

EXPORTING GUN VIOLENCE



**HOW OUR WEAK GUN LAWS
ARM CRIMINALS
IN MEXICO AND AMERICA**

**A REPORT BY THE BRADY CENTER TO PREVENT GUN VIOLENCE
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The Brady Center to Prevent Gun Violence is a national non-profit organization working to reduce the tragic toll of gun violence in America through education, research, and legal advocacy. Through its project *Gun Industry Watch*, the Brady Center works to monitor and publicly expose gun industry practices that contribute to gun violence, with the goal of bringing about life-saving industry reform. The programs of the Brady Center complement the legislative and grassroots mobilization efforts of its sister organization, the Brady Campaign to Prevent Gun Violence and its network of Million Mom March Chapters.

This report was written by Jonathan Lowy, Daniel Vice, Robyn Steinlauf, Amanda Koulousias, Sarah McLemore and Jordan Zlotoff, with assistance from Mary Boyle. If you have questions about any part of this report, or would like a copy, please write to *Gun Industry Watch*, Brady Center to Prevent Gun Violence, 1225 Eye Street, N.W., Washington D.C. 20005. The report is also available at www.bradycenter.org/gunindustrywatch and www.gunlawsuits.org.

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EXECUTIVE SUMMARY

We need “a comprehensive approach” while “also making sure we are dealing with the flow of drug money and guns south.... The drugs are coming north, we’re sending funds and guns south.”

– President Barack Obama, on violence in Mexico, March 2009¹

Exploiting weak American gun laws that allow gun traffickers and criminals easy access to high firepower weapons, Mexican drug cartels are fighting an escalating war that has killed thousands, threatens to destabilize our Southern neighbor, and poses an increasingly grave security risk to the U.S. President Barack Obama, Attorney General Eric Holder, and Homeland Security Secretary Janet Napolitano have recognized that stemming violence in Mexico is of urgent national and international importance. Indeed, these same Mexican drug gangs are wreaking havoc in the U.S. as well.

American gun sellers are supplying the cartels with the guns used to wage war. Upwards of **90% of the crime guns used by the drug cartels and recovered and traced by law enforcement originate from U.S. gun sellers.**² With more than 7,600 U.S. gun shops within 100 miles of the Mexican border,³ and numerous gun shows and unlicensed sellers, Mexican drug lords and the gun traffickers who supply them have access to a virtually unlimited arsenal of military-style assault weapons and other high firepower guns. Estimates of the guns flowing into Mexico are as high as **2,000 weapons per day.**⁴ ATF has described an **“iron river of guns”** that are “streaming across the border at such a pace that some are being recovered in Mexico within days after their purchase in the U.S.”⁵

- ***More than 90% of the guns used by the drug cartels originate from U.S. gun sellers***

- ***An estimated 2,000 weapons per day are flowing from the U.S. into Mexico***

Weak U.S. Gun Laws Are Fueling the Crisis in Mexico

Mexico’s tough gun laws prevent criminals from obtaining guns, so they take advantage of our weak gun laws that provide them ready access to arsenals of weapons. Under federal law, and the law in Texas, Arizona, and most states, unlicensed sellers are allowed to sell guns without a background check, no questions asked. U.S. law does not limit the number of guns that can be sold at a time, so traffickers can buy in bulk. And since the federal assault weapons ban was allowed to expire, military-style weapons and high capacity ammunition magazines are readily available. **A trafficker supplying Mexican drug lords can buy all the guns he wants from an “unlicensed seller” in Texas or Arizona, no questions asked. Even licensed dealers are allowed to sell crates full of military-style assault weapons or .50 caliber sniper rifles that can pierce armor plating and even take down airplanes from a mile away, particularly during landing or take-off, as well as on the ground.**

Gun shops that break the law are often able to evade prosecution, and even keep their licenses to sell guns, due to laws that hamstringing the law enforcement authority of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). Perhaps the most notorious dealer supplying the cartels, the owner of X-Caliber gun shop in Phoenix, had all criminal charges brought against him dismissed recently, even though he supplied hundreds of firearms traced to shootings in Mexico.



The Crisis In Mexico Harms Our National Security

The crisis fueled by our weak gun laws threatens America's security. The Department of Homeland Security has warned that "Mexican Drug Trafficking Organizations constitute the greatest organized crime threat to the United States."⁶ The violence and kidnappings that are trademarks of Mexican drug traffickers are no longer confined to Juarez and Tijuana. In Las Vegas, a 6-year-old boy was abducted; in Atlanta, a man was chained and tortured; in Texas, a truck driver was taken across the border – all the work of thugs tied to the Mexican drug cartels.⁷ Phoenix, Arizona has now become "the kidnapping capital of the United States," due to drug-related violence crossing the border into the U.S.⁸

Just as criminals evade Mexico's tough gun laws by buying guns here, American criminals in states with tough laws take advantage of states with weak laws to get their guns. The same weak gun laws that help to arm Mexican criminals also arm American criminals.

To Stop Gun Trafficking, We Must Strengthen Our Gun Laws

Unless existing gun laws are strengthened, drug cartels and criminals in Mexico and the U.S. will continue to amass their arsenals. The following proven solutions will help stem the tide of gun-running that threatens to further destabilize our Southern border, and also make it harder for criminals in the U.S. to obtain firearms:

- **Require background checks for all gun sales.** 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."⁹ 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.'"¹⁰
- **End bulk handgun sales.** Multiple sales of handguns allow gun traffickers to purchase large quantities of weapons from corrupt or irresponsible gun dealers or unlicensed sellers at gun shows.¹¹ Gun traffickers frequently buy multiple handguns in one transaction in states with weak gun laws to export across state lines to areas where gun laws are stronger.¹²
- **Stop corrupt gun dealers by removing restrictions on ATF enforcement.** Only one percent of federally licensed firearms dealers are responsible for nearly 60 percent of guns traced to crime.¹³ ATF investigations of these "bad apple" gun dealers indicates that the vast majority of them – 75 percent – have violated Federal firearms laws.¹⁴ Restrictions on ATF's authority to crack down on these dealers, however, enables them to continue to pump countless numbers of guns into the criminal market.¹⁵
- **Restrict military-style semiautomatic weapons.** 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. We must



restrict civilian ownership of these military-style weapons. High-capacity ammunition magazines and armor-piercing bullets should be similarly restricted.¹⁶

President Obama has called for a comprehensive approach to the crisis. Any such approach must include closing loopholes that enable criminals to easily buy guns. While providing more resources for law enforcement is important, that alone cannot possibly solve the problem. We must also strengthen U.S. gun laws that allow easy access to illegal guns.

