



Violence Policy Center



INDICTED

**Types of Firearms and
Methods of Gun Trafficking
from the United States to
Mexico as Revealed in U.S.
Court Documents**

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April 2009

The Violence Policy Center (VPC) is a national non-profit educational organization that conducts research and public education on violence in America and provides information and analysis to policymakers, journalists, advocates, and the general public. This report was authored by VPC Legislative Director Kristen Rand and was funded in part with the support of The Herb Block Foundation, the David Bohnett Foundation, and The Joyce Foundation. Past studies released by the VPC include:

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- *Youth Gang Violence and Guns: Data Collection in California* (February 2009)
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- *Guns For Felons: How the NRA Works to Rearm Criminals* (March 2000)
- *One Shot, One Kill: Civilian Sales of Military Sniper Rifles* (May 1999)
- *Cease Fire: A Comprehensive Strategy to Reduce Firearms Violence* (Revised, October 1997)

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Introduction

Increasing public attention is focusing on the role of the U.S. civilian firearms market as a major source of guns supplied to the Mexican drug cartels responsible for the escalating violence on the U.S.-Mexico border. Aided by restrictions—endorsed by the National Rifle Association (NRA) and implemented by Congress—on the release of federal crime gun trace data and a longstanding lack of detailed information on gun commerce (both legal and illegal) in America, the gun lobby has mounted a concerted campaign of disinformation: claiming that Mexican drug lords are solely using true military weapons, not their civilian counterparts, and that such guns come from anywhere *but* the U.S. civilian firearms market.

This report, based on indictments and criminal information filed in U.S. district courts in the southwest United States, conclusively refutes the gun lobby's claims. The information contained in these government documents clearly demonstrates—by the make, model, caliber, manufacturer, and retail source of firearms seized in criminal trafficking cases—that the military-style semiautomatic firearms easily available on the U.S. civilian gun market are a significant component of the weapons being trafficked to, and utilized by, the Mexican cartels.

Section One: The War Next Door

“What do they need to fight that war? Guns. Where do they get them? From here.”

According to both United States and Mexican government officials, large numbers of military-style firearms from the U.S. civilian gun market are fueling criminal violence in Mexico. A series of Congressional hearings and public policy reports have made clear that the U.S. gun industry—manufacturers, importers, distributors, retailers, and so-called “gun shows”—plays an instrumental role in making readily available to illegal gun traffickers the types and numbers of weapons that facilitate drug lords' confrontations with the Mexican government and its people.¹

U.S. and Mexican officials report that, based on firearms tracing data from the federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the cartels obtain 90 percent or more of their firearms from the United States.² Traces by ATF of firearms from Mexico have reportedly increased from 2,100 in 2006 to 3,300 in 2007 and 7,700 in 2008.³

Much of the armed violence is related to Mexico's struggle to defeat the Mexican drug trafficking organizations (DTOs), or cartels, that are the principal wholesale suppliers of illicit drugs to the United States. “There is a war going on on the border between two cartels,” William Newell, ATF Special Agent in Charge of the agency's Phoenix Field Division, was reported to have said in 2007. “What do they need to fight that war? Guns. Where do they get them? From here.”⁴

In July 2008 a journalist offered this description of Newell's workplace:

Near Newell's office is the “locker,” where confiscated guns are stored. The room is crammed with hundreds of Chinese and Eastern European AK-47s, American AR-15

rifles, shotguns, Tec-9 [sic] semiautomatic pistols, Colt .38s, Austrian Glock 9-millimeter handguns, and Fabrique Nationale 5-7 [sic] pistols; the latter are known as *mata policías*, or cop killers, because they fire rounds that can pierce bulletproof vests. On the floor sits a Barrett .50 caliber rifle, preferred by American military snipers because it can pick off a foe a mile away.

Almost all of these guns were nabbed crossing the border, and almost all of them, even the deadliest, are available at gun stores, sporting-goods stores, Wal-Marts, hundreds of gun shows, and tens of thousands of virtually unregulated private dealers across the U.S. “My first weekend on the job here, I recovered 30 AKs,” one of Newell’s agents, previously a detective in the Bronx, tells me. “I thought I’d seen everything, but what I see here blows my mind.” Adds Newell: “A lot of people think, ‘Well, this is Mexico’s problem.’ It’s obviously not.”⁵

If a war is being fought in Mexico, the arms borne by the criminal groups waging it are the military-style weapons that have come to define the U.S. civilian gun market. William J. Hoover, Assistant Director of ATF’s Office of Field Operations, testified in February 2008 that military-style firearms—both imported and domestic—are the drug cartels’ weapons of choice:

Mexican drug trafficking organizations have aggressively turned to the U.S. as a source of firearms. These weapons are used against other DTOs, the Mexican military, Mexican and United States law enforcement officials, as well as innocent civilians on both sides of the border. Our comprehensive analysis of firearms trace data over the past three years shows that Texas, Arizona, and California are the three primary source states respectively for United States sourced firearms illegally trafficked into Mexico. Recently, the weapons sought by drug trafficking organizations have become increasingly higher quality and more powerful. These include the Barrett 50-caliber rifle, the Colt AR-15 .223-caliber assault rifle, the AK-47 7.62-caliber assault rifle and its variants, and the FN 5.57-caliber [sic] pistols, better known in Mexico as the cop killer.⁶

The Gun Lobby’s Campaign of Disinformation

As increasing attention has focused on this problem, the National Rifle Association and other pro-gun voices have found themselves in the uncomfortable position of having to defend unregulated civilian access to military-style firearms—including semiautomatic assault rifles, 50 caliber sniper rifles, and cop-killing, body armor-defeating handguns—being used to kill Mexican officials and law enforcement officers.^a In order to combat what it views as both a public relations nightmare and a potential policy threat, the gun lobby has mounted an aggressive

