power, even for dealers who repeatedly break the law. In 2009, it revoked only 64 licenses.

The situation is further complicated by the fact that in most states, transfers in the “secondary market,”—that is, not through a federally licensed dealer—are not subject to the Brady background check, so long as the sale is conducted intrastate and there is no state background check requirement. “Secondary market” sales include classified advertisements and newsletters, Internet exchanges, and informal sales between individuals at “flea markets” and “gun shows.” Most states do not regulate such sales—although a few, like California, do regulate all firearms transfers. About 40 percent of all gun transfers are made through this secondary market according to a 1994 national survey.

The consequences of this weak system have long been apparent in the patterns of *domestic* gun trafficking. U.S. street gangs and other criminal organizations have demonstrated conclusively over the last 25 years that weak U.S. gun control laws do not prevent their acquiring as many of the increasingly lethal products of the gun industry as they desire. Every day within the United States organized interstate smuggling pipelines continue to move guns from states with virtually nonexistent gun regulations to the few primarily urban centers that have tried to stem the flow of guns. “States that have high crime gun export rates—i.e., states that are top sources of guns recovered in crimes across state lines—tend to have comparatively weak gun laws.”⁶

Individuals and groups seeking to traffic U.S. firearms to Mexico have merely taken a page out of a manual that has been used for decades by domestic street gangs and drug traffickers. They very often employ “straw purchasers”⁷ to buy firearms from licensed dealers to supply to traffickers. Traffickers often solicit numerous straw buyers to acquire guns from a variety of outlets and increasingly tend to acquire preferred firearms in bulk, buying two, or even 10 or 20, at one time. The traffickers also seem to rely heavily on licensed dealers as opposed to private sellers most likely because dealers have a greater volume of the desired firearms in stock.

Current law creates barriers for law-enforcement efforts to identify suspicious sales patterns that may indicate trafficking. For example, although federal law requires gun dealers to report to ATF the sale of two or more *handguns* within five business days to the same individual who is not a licensed dealer, there is no such requirement for long guns. The lack of such a reporting requirement at least for the assault rifles that are the primary weapons of choice of traffickers hobbles the ability of ATF to identify suspicious purchase patterns that may indicate trafficking.

The practice of “straw buying” is very difficult to interrupt. This is primarily because—as pointed out to this Committee in testimony from ATF agents—there is no federal firearms trafficking statute or anti-straw purchasing law.⁸ As a result, ATF must use a wide variety of other statutes to combat firearms trafficking. However, cases brought under these statutes are difficult to prove and do not carry stringent penalties—particularly for

⁶ Mayors Against Illegal Guns, *The Movement of Illegal Guns in America: The Link between Gun Laws and Interstate Gun Trafficking*, December 2008, 9.

⁷ Straw purchasers are persons who are able to pass a background check who purchase guns on behalf of traffickers who are often prohibited persons who would not pass a background check because they are, for example, convicted felons or not U.S. citizens or legal residents.

⁸ Statement of Peter J. Forcelli, Supervisory Special Agent, Bureau of Alcohol, Tobacco, Firearms and Explosives, before the House Committee on Oversight and Government Reform, June 15, 2011.

straw purchasers of guns. As a result, United States Attorneys are less likely to accept and prosecute such cases. And when these cases are prosecuted and convictions obtained, Federal Sentencing Guidelines categorize straw purchase-related offenses as lesser crimes.

All of the factors described above converge to create a situation where federal law enforcement agencies are forced into almost total reliance on after-the-fact investigation and prosecution instead of having the tools to construct effective prophylactic measures to prevent guns from getting into the hands of traffickers. To date, most attention has been paid to trying to apprehend and prosecute traffickers after the damage has been done and the guns are in criminal hands.

Although law enforcement efforts are an important and necessary part of a total package against gun trafficking—and gun violence generally—a more powerful solution would be to complement law enforcement with “upstream” regulatory measures designed to reduce the opportunity for gun trafficking.

Conclusion and Recommendations

Until the gun industry is treated in the same as every other product manufacturer in America and some reasonable limits are put on what manufacturers can produce and sell, it will be difficult to make the United States a less attractive destination for international gun traffickers. Likewise, federal law enforcement agencies must have greater regulatory authority if they are to be expected to construct an effective strategy to prevent the gun trafficking that is flooding not only Mexico and other Latin American countries with firearms acquired in the U.S., but also putting guns into the hands of criminals and gang members in our own nation. Until these issues are addressed it should surprise no one that gun traffickers have the upper hand.

Many of the recommendations that the Violence Policy Center makes to address the problem of cross-border gun trafficking mirror those made by Senators Feinstein, Schumer, and Whitehouse in their June 2011 report to the Senate Caucus on International Narcotics Control. Some of these recommendations could immediately be implemented through administrative action while others will require legislation.

Measures That Can be Implemented Without Legislation

ATF could immediately begin to strictly enforce the existing ban on the importation of semiautomatic assault weapons. ATF can fully exercise its existing statutory authority to exclude from importation all semiautomatic assault rifles as “non-sporting” weapons pursuant to 18 USC §925(d)(3)

(a provision of the 1968 Gun Control Act) and also exclude the importation of assault weapon kits and parts sets. A strict import policy would capture the vast majority of AK-type rifles as well as the PS90 assault rifle.