Even with additional resources, ATF can only stop illegal conduct, and as long as it remains legal to sell unlimited quantities of military-style weapons or sell guns without background checks, the illegal flow of guns will continue. U.S. Attorney General Eric Holder also recently called for reinstatement of the federal assault weapons ban.¹⁷ While this would help reduce the firepower available for drug lords and is an important part of the solution, it alone is insufficient to stem the Mexican crisis.

“Enforcing the laws on the books” is a catch phrase, not a responsible, effective solution to the crisis of gun violence. Laws prohibiting criminals and dangerous people from obtaining guns are riddled with loopholes and cannot be effectively enforced unless these laws are strengthened. The Mexican government has recognized that U.S. laws allow such vast, unregulated gun sales that the “legal” market and the “black” market are virtually indistinguishable: “In the US there are no groups selling weapons clandestinely since the formal market is very big and its control is minimum; therefore a black market is useless, there is no need for someone to control it.”¹⁸ Mexican Attorney General Eduardo Medina Mora correctly called the ease by which Mexican criminals obtain guns in America “absurd.”¹⁹

Conclusion – Stronger Gun Laws Will Save Lives

While law enforcement, our nation’s Mayors, and other leaders have long urged Congress to bring sanity to our gun laws to protect our communities, the Mexican gun war has upped the ante. The security of our neighbor to the south, and thus our security, may hang in the balance. The question is now whether we will strengthen our gun laws to prevent the continual arming of Mexican – and American – criminals, or whether we will allow our national security to be threatened in order to cater to the gun lobby. The current crisis demands that we

What does “enforce the laws” really mean?

Some claim the solution to the Mexican crisis, and gun violence in the U.S., is to simply enforce the laws on the books. However, unless existing gun laws are strengthened, the few laws on the books cannot be effectively enforced.

While current law prohibits criminals and certain other dangerous persons from obtaining guns, and requires gun dealers to obey the law, loopholes prevent those laws from being effectively enforced. No amount of enforcement of current laws will prevent the following types of sales, which are legal under federal law and fuel the criminal market:

- **Gun sales without a background check by unlicensed sellers at gun shows and in private sales**
- **Sales of unlimited numbers of firearms, including high firepower military-style assault weapons**
- **Continued sales by licensed gun dealers even if they are under indictment for federal gun law violations**

As long as unlicensed sellers are allowed to sell guns without background checks, gun dealers can sell unlimited guns in bulk, and ATF is blocked from cracking down on corrupt dealers, law enforcement cannot effectively enforce our limited gun laws.



enact common sense gun laws that will keep dangerous weapons out of the hands of Mexican drug traffickers as well as domestic criminals.

THE SCOPE OF THE PROBLEM:
HIGH FIREPOWER WEAPONS FROM THE U.S. ARE SUPPLYING MEXICAN DRUG CARTELS AND CAUSING CARNAGE

More than 90% of crime guns in Mexico come from the U.S. Mexico has strong gun laws that make it difficult for criminals to get guns there. In Mexico, unlicensed sellers cannot sell guns without background checks – much less sell military-style assault weapons by the hundreds. Across the border in the U.S., traffickers for drug cartels can easily find countless sellers at gun shows and gun shops willing to provide them with all the firepower they can buy.

According to ATF, more than 7,770 guns sold in the U.S. were recovered in crime in Mexico and traced to a gun dealer in 2008, up from 3,300 in 2007, and 2,100 in 2006, and these numbers represent only a small fraction of the number of guns flowing into Mexico.²⁰ Thousands more crime guns have been flowing into Mexico and have yet to be recovered by law enforcement.²¹ **Estimates of the guns flowing into Mexico from the U.S. are as high as 2,000 guns every day,**²² a figure that is even more staggering given that Mexico only has about 6,000 registered guns.²³

ATF has described an “**iron river of guns**” that are “streaming across the border at such a pace that some are being recovered in Mexico within days after their purchase in the U.S.”²⁴

Many guns used in the Mexican drug war are sold by unlicensed sellers at gun shows and in private sales. In Arizona and Texas, unlicensed sellers are allowed to sell guns without a



Weapons seized in Reynosa, Mexico – 540 assault rifles, more than 500,000 rounds of ammunition, 150 grenades, 14 cartridges of dynamite, 98 fragmentation grenades, 67 bullet proof vests, seven Barrett .50 caliber sniper rifles and a Light Anti-Tank rocket.²⁵

background check or paper trail. Federal law allows civilians to buy military-style assault weapons, so dealers can also legally sell AK-47s and high capacity ammunition magazines effective for military assaults.

Federal law also does not limit the number of guns that can be sold in any transaction, even if the buyer can provide no legitimate reason for a bulk purchase, so traffickers can easily amass an arsenal through “legal” sales. When gun dealers who supply large quantities of weapons to traffickers break even the limited gun laws that do exist, they can generally still evade prosecution due to weak laws that hamstring the ATF and severely hinder its ability to revoke law breaking gun dealers’ licenses.