^a This is in addition to attacks on law enforcement personnel in the United States. For example, on April 4, 2009, four Pittsburgh, Pennsylvania police officers were shot with an AK-47 assault rifle after responding to a domestic disturbance call. Three later died from their wounds. “3 officers slain responding to call, Pittsburgh police chief says,” *CNN.com*, Saturday, April 4, 2009, <http://www.cnn.com/2009/CRIME/04/04/pittsburgh.officers.shot/index.html>.

disinformation campaign.^b It has sought to divert attention from the role played by U.S.-supplied weapons, defending the gun industry by means of artfully contrived rhetoric advancing misleading lines of argument. Principal among the gun lobby's themes are:

- o The Mexican drug cartels use full-auto military armament, not semiautomatic military-style civilian weapons available on the U.S. domestic market.
- o ATF trace data represents only a limited part of the total universe of guns used in crime in Mexico and should therefore be discounted.

A recent "commentary" posted on *CNN.com* by NRA Executive Vice President Wayne LaPierre is a representative example of the gun lobby's rhetoric in defense of the U.S. gun industry and our nation's lax gun laws.

LaPierre erects his straw man with the emotionally charged statement that "gun abolitionists claim Mexican gun laws are so strict that our 'weak laws' (read: freedoms) are to blame for 'fueling the violence' in Mexico."

He then proceeds to attack his straw man with a series of unverifiable statements that define the term "argument by assertion." LaPierre's goal is to draw an opaque curtain across the facts as stated by both U.S. and Mexican government officials in both hearings and reports. "Well, to believe that..." he writes:

You have to believe that Mexico's drug cartels, which possess the wealth and armies of nations, prefer American semiauto target and hunting rifles over fully automatic machine guns and any other military arms they want to crush opposition.

You have to believe Mexican drug lords—who make *Forbes* magazine's list of billionaires—don't get large lots of weaponry on the transnational black market but instead choose to trifle with paperwork at U.S. gun stores...⁷

A similar argument was advanced in a blog posting offering the following statement from a reported interview with a former U.S. Border Patrol Supervisor, David J. Stoddard:

There are no gun shops in the United States where you can buy an AK-47 with a selector switch. You cannot buy hand grenades, fully automatic weapons, high explosives or Rocket Propelled Grenades. The Mexican Cartels are using all of those. The cartels are getting those weapons from corrupt members of the Mexican Government which has obtained them from the USA, and from other sources in Central and South America. It is a huge lie that 90% of the cartel weapons are supplied by straw purchasers in the USA.⁸

^b This report does not address the gun lobby's general and continuous misrepresentations made in defense of military-style weaponry, such as its semantic arguments denying the existence and demonstrably deadly danger of semiautomatic assault rifles. See, for example, the 2003 VPC studies *Bullet Hoses: Semiautomatic Assault Weapons—What Are They? What's So Bad About Them?* (<http://www.vpc.org/studies/hosecont.htm>) and *"Officer Down"—Assault Weapons and the War on Law Enforcement* (<http://www.vpc.org/studies/officecont.htm>). In addition, contrary to Stoddard's assertion at the bottom of this page, over 250,000 legal full-auto weapons manufactured before 1986 are available for purchase by civilians from gun stores and individuals in the U.S.

The common thread of these pro-gun arguments is that the role of the U.S. domestic firearms industry in arming the cartels is a fabrication, based on skewed tracing data and purposeful misrepresentation, and that the Mexican drug cartels prefer “real” military weapons, not civilian versions of the same.

Lack of Transparency Caused by the Tiahrt Amendment Aids and Abets the Gun Lobby’s Argument

The gun lobby has received a free ride on this argument. It does not provide any data of its own, but instead merely attacks statements of government officials and concerned public policy groups. It is aided and abetted in this process by restrictions on the release of the underlying crime gun trace data, which creates an informational vacuum in which the NRA’s unsupported claims seek foothold. These restrictions are due to a law, inspired by the National Rifle Association and the gun industry and implemented by Congress, as well as decisions made by ATF’s leadership.

For the past several fiscal years, appropriations legislation for the Bureau of Alcohol, Tobacco, Firearms and Explosives has contained a spending prohibition commonly known as the Tiahrt Amendment (for its sponsor, Kansas Representative Todd Tiahrt). The law bans the public release of comprehensive information about guns traced to crime scenes contained in ATF’s firearms tracing system database. These restrictions prevent policymakers (including Members of Congress), academics and other analysts, journalists, and even law enforcement agencies from having access to comprehensive data that would provide a far clearer picture of the types and sources of firearms being smuggled to Mexico from the U.S. and used by the drug cartels.

The Tiahrt Amendment’s ban on the release of comprehensive crime gun trace data withholds information that up until 2003 had been readily available to the public under the Freedom of Information Act (FOIA). Public release of the data is critical to a fuller understanding of the Mexico gun trafficking problem. During the presidential campaign, then-candidate Obama promised to repeal the Tiahrt Amendment. To repeal the Tiahrt Amendment would not only further public safety in Mexico, but also in the United States. Only the gun lobby and criminals benefit from non-disclosure of this information.

In the absence of such full transparency, data like that contained in this report helps shine a light on the dark corners in which the gun lobby and its industry partners seek to hide such information. All of the information contained in this report is drawn from public records—thorough and detailed, but difficult for citizens and news media alike to access and aggregate.

These data offer a clear window into the significant role played by the U.S. civilian gun market in supplying Mexican gun traffickers and the weapons favored by them—overwhelmingly civilian semiautomatic assault rifles, “vest buster” handguns like the FN Five-seven 5.7mm armor-piercing pistol, and 50 caliber sniper rifles—and that contrary to the assertions of the NRA’s LaPierre, the cartels are all too willing to “trifle with paperwork at U.S. gun stores.”