Expand import restrictions to include other dangerous “non-sporting” firearms. The same provisions of existing law could be used by ATF to restrict other “non-sporting” firearms that are currently being imported into the U.S. and trafficked to Mexico including the FN Five-seven handgun and new AK-type pistols.

Implement the pending proposal to require FFLs operating in border states to report the sale of two or more assault rifles to the same buyer in a five-day period. Current law requires gun dealers to report to ATF the sale of two or more handguns within five business days to the same individual who is not a licensed dealer. This information can help ATF identify suspicious purchase patterns that may indicate trafficking.

Encourage expanded access to eTrace by Mexican authorities. There is a backlog of weapons recovered by Mexican authorities that have not been traced. From January 1, 2010 to October 5, 2010, ATF traced only 5,329 of the 16,000 weapons recovered throughout Mexico. Expanding access to eTrace can help in identifying investigative leads, source patterns, and trafficking routes.

ATF could be more aggressive in identifying and sanctioning FFLs revealed to be high-volume sources of guns trafficked to Mexico. For example:

- **Be more aggressive in revoking the licenses of dealers found to be knowingly supplying Mexican traffickers.** Although federal law allows a license to be revoked for a single violation—provided ATF can show it was “willful”—ATF usually does not seek revocation unless a dealer has had numerous problems over years of inspections.
- **Require licensees who conduct business at gun shows to notify the Attorney General of such activity.** ATF has acknowledged that gun shows in border states are a significant source of guns trafficked to Mexico. The law allows the Attorney General to prescribe the rules for dealers operating at gun shows. ATF could focus targeted oversight and regulation on FFLs who sell at gun shows in border states and sanction dealers identified as actively supplying those trafficking firearms to drug gangs in Mexico.

Measures That Would Require Legislation

Pass a federal statute with tough penalties that specifically outlaws gun trafficking and straw purchases. Currently, there is no federal firearms trafficking statute or anti-straw purchasing law. As a result, ATF must use a wide variety of other statutes to combat firearms trafficking. However, cases brought under these statutes are difficult to prove and do not carry stringent penalties—particularly for straw purchasers of guns.

Repeal the current restrictions on release of ATF crime gun trace data (“Tiahrt amendment”). For several years the legislation making appropriations for the Bureau of Alcohol, Tobacco, Firearms and Explosives has included severe restrictions on the public release of data contained in the crime gun trace database. Previously, the data was publicly available under the Freedom of Information Act (FOIA). Access to this database is critical to a full understanding of the gun trafficking problem, e.g. most problematic makes/models, source states and dealers, etc. Making this data publicly available will help clarify some of the confusion concerning how many guns seized in Mexico are of U.S origin.

Implement an effective federal assault weapons ban. The federal ban on new assault weapons that expired in 2004 was one “brake” on the gun industry’s ability to churn out gun traffickers’ “weapons of choice.” Unfortunately, the now-expired ban contained deficiencies that allowed gun manufacturers to continue selling new assault weapons virtually identical to banned models by making minor, cosmetic changes in gun design. For example, the domestically manufactured AR-type rifles that are currently a huge part of the problem in Mexico were sold by manufacturers Bushmaster, Colt, DPMS, and others in “post-ban” configurations that complied with the letter of the 1994 law but violated its spirit. To be effective, a new federal law should be modeled on California’s existing comprehensive and effective ban.

Ban high-capacity ammunition magazines. Virtually all of the guns terrorizing Mexico utilize high-capacity ammunition magazines that enable shooters to fire non-stop 20, 30, 50, or even 100 rounds of ammunition while allowing for quick reloading. A federal ban on the manufacture of new high-capacity ammunition magazines holding more than 10 rounds was contained in the federal assault weapons ban which expired in 2004. Legislation to ban high-capacity ammunition magazines is pending in the House and Senate (H.R. 308, S. 32).

Implement restrictions on 50 caliber sniper rifles. A bill to regulate 50 caliber sniper rifles under the strict licensing, background check, and taxation system of the National Firearms Act has previously been proposed by Senator Dianne Feinstein (D-CA).

Panelists

Michael Bouchard is the former Assistant Director of Field Operations at ATF. Mr. Bouchard supervised ATF's Pentagon assets in the aftermath of September 11th and was an incident commander during the Beltway Sniper investigation.

Thomas Mahoney serves in the Cook County State's Attorney's Office in Illinois as a Supervisor in the Special Prosecutions Bureau of the Gang Crimes Unit. Mr. Mahoney has nearly two decades of prosecutorial experience.

Kristen Rand is the Legislative Director at the Violence Policy Center and has been analyzing data collected on Mexican crime guns sourced from the United States.

Paul Helmke is the President of the Brady Campaign and the Brady Center to Prevent Gun Violence, a non-partisan organization dedicated to preventing gun violence. Mr. Helmke is the former mayor of Fort Wayne, Indiana, serving from 1988-2000.

Eric Olson is a senior associate at the Mexico Institute of the Woodrow Wilson International Center for Scholars. There, he oversees the Institute's work on U.S.-Mexico security cooperation and research on organized crime and drug trafficking.

Colby Goodman is an expert on arms export control issues and recently authored the report "U.S. Firearms Trafficking to Mexico: New Data and Insights Illuminate Key Trends and Challenges."