Violence stemming from the narcotics trade in Mexico accounted for approximately 6,000 murders in Mexico in 2008, twice the previous year’s record.²⁶ Included in those numbers are over 2,000 Mexican law enforcement officers killed during 2007 and the first half of 2008.²⁷ In the first two months of 2009, there have already been 1,000 drug-related murders.²⁸

Increases in gun smuggling and drug cartel crime began to soar in December 2006, when Mexican President Felipe Calderon took office and pledged to end trafficking. To fulfill his pledge, Calderon initiated policies such as increasing troop deployments to crime ravaged areas, increasing arrests and prosecutions of traffickers, increasing extraditions to the U.S., and reforming the police and judiciary.²⁹

In response to these crackdowns, cartels began to fight violently for control of lucrative drug routes to the U.S., worth billions of dollars.³⁰ For example, in November of 2008, along the border with Texas, Mexican authorities arrested drug cartel leader Jaime “el Hummer” Gonzalez Duran, one of the founders of “Los Zetas.” While being transported to the airport, El Hummer’s

Between December 2006 and March 2009, the Mexican government has seized 35,025 firearms.

These include 19,231 long guns, most of which are assault rifles, and 4,708,337 pieces of ammunition.

fellow cartel members launched a brazen attack against the federales. After the ensuing battle, in which the federales prevailed, Mexican federal agents captured 540 assault rifles, more than 500,000 rounds of ammunition, 150 grenades, 14 cartridges of dynamite, 98 fragmentation grenades, 67 bullet proof vests, seven Barrett .50 caliber sniper rifles and a Light Anti-Tank rocket.³¹

The ease of buying high-powered assault weapons in the U.S., following the expiration of the assault weapon ban in 2004, is facilitating drug cartel violence.³²

Recent data shows a surge in seizures of assault rifles and .50-caliber guns,³³ 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.³⁴

ATF commented, “You’re looking at the same firepower here on the border that our soldiers are facing in Iraq and Afghanistan.”³⁵

All told, between December 1, 2006 and March 12, 2009, the Mexican government has seized 35,025 firearms, including 19,231 long guns, most of which are assault rifles, and 4,708,337 pieces of ammunition.³⁶



The increasing prevalence of assault weapons in Mexico has led Mexican Attorney General Eduardo Medina Mora to say of U.S. gun laws: “It’s truly absurd that a person can get together 50 to 100 high powered arms, grenade launchers, fragmentation grenades, and can transport this cargo into our country. It’s a task that needs a much more decided and determined effort from the U.S. government...”³⁷ Tony Garza, Ambassador to Mexico under President George W. Bush, echoed this, saying that Mexico “would not be the center of cartel activity or experiencing this level of violence, were the United States not the largest consumer of illegal drugs and the main supplier of weapons to the cartels.”³⁸

The U.S. and Mexico are in a symbiotic relationship that feeds the drug trade and gun criminals in both countries. While most of the trafficked guns in the world originate in the U.S., most of the illicit drugs in the world pass through Mexico heading north.³⁹ The cross-border drug trade is a \$25 billion-a-year business,⁴⁰ and the smuggling routes used to send drugs north to the United States are the same routes used to send drug profits and guns to protect those profits south to Mexico.

The violence fueled by our weak gun laws threatens to cause a major foreign policy crisis for the U.S. Homeland Security Secretary Napolitano has warned that “[t]here is a possibility, remote as it may be, but there is a possibility of [Mexico] becoming a narcostate.”⁴¹

A report by the U.S. Joint Forces Command on worldwide security threats listed Mexico as one of two countries (along with Pakistan) that “In terms of worse case scenarios ... bear consideration for a rapid and sudden collapse.”⁴³

Mexico’s “politicians, police and judicial infrastructure are all under sustained assault and pressure by criminal gangs and drug cartels.”⁴²

The Joint Forces Command pointed to the drug cartel violence – that is fueled by American guns – as the cause of this potential threat: “The Mexican possibility may seem less likely, but the government, its politicians, police and judicial infrastructure are all under sustained assault and pressure by criminal gangs and drug cartels. How that internal conflict turns out over the next several years will have a major impact on the stability of the Mexican state.”⁴⁴ The Command made clear that this potential crisis would have serious homeland security implications for the U.S., requiring an American response. “Any descent by Mexico into chaos would demand an American response based on the serious implications for homeland security alone.”⁴⁵



THE ROOT OF THE PROBLEM:
**THE SAME WEAK U.S. GUN LAWS THAT ARM AMERICAN CRIMINALS ENABLE
MEXICAN DRUG CARTELS TO OBTAIN DEADLY WEAPONS**

It is not surprising that Mexican criminals look to the U.S. to get their guns. Mexico's laws, unlike those in the U.S., do not allow a vast unregulated market in which military-style assault weapons, .50 caliber sniper rifles, and semiautomatic firearms are readily available, in unlimited quantity, to anyone who can pay for them, no questions asked. Mexican gun laws make it difficult for criminals to get guns – which is why they frequently come to the U.S. to acquire their arsenals.

In Mexico, guns can only be purchased from licensed businesses, not individuals, and guns cannot be purchased without registration and approval from the Department of National Defense. There are restrictions on the caliber of guns that can be purchased by civilians; many of the high-powered guns being trafficked to gangs from the U.S. are restricted in Mexico to military and law enforcement. In the United States, along the border alone there are reportedly over 7,600 dealers,⁴⁶ more than the number of legally registered guns in Mexico.⁴⁷ And that does not even include the innumerable unlicensed sellers at gun shows and elsewhere.