Section Two: The Types of U.S. Military-Style Firearms Favored by Mexican Traffickers

For this report, the Violence Policy Center worked to identify criminal cases alleging illegal gun trafficking to Mexico filed in U.S. federal courts in Arizona, California, Nevada, and Texas for the period February 2006 to February 2009.^c Reviewing government press releases, government statements, and local news coverage, the VPC was able to identify and obtain the court documents for 21 cases filed during this period. The information presented in this report regarding specific firearms was retrieved exclusively from facts specified by the United States government, primarily in criminal complaints and indictments. The VPC included every case it found, regardless of the type or number of weapons trafficked.

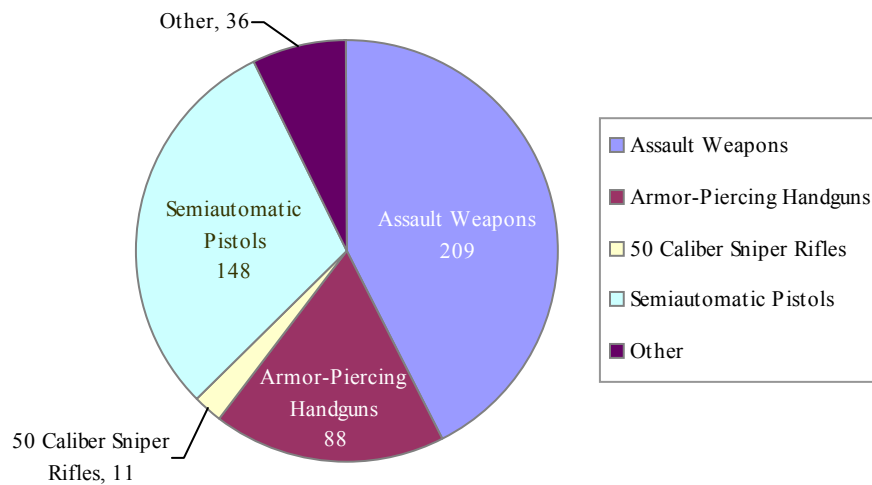
In many of the cases, prosecutors alleged that traffickers were responsible for smuggling larger numbers of guns or rounds of ammunition than were specified in the criminal charging documents. Overall, prosecutors allege that the indicted individuals were responsible for approximately 1,700 guns trafficked to Mexico. Investigators also uncovered high-dollar purchases by traffickers in the course of the investigations associated with the cases. For example, ATF says that after an inspection of a Federal Firearms License holder (FFL) in Texas, it was “able to determine that, over a 15 month time frame, 23 suspected gun traffickers purchased 339 firearms”—with at least 40 of the guns recovered by police in Mexico and three in Guatemala. ATF said the total expenditure on the trafficked guns was \$366,449.31. In another case, ATF said that one suspected trafficker based in Las Vegas, Nevada “had either purchased, or caused others to purchase, over \$100,000 of firearms.”

The percentages and charts presented in this section, however, tabulate only the *named* weapons or ammunition specified in court documents associated with the specific criminal charges. Most include manufacturer, model, and caliber and many include the names of the point-of-sale dealers. Therefore, the VPC findings offer a snapshot of illegal firearms trafficking to Mexico from the United States. The findings should not be viewed in any way as offering an estimate of the *overall* numbers of guns or ammunition being trafficked from the U.S. into Mexico.

The filings that comprise this snapshot offer a clear picture of the types of firearms most coveted by those trafficking guns to Mexico as well as the methods the traffickers use to obtain them. The patterns that emerged from the documents include the following.

^c The VPC attempted to identify all such cases but efforts were limited by search restrictions in the databases used.

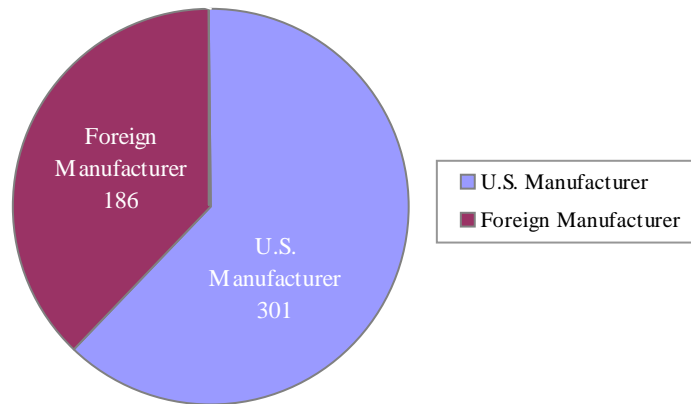
- o **Traffickers seek out semiautomatic assault weapons, armor-piercing handguns, and anti-armor sniper rifles.**



There were 501 firearms^d listed in the documents, with specific information about the weapon type for 492 of those firearms. Of the total of 492 firearms with detailed weapon type listed, nearly two thirds (63 percent) were either assault weapons (209 or 42 percent), armor-piercing handguns (88 or 18 percent), or anti-armor 50 caliber sniper rifles (11 or two percent). The remainder were primarily semiautomatic pistols (148 or 30 percent). Of the armor-piercing handguns, all were FN Herstal Five-sevenN pistols.

- o **Of the total number (226) of rifles, 90 percent (204) could be identified as military-style assault weapons, the bulk of which were either AK-47 or AR-15 variants.**
- o **The firearms listed were a mix of guns manufactured in the United States and weapons imported into the U.S. where they were then acquired by illegal traffickers.**

^d In addition to the 501 listed firearms, one case described the illegal acquisition of an unstated number of firearms. Those firearms are not included in this count.



