

Testimony By

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“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”

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

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

Written Statement by Colby Goodman

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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.