Traffickers supplying the Mexican drug lords exploit the following weaknesses and loopholes in U.S. gun laws, already used by criminals in the U.S., to amass their arsenals:

- ***No Background Check Sales:*** Under federal law, and Arizona and Texas state law, criminals and gun traffickers can obtain guns no questions asked, without background checks or paperwork, from unlicensed sellers. About 40% of all gun sales are made without background checks.⁴⁸
- ***Bulk Handgun Sales:*** Under federal law, and Arizona and Texas state law, there is no limit on the number of guns a purchaser can buy at a time – other than the buyer's ability to pay for them. Gun traffickers frequently buy firearms in bulk in states with weak gun laws, and export them to areas with stronger gun laws, where it is more difficult to obtain vast quantities of weapons.⁴⁹
- ***Restrictions on Law Enforcement Enable Corrupt Gun Dealers to Supply the Criminal Market:*** Weak federal gun laws protect corrupt gun dealers and hamstring federal law enforcement. ATF generally cannot revoke a federal firearms license without proving years of repeated violations, and the standard of proof required for license revocations is difficult to meet. Existing law limits ATF to one spot inspection of a gun shop each year. Riders attached to appropriations legislation since 2004, known as the Tiahrt Amendments, prohibit ATF from requiring gun dealer inventory audits, restrict disclosure of crime gun data, and require the destruction of Brady background check records after 24 hours.⁵⁰
- ***Military-style Assault Weapons and Sniper Rifles:*** Under federal law and state laws in many states, including Texas and Arizona, civilians can easily and legally purchase military-style assault weapons, as well as military surplus .50 caliber sniper rifles that can shoot through armored vehicles and even shoot down airplanes, particularly during landing or take-off, as well as on the ground. Under President Bush, the former federal Assault Weapons Ban was allowed to expire in 2004, resulting in a flood of military-style semiautomatic firearms into the criminal market.⁵¹



No Background Check Sales

A major source of illegal guns trafficked to Mexico and funneled to criminals in the U.S. are sales made without background checks. Many of these sales occur at gun shows, where the gun show loophole in federal law allows unlicensed sellers to sell firearms without a background check.

An estimated 40% of guns obtained in the U.S. are bought in “no background check sales” at gun shows or other private venues.⁵²

The following are just a small collection of the many instances where illegal guns recovered in Mexico and along the border have been traced back to “no background check sales” and/or at gun shows:

- In December 2007, **ATF agents seized a cache of 62 military grade weapons, many of which had been purchased at gun shows.** The shipment, which included AK-47’s, other assault rifles, handguns and an Uzi, was intended for gang members in Mexico and Los Angeles.⁵³
- One ATF investigation found that one arms trafficker – a convicted felon – regularly purchased weapons at gun shows and trafficked more than 1,000 arms across the border to Mexico. One of the guns was recovered in a raid of a Mexican drug czar’s apartment and another was used in a shoot-out where two Mexican military officials were killed.⁵⁴
- In February 2001, **a 15-month ATF investigation of Arizona gun shows culminated in 181 arrests and the seizure of more than 1,500 guns.**⁵⁵ The investigation began after law enforcement witnessed a convicted murderer purchasing a gun in a private sale.⁵⁶ One Tucson vender sold guns to a federal agent after being told they were to be trafficked to Mexico, while another was found in possession of some seventy guns connected to homicides and other crimes.⁵⁷
- J&W Gunsmith sold large quantities of guns to Lowell Ronald Wilson, a convicted felon, who would then resell the firearms at area gun shows. One of the firearms sold by Wilson at a gun show was used to kill police officer Michael Moore in February 1997, while other firearms sold by Wilson at guns shows were recovered in crimes committed in Mexico, Virginia, and Illinois.⁵⁸

Under federal law and state law in Texas and Arizona, it is legal for unlicensed sellers to sell a civilian a truck-full of guns, including semiautomatic AK-47 assault rifles, without a background check, no questions asked.

The gun show loophole allows these sales at gun shows without background checks.



Bulk Gun Sales

Law-abiding gun owners have no need to buy guns in bulk, or return again and again to gun stores within days or weeks to replenish their gun supply. Gun traffickers, however, sell numerous guns repeatedly, so they often buy guns in bulk, and/or buy guns repeatedly from the same store. Except in the few states that limit sales to one handgun per month, it is legal to buy as many guns as you can pay for, even if there is no legitimate reason to do so.⁵⁹

- Between January and November 2003, Adan Rodriguez **purchased more than 150 guns** from U.S. gun dealers for Mexican drug gangs, one of which was connected to the shooting of a police officer in Reynosa.⁶⁰ Authorities say traffickers gave him **stacks of cash to buy the guns**, with marijuana laced in between the bills. He earned about \$30 to \$40 a gun, according to court records.⁶¹ In January, he bought a 9 mm pistol from Ammo Depot in Mesquite, Texas. A few weeks later, he returned to the same store and bought an AK-47. A week later he returned and bought nine AR-15 assault weapons. The ATF only discovered the sales when an ATF agent visited Ammo Depot and saw Rodriguez's name repeatedly in the sales records.⁶² In 2006, Rodriguez was sentenced to 5 _ years in prison.⁶³
- According to ATF, John Hernandez, a 25-year-old unemployed machinist living with his parents in Houston, **purchased 23 guns for \$24,819**, including buying five Bushmaster firearms one day in September 2006 from Carter's Country gun shop store in Spring, Texas. ATF contends Hernandez purchased at least one of the guns used in the Acapulco massacre. Hernandez is said to have enlisted a 23-year-old former high school classmate who authorities say **bought 37 guns for \$42,763**, including buying 8 Bushmasters on May 12, 2007, also from Carter's Country in Spring, Texas.⁶⁴
- According to ATF, during a 2-month period Juan Pablo Gutierrez **purchased 20 guns, spending \$17,801** – believed to be all in cash. Gutierrez was said to part of a group of 23 arms traffickers who bought at least 339 firearms for Mexican organized crime syndicates in 2006 and 2007. At least 40 of the guns were later recovered in crime scenes, and many, if not all, were purchased from Carter's Country gun shop.⁶⁵

Under federal law and state law in Texas and Arizona, gun dealers may sell an unlimited number of guns to a buyer in any given sale, no explanation needed.