Of the 487 guns where the source of manufacture could be identified, 301 (62 percent) were made by U.S.-based manufacturers with more than one third (186 or 38 percent) made by foreign manufacturers.

- o **In addition to military-style firearms, traffickers also obtain high volumes of ammunition in the United States.**

Rounds of Ammunition Recovered by Caliber			
Caliber	Number of Rounds	Caliber	Number of Rounds
.40	10,500	.308	28
9mm	10,001	.338	19
7.62mm	4,011	.38	16
5.56mm	1,128	410	16
.223	177	.357	8
12 gauge	173	.30 Carbine	4
.50	88	Caliber not stated	44,500
.32	40	Total	70,709

o **Traffickers also obtain non-firearm items for their use.**

Examples of items obtained by traffickers detailed in the court documents include: 12 AK-47 drum magazines; two 40mm grenades; five tactical vests; two ballistic body armor plates and carriers; two sets of ballistic body armor; one AR-15 upper receiver; one stun gun; one weapons mounted laser aiming system; and child pornography.

Made clear by the court documents is the fact that those trafficking firearms to Mexico—like the incalculable number of criminals, mass shooters, and extremist organizations before them—recognize that with little more than an ID, money, and a limited degree of ambition virtually anyone can use the U.S. civilian gun market to easily outfit their own army.

Section Three: Methods Used by Traffickers to Obtain the Firearms

What emerges with striking clarity from these cases is that illegal traffickers are indeed willing to, in the words of the NRA's LaPierre, "trifle with paperwork at U.S. gun stores." The vast majority of the firearms listed in the court documents were acquired from Federal Firearms License holders (FFLs), mainly through the use of "straw buyers," a legal purchaser buying a firearm for someone else who is in a prohibited category or for other reasons is violating federal firearms law. Other cases involved individual buyers who lied on the federal Form 4473 (e.g., providing a false address).

The court documents reveal a web of elaborate, coordinated rings of "straw purchasers" who acquired guns for the traffickers at gun shops and gun shows in border states.

- o In one case, a female "straw buyer" was approached by a friend who offered to pay her \$150 for every gun she purchased. The woman eventually told an ATF investigator that she was told to buy only FN Herstal pistols or rifles. She said she bought one firearm from Dury's gun store in San Antonio, Texas on August 8, 2007, and picked up another on August 9, 2007, which she had ordered the day before. On August 11, 2007, the woman was taken by the trafficker to a gun show at the Live Oak Civic Center where she purchased another FN firearm. When the woman took the gun to the trafficker who was waiting in a Jeep, she claimed that the trafficker showed her 10 other firearms that had been purchased by other people. After being contacted by ATF, the woman called her friend and asked him to return the guns so that she could show them to ATF. The friend provided her with an FN rifle and pistol she had purchased and urged her not to worry since he claimed to have other individuals buying guns for him who had not gotten into any trouble. The trafficker's scheme unraveled when the friend identified the trafficker, Ernesto Garza, to ATF and described how he had organized several individuals to buy firearms in San Antonio and then arranged for their transport into Mexico where Garza would trade the firearms for kilos of cocaine and bring the drugs back into the U.S. Garza, a Mexican national, began his trafficking operation in June 2005, dealing mostly in hunting rifles according to U.S. Immigration and Customs Enforcement (ICE). In mid-2006, however, he began trafficking in "high-powered, high-capacity handguns and assault rifles," according to ICE. Garza's gun acquisitions consisted mainly of FN PS90 assault rifles and Five-seveN pistols. ICE alleged that Garza's smuggling ring provided more than 50 weapons to Mexico including one Five-seveN pistol recovered after it was used in a running gun battle that left two Mexican soldiers dead. In August 2008, Garza pleaded guilty to conspiring to obtain firearms by making false statements and smuggling firearms into Mexico.⁹
- o In another case, filed on February 11, 2009, the government alleged that 10 defendants acquired firearms through "straw purchasers" from a variety of Federal Firearms License holders in the Tucson and Phoenix areas and then smuggled them across the border into Mexico. The alleged traffickers evinced a particular appetite for AR- and AK-style assault rifles. The indictment alleges that one "straw buyer" bought eight Olympic Arms AR-type .223 assault rifles on one day in 2008 from Mad Dawg Global, an FFL who appears to operate out of a private residence. A total of 31 assault rifles were bought from

Czech CZ-82



C&R ELIGIBLE 9x18 caliber semi-auto, LE and military version of the CZ-83. All steel with black polymer finish, 12 round mag, holster, cleaning rod and lanyard. **Californians**, call or check our website for availability. Add \$10 for Hand Select.

SALE! In Good Condition . . . 25-1886 **\$179.95**
Two or more . . . each **\$169.95**

In Very Good Condition . . . 25-1688 **\$209.95**
Two or more . . . each **\$199.95**

Factory CZ-82/CZ-83 Mags 12 round 9x18/13 round .380, 4-565 **\$29.95**
New Factory CZ-82/CZ-83 Mags 9 round 9x18/10 round .380, 4-218 **\$43.95**

New CZ52 Steel Replacement Firing Pin . . . 7-751 **\$9.95**
Hogue Exotic Hardwood CZ52 Grips . . . 7-1000 **\$49.95**

Polish P64



9x18 Makarov Walther PPK style, all steel construction, chrome plated bore, decocking safety, loaded chamber indicator and 6 round mag. Polished blue finish may show wear. In very good plus condition, add \$10 for Hand Select.