- **Sales From Licensed Gun Dealers Who Easily Evade Weak Gun Laws**

Many guns trafficked to Mexico are sold by gun dealers who are at worst corrupt and at best willfully indifferent when they sell straw purchasers numerous guns, for no apparent legitimate reason. As the case study below describes in detail, one gun dealer, George Iknadosian, owner of X-Caliber in Phoenix, Arizona, epitomizes how gun dealers exploit weak gun laws to supply criminals. Extremely weak federal and state gun laws enabled Iknadosian's

X-Caliber gun shop to supply hundreds of assault weapons to

traffickers, and have so far allowed him to escape liability. A judge dismissed charges against him, finding that the government could not overcome the difficult burden of proof that protects gun dealers from prosecution.⁶⁶

"I am incredulous that someone would actively support the sale of guns that they know will be used in Mexico.

It is in the best interest of gun dealers to terminate sales that they have reason to believe will be leaving the country."

– David Larue, Owner, Legendary Guns, Phoenix, Arizona

George Iknadosian was accused of selling guns to two groups of straw buyers when he knew the weapons were going to be smuggled into Mexico. He also was targeted in stings in which he allegedly sold guns to undercover officers posing as straw buyers. Prosecutors contended that Iknadosian moved his gun shop from California, where gun laws are strong, to Arizona, where they are weak.

Texas gun sellers were the source of 1,131 guns found at shooting sites in Mexico or confiscated from cartel gangsters, according to ATF.⁶⁷ Below are just a few examples of the many firearms ATF has traced from crime scenes in Mexico back to Texas gun dealers:

- The February 15, 2007 "Black Thursday" killings in Aguascalientes, Mexico occurred between local police officers and drug cartel gunmen in a violent battle that left four police officers dead. At the scene of the carnage, a Walther G22 assault-style rifle and a Beretta M9 semi-automatic handgun were found. ATF traced these weapons to the Universal Sporting Goods store in Laredo, Texas, where they were purchased by 28-year-old Texas resident Raúl Alvarez Jr.⁶⁸
- On March 16, 2008, members of a cartel were involved in a shootout with Mexican soldiers in coastal Ciudad Madero, Tamaulipas. The assailants opened fire on the soldiers, who returned fire. The soldiers recovered several firearms, including a Bushmaster .223-caliber assault rifle. ATF traced the gun to an Academy Sports and Outdoors store on Loop 410 near Vance Jackson in San Antonio. Court records show that Alejandro Palacios bought the gun on July 10, 2007 from Academy Sports and Outdoors, as a straw purchaser for Ricardo Garza. Garza and his older brother, Arnoldo, who were contract security guards at the US Immigrations and Customs Enforcement, paid Palacios \$150 for each gun.⁶⁹
- Four police officers and three government secretaries were killed in the February 2007 "Acapulco Massacre."⁷⁰ According to ATF, among the guns used was one sold by Texas dealer Carter's Country to John Hernandez, a trafficker who purchased 23 guns for \$24,819, including buying five Bushmaster rifles one day from Carter's Country gun shop.⁷¹



Case Study – Phoenix Gun Dealer Supplies Mexican Drug Cartels with Assault Weapons

In just twenty-one months, Phoenix gun dealer George Iknadosian **sold over 700 guns to straw purchasers he knew were buying on behalf of Mexican drug cartels**, according to court documents.⁷² The weapons Iknadosian sold from his gun shop, X-Caliber Guns, were mostly assault weapons, including AK-47s.⁷³ The weapons were sold to straw buyers recruited by Hugo and Cesar Gamez, Mexican brothers living legally in the Phoenix area but working for a Mexican drug cartel, and then trafficked to Mexico.⁷⁴

In 2007, ATF began investigating Iknadosian after several crime guns recovered in Mexico were traced back to X-Caliber Guns.⁷⁵ During the investigation, **Iknadosian sold guns to undercover agents, even after they told him that they planned on selling the guns in Mexico.**⁷⁶ The investigation revealed that Iknadosian not only knew that the firearms he sold were being illegally smuggled into Mexico; but that he also offered advice to purchasers on how to evade the authorities. Iknadosian counseled one purchaser to break up his purchases so as not to draw suspicion if he were pulled over. A search-warrant affidavit quotes him as saying, “if you got pulled over two is no biggie. Four is a question. Fifteen is what are you doing. So if you got two, hey me and a buddy are going to go out shooting.”⁷⁷

Iknadosian also illegally aided straw buyers by allowing them to add firearms purchased to previously filled out 4473 forms (a federal form required to be filled out when a firearm is purchased from a licensed dealer), even though a new form is supposed to be filled out for each purchase.⁷⁸ Smugglers also paid Iknadosian in advance for firearms that he would then allow the straw buyers to walk off with.⁷⁹ Additionally, investigators discovered that Iknadosian had moved his gun business from California to Arizona in 2004, allegedly to take advantage of Arizona’s weaker gun laws.⁸⁰

Several guns sold by Iknadosian and X-Caliber have been recovered from crimes and arrests in Mexico. An assault rifle recovered from a raid of a Mexican safe house for drug dealers that left eight Mexican agents dead was traced back to X-Caliber Guns.⁸¹ Mexican federal police officers recovered three assault rifles traced back to X-Caliber after members of a drug gang fired upon them.⁸²

X-Caliber also sold an AK-47 and a diamond-encrusted .38-caliber Super pistol that were found after the Nov. 2, 2008 killing of the police chief of the northern state of Sonora as he walked in a hotel about two miles south of the Arizona border; a .38-caliber Super pistol seized in 2008 when Mexican special forces captured a top Sinaloa cartel lieutenant, Alfredo Beltran Leyva, and three members of his security team; and three assault rifles recovered after patrolling federal police officers were fired upon and responded by killing four gunmen from the Beltran Leyva drug gang on July 2, 2008 at a house in Culiacan.

Despite overwhelming evidence that Iknadosian was supplying Mexican drug cartels with dangerous weapons, **weak federal and state gun laws have allowed him to escape liability.** Iknadosian was arrested in May 2008⁸³ and charged with fraud, forgery, money laundering and operating a criminal syndicate.⁸⁴ In March 2009, however, the Arizona judge hearing his case threw out the criminal charges, ruling that the prosecution had not met the difficult burden of proof required to overcome the protections the law gives to gun dealers and that the gun purchases were legal even if they ended up in the hands of Mexican drug cartels.⁸⁵



Military-style Assault Weapons and Sniper Rifles

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.⁸⁶ 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.⁸⁷



Bushmaster semiautomatic assault rifle, legal for sale in the U.S.

Some of the incidents in Mexico involving military-style weapons bought in the United States include:

- A Bushmaster carbine, civilian version of the M-16 assault rifle, bought at an Academy sporting goods store in Houston was used by drug gangsters who disguised themselves as soldiers to massacre four police officers and three secretaries in the “2007 Acapulco Massacre.” A similar rifle was sold at a Carter’s Country gun store in July 2006 and recovered two months later in Mexico after the murder of a cattle buyer kidnapped at a small-town soccer match.⁸⁸
- During a raid in Reynosa, Mexico in November 2008, authorities recovered 540 assault rifles, more than 500,000 rounds of ammunition, 150 grenades, 14 cartridges of dynamite, 98 fragmentation grenades, 67 bullet proof vests, seven Barrett .50 caliber sniper rifles and a Light Anti-Tank rocket.⁸⁹

.50 Caliber Terror – Unregulated Weapons of War

- **Capable of destroying armored cars and aircraft, .50 caliber sniper rifles are proliferating in the civilian market.**
- **Accurate at up to 2,000 yards (20 football fields), it can damage targets over 4 miles away. With more power than other semiautomatic rifles legally available on the civilian market, the .50 caliber represents a serious threat to law enforcement and our national security.**
- **Despite their destructive threat, .50 caliber sniper rifles are only subject to the same minimal federal laws as hunting rifles and shotguns. If a buyer purchases a .50 caliber rifle from an unlicensed seller, such as at a gun show, there is no age limit under federal law to buy the rifle and no background check.**



- In 2006, an AK-47 was purchased at a gun store in Phoenix by a straw buyer and was smuggled into Mexico, where it was used to arm the Gulf Cartel's paramilitary enforcement arm, the Zetas.⁹⁰ This gun was one of many guns purchased in the U.S. and driven into Cananea, Mexico, a town about 30 miles south of Arizona, by a convoy of armed assailants on May 16, 2007. In a brutal attack targeting police, five police officers and two civilians in that town were killed.⁹¹ Of the twenty-two other guns recovered from the attack, approximately 75% were purchased in Texas and the remaining 25% were bought in Arizona or California.⁹²
- The owners of Mando's Guns and Ammo, a gun store located in the border town of Laredo, Texas, noticed a spike in demand for AK-47 assault rifles in 2003. "We were selling in quantity," recalled Diana Villarreal, who took over the store after her husband died. Federal agents eventually traced more than 50 AK-47s recovered from shooting scenes in the neighboring city of Nuevo Laredo on the Mexican side of the border.⁹³

The Same Loopholes That Arm Mexican Cartels Are Also Killing Americans

The loopholes in our gun laws and corrupt gun dealers that fuel the cartel wars in Mexico also supply criminals on this side of the border. While Mexico is just now reaching gun homicide tolls of 6,000 a year, the United States has suffered over 30,000 deaths and more than 70,000 injuries due to gun violence every year for decades.⁹⁴ Every day, an average of 84 Americans are shot and killed, while nearly two hundred more are injured.⁹⁵ Firearms are the second-leading cause of death for children and teens in this country, after motor vehicle accidents.⁹⁶ Estimates of direct medical expenses for firearm injuries range from \$2.3 billion⁹⁷ to \$4 billion⁹⁸ per year, nearly 50% of which is covered by taxpayers.⁹⁹ The same problems causing Mexico's gun war have long caused a thriving criminal gun market here.

Moreover, just as criminals who are stopped from buying guns in Mexico because of strong laws exploit America's weaker gun laws, domestically **guns flow from states with weak gun laws into cities and states with strong gun laws.**¹⁰⁰ States like Texas, the number one source state for Mexican crime guns,¹⁰¹ and Arizona, home state of George Iknadosian's X-Caliber Guns, are also major source states for American crime guns.¹⁰² (It is no coincidence that Iknadosian moved his business from California, where gun laws are strong.) Further, in both Texas and Arizona it is easy enough for criminals to get guns in their home state that there is no reason for them to obtain guns elsewhere; Texas is ranked 5th nationally in supplying in-state criminals, and Arizona is ranked 10th.¹⁰³

Lax Gun Laws Help Arm a Cop Killer

Texas gun dealer Carter's Country has not only sold guns used in the Mexican drug war, but sold a gun used to kill Houston police officer Rodney Johnson in the line of duty.