J&G Price . . . 2-837 **\$159.95**
Polish P64 6 Round Mag 9x18 caliber . . . 4-348 **\$19.95**

GALIL/GOLANI .223 CALIBER



Golani Sporter .223 Caliber
 Semi-auto Galil style rifle with pistol grip, folding stock and high cap mag.

New Lower Price! . . . 15-1464 **\$599.95**
Golani Sporter .223 Cal, with bayonet lug . . . 15-1680 **\$629.95**
 50 **\$36.95**
 58 **\$26.95**
 95 **\$29.95**

ROMANIAN AK-47's



Romanian AK-47 GP75
 7.62x39mm caliber semi-auto with American made receiver, barrel, pistol grip and synthetic stock. Has bayonet lug, removable slant cut muzzle brake and high capacity mag . . . 15-1607 **CALL**

30 Round Steel AK-47 Mags 7.62x39mm
Excellent to Like New Condition . . . 4-643 **\$19.95**
Good to Very good Condition . . . 4-252 **\$17.95**
Fair Condition, may have rust . . . 4-63 **\$16.95**
Ten or more . . . each **\$15.95**

AK Side Rail Mount
 Black matte finish, takes Weaver rings . . . 6-352 **\$29.95**

AK Top Mount and Rings . . . 6-166 **\$19.95**

Complete Set: 4x30 Scope, Mount & Rings 6-241 **\$29.95**

Windage and Elevation Sight Adjustment Tool
 Fits AK and SKS . . . 7-293 **\$9.95** - **Three or more** . . . each **\$7.95**

Bulgarian AK47 Bayonet Type 1 with Sheath
 For early type one style rifles . . . 7-2031 **\$19.95** - **2 or more** . . . each **\$14.95**

Romanian AK47 Bayonet with Scabbard
 Good condition, may have rust . . . 7-2103 **\$9.95** - **2 or more** . . . each **\$8.95**
Ten or more . . . each **\$7.95**



Romanian AK-47 WASR10
 7.62x39mm caliber semi-auto with bayonet, bayonet lug, slant cut muzzle brake, high capacity mag and accessories. . . . 15-1126 **CALL**



Romanian AKM47 1975 Bullpup
 7.62x39mm caliber semi-auto with polymer stock, new US made receiver and high capacity mag . . . 15-1465 **CALL**

ROMANIAN WASR22 .22LR



Four Romanian AK-type assault rifles were purchased by suspected traffickers over consecutive days from J&G Sales (ad from Shotgun News above).

The "dealer location" link provided for Mad Dawg Global on Gunslive.com shows this residence in Tucson.

Mad Dawg. One defendant also bought four Romanian AK-type assault rifles from J&G Sales on consecutive days in July 2008. In addition, the defendants patronized Phoenix-area gun shows where they bought several assault rifles from FFLs operating at the shows. The defendants were observed by authorities on numerous occasions crossing the border into Mexico at the Douglas Port of Entry. Prosecutors identified 112 firearms that were illegally purchased by this “straw purchaser” ring. Mexican authorities have recovered at least four of the guns in Mexico, including a Saiga 7.62x39mm assault rifle and an Olympic Arms .223 assault rifle. The Olympic Arms assault rifle was found in a house along with 17 other rifles, 7,000 rounds of ammunition, two grenades, and five tactical vests.

Other cases also demonstrate how traffickers are easily able to buy firearms—including assault weapons—in bulk.

- o In one case, a suspected trafficker placed an order at a Texas gun store for 10 DPMS assault rifles and five Bushmaster Carbon 15 assault pistols. The total purchase price for the weapons was \$16,000. Told that the guns were not in stock, the trafficker informed the clerk that not all of the firearms were for him and that others would be by to pick them up. The trafficker provided the clerk with names of individuals who had previously purchased similar models of firearms from that store. The trafficker then paid the entire \$16,000 due in cash. Six DPMS assault rifles were discovered by ICE hidden underneath the roof shingles of a van driven by the suspect as he attempted to cross the border into Mexico.
- o In a separate case, a suspected trafficker bought eight Bushmaster .223 assault rifles from two locations of a Houston gun retailer in a four-day period from December 12 through December 16, 2006. The same trafficker had purchased five Beretta high-capacity pistols from one of the same locations on November 7, 2006. Mexican authorities recovered two of the Berettas along with larger arsenals in separate seizures in Mexico. One of the Bushmasters was recovered from a member of the Zetas—renegade paramilitary forces working for the drug cartels—after an assault on Mexican police.

Other cases highlight the fact that traffickers seek out extreme firepower in the form of military-style weapons:

- o One case involved a single defendant, nicknamed “Zorra,” accused of dealing in firearms without a license. Zorra was allegedly responsible for the illicit transfer of 28 firearms in a five-month period in 2008, including: several DPMS assault rifles; three Barrett 50 caliber anti-armor sniper rifles; and, 11 FN PS90 assault rifles. Zorra was also implicated in another case in which it was asserted that he recruited a “straw buyer,” Juan Valdez, who purchased or caused to be purchased more than \$100,000 worth of firearms according to the sworn complaint of an ATF agent. Mexican authorities seized five guns—including a .223 assault rifle, three .308 assault rifles, and a 50 caliber sniper rifle—that were traced back to Valdez after a shootout in Tijuana that killed four drug cartel suspects and one Mexican soldier in October 2008.

Other traffickers merely lied on the federal Form 4473 to obtain their weapons.

- o Federal investigators believe that Turner Cornell Mooneyham ran a one-man, high-volume, gun smuggling operation that was funneling hundreds of guns to Mexico. Mooneyham allegedly claimed a vacant lot as his residence on the federal Form 4473s he filled out at the numerous retail outlets from which he purchased the firearms. The indictment filed in U.S. federal district court in Texas listed 43 firearms that Mooneyham “fraudulently or knowingly exported” to Mexico. Investigators say Mooneyham trafficked at least 500 firearms to Mexico, selling them to several buyers.¹⁰ The U.S. Attorney cited witnesses who described the methods that Mooneyham used to smuggle the weapons, including a cache under the platform bed of a motor home. A search of the motor home revealed ammunition, gun orders, Mexican immigration documents, and “other evidence indicative of firearms trafficking.” When authorities searched Mooneyham’s residence, they discovered child pornography on his computer. Mooneyham was charged with several counts of possession of child pornography along with charges of making false statements in the records of federally licensed gun dealers and illegally transporting guns from Texas to Mexico. He pleaded guilty to eight counts of firearm violations in December 2008 and was scheduled to go on trial for the child pornography charges in March 2009.

Section Four: Sample Document

This excerpt from the February 11, 2009, indictment of Begmar Ivan Ruiz-Zuniga and Miguel Angel Dominguez describes in detail the methods the two allegedly used to smuggle guns to Mexico and offers examples of the types of weaponry being obtained by traffickers in the United States.

OVERT ACTS

In furtherance of the conspiracy, and to effect the objects thereof, at least one of the co-conspirators herein committed one or more of the following overt acts, among others, in the Western District of Texas, and elsewhere:

1. On or about February 1, 2007, **BEGMAR IVAN RUIZ ZUNIGA** requested **J.L.G.** purchase firearms for **RUIZ** in the United States and illegally export them to him in Mexico.
2. On or about May 22, 2007, **J.L.G.**, exported two firearms from the United States to the Republic of Mexico for **BEGMAR IVAN RUIZ ZUNIGA**.
3. On or about March 19, 2008, **J.L.G.** traveled from Ciudad Juarez, Chihuahua, Mexico to EL Paso, Texas, to receive firearms from persons known and unknown to the Grand Jury that had previously been purchased for **J.L.G.** for delivery to **BEGMAR IVAN RUIZ ZUNIGA** in Mexico.
4. On or about March 19, 2008, **J.L.G.** secreted six firearms inside a white cargo van to export them from the United States to the Republic of Mexico for delivery to **BEGMAR IVAN RUIZ ZUNIGA**.
5. On or about December 8, 2008, **BEGMAR IVAN RUIZ ZUNIGA** asked an individual to rent a residence on the east side of El Paso, Texas, to use to facilitate firearms smuggling. **RUIZ** was to use one room at this residence.
6. On or about December 17, 2008, this individual rented a house at 11824 Dick Mayers in El Paso, Texas, as requested by **BEGMAR IVAN RUIZ ZUNIGA**.
7. On or about December 22, 2008, **BEGMAR IVAN RUIZ ZUNIGA** asked an individual to pick up a vehicle in El Paso, County, Texas, for **RUIZ** the following day. **RUIZ** asked him to then drop off the contents of the vehicle at the residence on Dick Mayers. The individual went to the location identified by **RUIZ** on December 23, 2008, and drove the vehicle to the Dick Mayers address. This vehicle contained firearms and ammunition.
8. On or about December 23, 2008, **MIGUEL ANGEL DOMINGUEZ**, received and stored an upper receiver for an AR-15 style firearm from **BEGMAR IVAN RUIZ ZUNIGA**, and **RUIZ** asked **DOMINGUEZ** to store the upper receiver at **DOMINGUEZ'S** residence in El Paso, County, Texas, until **RUIZ** could smuggle the upper receiver into Mexico.

All in violation of Title 18 United States Code Section 371.

NOTICE OF GOVERNMENT'S DEMAND FOR FORFEITURE

18 U.S.C. § 554 (a) and 924(d)(1)

As a result of the offenses set forth in Count One herein, Defendants

**BEGMAR IVAN RUIZ-ZUNIGA, and
MIGUEL ANGEL DOMINGUEZ,**

shall forfeit to the United States pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), all firearms involved in or used in any knowing violation of the commission of the offenses, including, but not limited, to the following:

1. AK GP WASR-10/63 7.62 X 39 mm Assault Rifle Serial Number 1972EH3174.
2. AK GP WASR-10/63 7.62 X 39 mm Assault Rifle Serial Number 1976GD0400.
3. AK GP WASR-10/63 7.62 X 39 mm Assault Rifle Serial Number 1985 S-BK2850.
4. AK GP WASR-10/63 7.62 X 39 mm Assault Rifle Serial Number 1984 NX1259.
5. AK GP WASR-10/63 7.62 X 39 mm Assault Rifle Serial Number 1964EF3636.
6. AK GP WASR-10/63 7.62 X 39 mm Assault Rifle Serial Number 1988ACL3991.
7. AK-47 GP WASR 7.62 x 39 mm Assault Rifle Serial Number 000325.
8. AK-47 GP WASR 7.62 x 39 mm Assault Rifle Serial Number IS-4612-79.
9. Romanian AK-47 7.62. x 39 mm Assault Rifle Serial Number 1-26383-2001.
10. AK-47 GP WASR 7.62 x 39 mm Assault Rifle Serial Number 000460.
11. AK-47 GP WASR 7.62 x 39 mm Assault Rifle Serial Number 000392.
12. 240 Rounds of 7.62.x 39 mm Russian Bear Ammunition
13. 1000 Rounds of Wolf brand 7.62 x 39 m ammunition.
14. 88 Rounds of 50 Caliber ammunition.
15. 1100 Rounds of 5.56mm ammunition.
16. 140 rounds of .223 caliber Wolf brand ammunition.