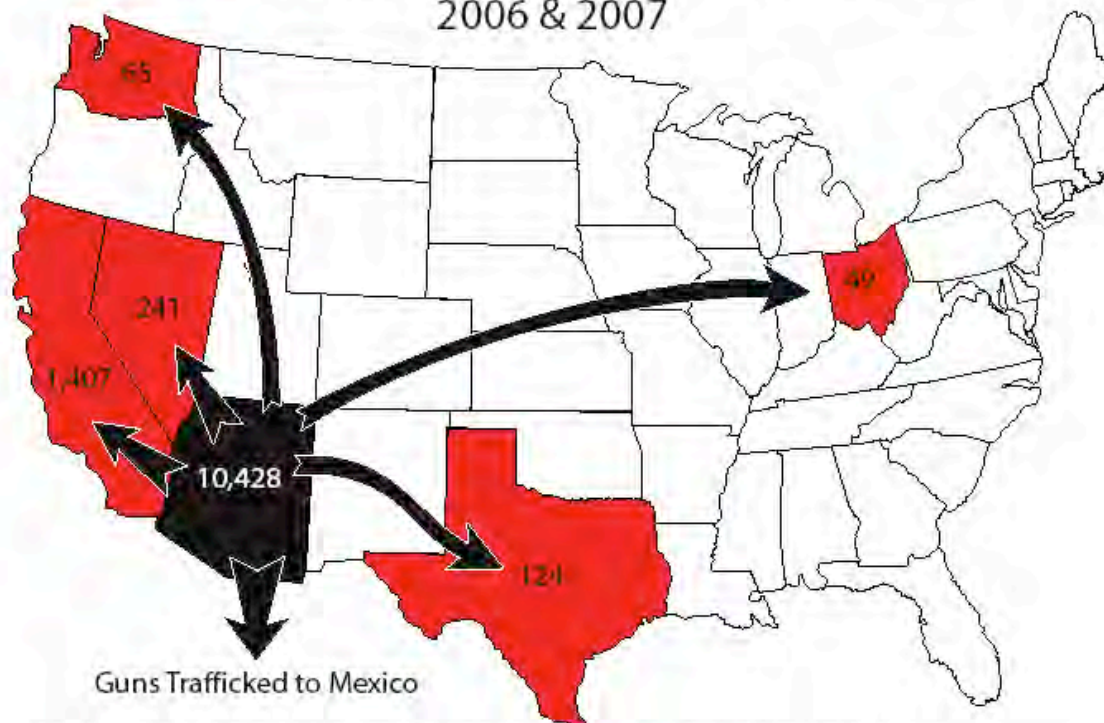
Officer Johnson was shot and killed with a gun by a felon. According to a lawsuit filed by Officer Johnson's widow, who is also a police officer, the shooter was prohibited because of a prior felony conviction and his illegal alien status, store employees of Carter's Country watched as he picked out the murder weapon, then allowed his wife, a U.S. citizen, to fill out the required paperwork for its purchase – a classic "straw purchase." *Johnson v. Carter's Country*, No. 2008-56372 (District Court of Harris County, Texas).



Arizona's and Texas's weak gun laws not only contribute to Mexican gun violence, they lead to gun violence in their own states. For example, the 2006 gun robbery rate in Phoenix was 23 percent higher than the gun robbery rate in Los Angeles, which is in a state with strong gun laws that require background checks for all gun sales, and limit handgun purchases to one per customer per month. The gun aggravated assault rate in Phoenix was 12% higher. The gun robbery rate in Houston during the same time was more than double than Los Angeles's, and the gun aggravated assault rate was 31 percent higher.¹⁰⁴ According to the most recent ATF Youth Crime Gun Interdiction Initiative Report, over 82 percent of guns recovered from crime in Houston were purchased in the state of Texas, with 72% purchased in the same county where they were eventually recovered.¹⁰⁵ These rates are similar in other border state cities like Tucson (82%),¹⁰⁶ Phoenix (81%),¹⁰⁷ San Antonio (84%),¹⁰⁸ Dallas (84%),¹⁰⁹ and Austin (80%).¹¹⁰

Because of Arizona's weak gun laws, guns sold by Arizona gun dealers are frequently traced to crime. In just two years, more than 10,000 guns sold by Arizona gun dealers have been traced to crimes in Arizona.¹¹¹ Guns sold by Arizona gun dealers have also been frequently traced to crimes in other states and Mexico, as shown below.

Crime Guns Supplied by Arizona Gun Dealers 2006 & 2007



In 2006 and 2007, 10,428 guns recovered in crime in Arizona came from Arizona gun dealers. In 2006 and 2007, the top five states with crime guns traced to Arizona gun dealers were California, Nevada, Texas, Washington and Ohio.



Likewise, Texas gun dealers are a major source of crime guns recovered in Texas and other states, as well as Mexico.¹¹² In states with stronger gun laws, it is much harder for criminals to obtain illegal firearms, and so these states import more crime guns from states with weaker gun laws. For example, in New Jersey, less than 28% of crime guns come from New Jersey gun dealers, while in Texas 80.7% of crime guns come from Texas gun dealers.¹¹³

Crime Guns Supplied by Texas Gun Dealers 2006 & 2007



In 2006 and 2007, 14,967 guns recovered in crime in Texas came from Texas gun dealers.
In 2006 and 2007, the top five states with crime guns traced to Texas gun dealers were California, Louisiana, Florida, New York, and Illinois.

United States “[l]aw enforcement agencies . . . acknowledge that the traffickers have brought a war once dismissed as a foreign affair to the doorstep of local communities.”¹¹⁴ Violence has spread north of the border into Arizona and other border states, “where kidnappings, gun battles and executions among rival cartel members are becoming increasingly common.”¹¹⁵ For example, in 2007 and the first half of 2008, there were over 560 kidnappings in Phoenix alone that are thought to be the work of the Mexican drug cartels.¹¹⁶

- Rosalio Reta and Gabriel Cardona, both Americans, were recruited to work as cartel hit men in Laredo, Texas when Reta was only thirteen. Reta and Cardona were both taken into Mexico for six months of military type training by the cartel before returning to Laredo to carry out their work.¹¹⁷ Police suspect that Reta has killed thirty people.¹¹⁸ Reta and Cardona were hired to kill rivals of Mexico’s Gulf Cartel, however not everyone they killed in the United States was involved in drug trafficking. On January 8, 2006, Noe Flores, a man with no criminal history who was on his way to a birthday party, was



shot eight times by Cardona. Flores' murder was a case of mistaken identity; Reta and Cardona were supposed to kill Flores' stepbrother Mike Lopez. Lopez's apparent crime was having dated a woman that one of Reta and Cardona's commanders was interested in. Lopez was killed a little over a month later by a different group of gunmen working for the cartel.¹¹⁹

In 2007 and the first half of 2008, there were over 560 kidnappings in Phoenix alone that are thought to be the work of the Mexican drug cartels.