17. 20 rounds of 5.56mm NATO Match ammunition.
18. 20 rounds of armor piercing .223 caliber ammunition.
19. 6 rounds 12 Gauger Shotgun ammunition.
20. 191 rounds of 7.62 x 39mm ammunition.
21. 2 each 12 Gauge Sabot Shotgun Slugs ammunition.
22. 7 rounds 5.56mm ammunition.
23. 19 projectiles 338-270.
24. 16 rounds 410 gauge shotgun ammunition.
25. 17 rounds .223 caliber Remington brand ammunition.
26. 35 rounds 32 auto ammunition.
27. 20 rounds 7.62 x 39mm Wolf brand ammunition.
28. 70 rounds 12 Gauge shotgun Federal Law Enforcement Demo ammunition.
29. 50 rounds 12 Gauge shotgun Federal Law Enforcement Slug ammunition.
30. 44 rounds 12 Gauge shotgun 00 Buck ammunition.
31. 1 round 12 Gauge shotgun 000 Buck ammunition.
32. 1 round 38 special ammunition.
33. 2 rounds 38 special speer ammunition.
34. 5 rounds 32 auto ammunition.
35. 1 round 9mm ammunition.
36. 8 rounds .357 ammunition.
37. 4 rounds .30 carbine ammunition.
38. 7 M16 ammunition magazines.
39. 3 AK-47 ammunition magazines.

40. 2 each Ballistic body armor plates and carriers.
41. 2560 rounds of 7.62 x 39mm Russian ammunition.
42. 13 rounds of 38 special ammunition.
43. 2 sets of Ballistic body armor.
44. 1 AR-15 Upper Receiver.

A TRUE BILL.

FOREPERSON OF THE GRAND JURY

JOHNNY SUTTON
UNITED STATES ATTORNEY

BY:


Assistant U.S. Attorney

Section Five: Examples of Models of Assault Rifles, Pistols, and 50 Caliber Sniper Rifles Cited in Documents




Bushmaster Carbon 15 pistol



WASR-10, imported from Romania by Century Arms



Bushmaster AR-15 type assault rifle



Model: Plinker Plus

Upper type: Forged A1 w/ windage only adjustment
 Front sight: Elevation adjustable post w/ bayonet lug
 Handguard: Fiberite carbine length caps
 Barrel: 16", button rifled, 4140 chromemoly steel
 Chambering: 5.56 nato
 Bore: Long-life non-chromed bore
 Twist rate: 1x9
 Muzzle: A2 flash suppressor
 Stock: A2 w/ trapdoor
 Length/Weight: 35.75" / 7.37 lbs

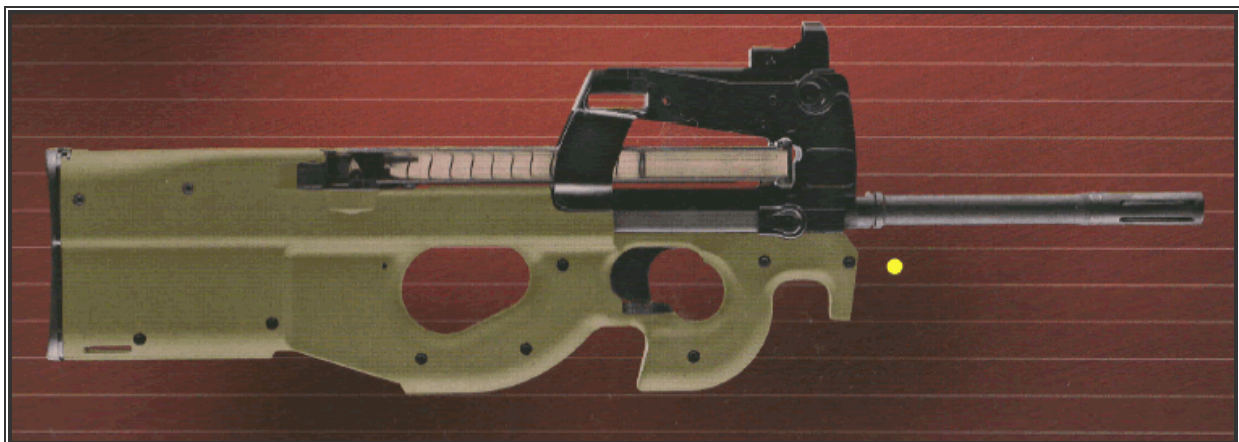
	Dealer	Retail
Complete Firearm	\$549	\$709
Upper Receiver Assembly	N/A	N/A
Unassembled Dealer Kit	N/A	N/A

Plinker Plus models cannot be ordered with upgrade options. These models are only available as configured.

Olympic Arms Plinker Plus



Saiga Rifle, imported by Arsenal Arms



FN Herstal PS90



FN Herstal Five-sevenN pistol

BARRETT
Firearms Manufacturing, Inc.

PO Box 1077 • Murfreesboro, Tennessee 37133 • USA • 615-896-2738 • FAX 615-896-7313

Model 82A1



Long range
accuracy,
light weight,
low recoil

82A1 FEATURES:

- Caliber: .50 BMG
- Operation - Short Recoil, Semi-Automatic
- Overall Length - 57 Inches
- Barrel Length - 29 Inches
- Weight - 28.5 Lbs.
- Feed Device - 10 Round Box Magazine
- Highly Efficient Muzzle Brake
- Sorbothane[®] Recoil Pad
- Match Grade Barrel
- Extreme Accuracy
- Scope Optional

Barrett 50 caliber armor-piercing sniper rifle

Section Six: Steps the U.S. Government Can Take to Address Gun Trafficking from the United States to Mexico

It is clear that the U.S. gun industry is significantly contributing to the flow of military-style weapons that is fueling the violence in Mexico. The United States must take responsibility for the role that U.S. gunmakers, importers, and retailers play in supplying Mexican drug cartels. There are several immediate steps that the U.S. government can, and must, take to help stem the cross-border flow of weapons.

STEP ONE: The Obama administration should immediately and strictly enforce the existing ban on the importation of semiautomatic assault weapons.

- o The federal Bureau of Alcohol, Tobacco, Firearms and Explosives (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. This policy was first implemented in 1989 by the George H.W. Bush administration in response to drug wars and mass shootings in the U.S. The Clinton administration strengthened the import rules in 1998 in response to efforts by the gun industry to evade the ban, but the policy was essentially abandoned by the George W. Bush administration. A strict import policy would capture the vast majority of AK-type rifles and other imported assault rifles such as the WASR-10 and FN Herstal PS90 favored by the Mexican cartels.

STEP TWO: The Obama administration should expand the import restrictions to include other dangerous “non-sporting” firearms.

- o 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.

STEP THREE: The Obama administration should work with Congress to repeal the current restrictions on release of ATF crime gun trace data (Tiahrt Amendment).

- o 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. It is imperative that the Obama administration follow through on its campaign promise to work with Congress to repeal these restrictions in ATF’s fiscal year 2010 appropriations.

STEP FOUR: ATF should be far more aggressive in identifying and sanctioning Federal Firearms License holders (FFLs) who are the sources of high volumes of guns trafficked to Mexico. For example:

- o Target border-state dealers for yearly compliance inspections.** ATF is allowed to conduct one warrantless compliance inspection of each dealer once a year. It should ensure that dealers found to supply a significant number of guns seized in Mexico are inspected annually.
- o 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.
- o 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.

STEP FIVE: Implement legislative initiatives that will significantly reduce the firepower available to gun traffickers.

- o Implement an effective federal assault weapons ban.** The federal ban that expired in 2004 was ineffective in that manufacturers continued to sell assault weapons throughout the term of the ban 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, but not the intent, of the 1994 law. To be effective, a new federal law should be modeled on California’s existing comprehensive ban. Such a bill was introduced last Congress by Representative Carolyn McCarthy (D-NY) as H.R. 1022. The bill also includes a ban on high-capacity ammunition magazines that would help reduce the lethality of the standard high-capacity pistols that are also a problem in Mexico.
- o Implement restrictions on 50 caliber sniper rifles.** A bill (S. 1331) to regulate the 50 caliber sniper rifles favored by Mexican gun traffickers under the strict licensing, background check, and taxation system of the National Firearms Act (NFA) was introduced last Congress by Senator Dianne Feinstein (D-CA).
- o Update the current ban on armor-piercing ammunition to cover new types of armor-piercing and armor-piercing incendiary ammunition.** The current federal law uses an inadequate “content-based” standard that does not work to ban new types of armor-piercing ammunition like that used in the FN Five-seven pistol currently favored by Mexican cartels or the .500 Smith & Wesson revolver.

Endnotes

¹ See, e.g., U.S. House of Representatives, Committee on Oversight and Government Reform, Subcommittee on National Security and Foreign Affairs, Hearing on “Money, Guns, and Drugs: Are U.S. Inputs Fueling Violence on the U.S.-Mexico Border?,” March 13, 2009, <http://nationalsecurity.oversight.house.gov/story.asp?ID=2343>; U.S. House of Representatives, Subcommittee on the Western Hemisphere, Hearing on “Guns, Drugs and Violence: The Merida Initiative and the Challenge in Mexico,” March 18, 2009, http://www.internationalrelations.house.gov/hearing_notice.asp?id=1055.

² “Drug traffickers routinely use firearms against each other and have used these weapons against the Mexican military, law enforcement officials, and Mexican civilians. Because firearms are not readily available in Mexico, drug traffickers have aggressively turned to the U.S. as their primary source. Firearms are routinely being transported from the U.S. into Mexico in violation of both U.S. and Mexican law. In fact, according to ATF’s National Tracing Center, 90 percent of the weapons that could be traced were determined to have originated from various sources within the U.S.,” Statement of William Hoover, Assistant Director for Field Operations, Bureau of Alcohol, Tobacco, Firearms and Explosives, United States Department of Justice and Anthony P. Placido, Assistant Administrator for Intelligence Division, Drug Enforcement Administration, United States Department of Justice Before the United States Senate Committee on the Judiciary, Subcommittee on Crime and Drugs, Concerning “Law Enforcement Responses to Mexican Drug Cartels,” March 17, 2009.

³ “Cartels in Mexico’s drug war get guns from US,” *The Associated Press*, January 27, 2009.

⁴ “Arizona Guns are Finding Way to Mexico Drug Lords,” *The Arizona Republic*, May 25, 2007.

⁵ James Verini, “Arming the Drug Wars,” *Conde Nast Portfolio.com*, <http://www.portfolio.com/news-markets/international-news/portfolio/2008/06/16/Examining-the-US-Mexico-Gun-Trade?page=3#page=3>, July 2008.

⁶ Testimony of William J. Hoover, Assistant Director, Office of Field Operations, Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice, Hearing of Western Hemisphere Subcommittee of the House Committee on Foreign Affairs on “U.S. Obligations Under the Merida Initiative,” February 7, 2008.

⁷ Wayne LaPierre, “Commentary: U.S. freedoms not to blame for Mexico's drug war,” <http://edition.cnn.com/2009/WORLD/americas/03/26/lapierre.guns.mexico/>.

⁸ “Mexican border crisis: the barbarians are at the gate,” <http://www.renewamerica.us/columns/zieve/090331>.

⁹ U.S. Immigration and Customs Enforcement news release, August 26, 2008.

¹⁰ Robert Arnold, “Quiet Life of Gun Smuggling,” *Click2Houston.com*, February 18, 2009.



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