- A Dallas couple, Luis Campos and his pregnant girlfriend Linoshka Torres, neither of whom had criminal records, were found murdered under a bridge in Dallas County in February 2007.¹²⁰ Police believe this was another case of mistaken identity¹²¹ or that the couple may "have been set up as scapegoats" after money and drugs were stolen from the home of a man tied to Mexico's Gulf Cartel.¹²²
- A tow truck driver who had the misfortune of being called to tow a car from an accident on Interstate 35 in Texas was abducted and taken into Mexico by men linked to Mexican drug cartels. The driver was abducted because drug profits had disappeared from a spare tire of the car he had towed. He was kept in Mexico for a week where he was questioned and tortured while his supervisor received calls that the driver's head would be cut off unless the money was brought across the border.¹²³
- Cartel assassins and enforcers working in the United States have shown that they are willing not only to go after people who allegedly owe them money, but also those people's children and other innocent relatives. For example, in October 2008, men disguised as police kidnapped six-year-old Cole Puffinburger from his mother's Las Vegas home. Puffinburger's grandfather, Clemons Fred Tinnemeyer, had allegedly stolen money from a Mexican drug operation. Puffinburger was one of the lucky ones and was released safe and unharmed.
- Inez Villareal was just fourteen years old when he and his cousin were killed.¹²⁴ Their killer, Gabriel Cardona, the American hit man working for the cartels in Laredo, can be heard on a federal wiretap bragging about how the boys were crying when he slashed them to death with a broken bottle and then poured their blood into a cup for a toast.¹²⁵ Their bodies were then dumped into chemical filled metal drums. Villareal's cousin was a rival of Cardona's.¹²⁶

Even in border cities where drug cartels have not yet caused rates of violence to go up, there are fears that the day when that happens is not far off.

El Paso, right across the border from Juárez, Mexico, is home to Thomason Hospital, the only level-one trauma center for almost 300 miles. In 2008, over forty people wounded in Juárez were treated at Thomason.¹²⁷

The concern with treating people wounded by drug violence in Mexico in United States hospitals is that drug cartel gunmen will attempt to follow their victims across the border and finish the job in a hospital, as has begun to happen at hospitals in Mexico.¹²⁸

Citizens of El Paso fear that, "it is only a matter of time before the Mexican drug dealers send assassination squads over to Thomason hospital." Their fears are not unfounded; drug



cartels already work across the border to kidnap Mexicans who have come to the United States to protect themselves from threats of violence.¹²⁹

Violence linked to Mexican drug cartels in the United States is not limited to states and cities along the United States-Mexico border.

Citizens of El Paso fear that, “it is only a matter of time before the Mexican drug dealers send assassination squads over to Thomason hospital.”

Federal authorities have linked violence in at least United States cities, including Honolulu and Boston, to Mexican drug cartels:

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- Elements of several drug cartels have also been identified in cities as far as Buffalo and Anchorage.
- In July 2008, federal and state authorities raided a home in a quiet suburb of Atlanta and found a man who had been chained up and tortured for almost a week by three members of a Mexican drug cartel for not paying a drug debt.¹³⁰
- In August 2008, five men were found with their throats slit in a Birmingham, Alabama apartment, apparently over a \$400,000 drug debt. The men had also been tortured with electric shocks before they died.
- The Atlanta area, many miles away from the actual United States-Mexico border, has been called by some drug officials “the new Southwest border.” DEA agents in the area have also said “they have rarely seen such brutality in the U.S. since the ‘Miami Vice’ years of the 1980s, when Colombian cartels had the corner on the cocaine market in Florida.”¹³¹



SOLUTIONS TO THE PROBLEM:
A COMPREHENSIVE AND EFFECTIVE RESPONSE TO THE VIOLENCE IN MEXICO AND THE U.S. MUST INCLUDE COMMON SENSE GUN LAWS TO KEEP DANGEROUS WEAPONS FROM TRAFFICKERS AND CRIMINALS

In formulating a policy to stem the flow of guns to Mexico, policymakers must recognize the on-going gun violence crisis here in the United States and the need to formulate a coherent gun policy that will protect individuals on both sides of the border.

President Obama has called for a “a comprehensive approach” that supports Mexican President Calderón, while “also making sure we are dealing with the flow of drug money and guns south, because it's really a two-way situation there.”¹³² As the President explained, “The drugs are coming north, we're sending funds and guns south.”¹³³ Any comprehensive approach must address one of the core causes of the crisis in Mexico – weak U.S. gun laws that make it easy for criminals and traffickers who supply them with guns.

We need “a comprehensive approach” while “also making sure we are dealing with the flow of drug money and guns south.... The drugs are coming north, we're sending funds and guns south.”

– President Barack Obama

Unless existing gun laws are strengthened, drug cartels and criminals will continue to amass their arsenals. The following proven solutions will

help stem the tide of gun-running that threatens to further destabilize our Southern border, and also help make it harder for criminals in the U.S. to obtain firearms:

- **Require background checks for all gun sales.** 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 “cases involving gun shows and flea markets account[ing] for 30.7% of all trafficked guns in the U.S.”¹³⁴ Meanwhile, Brady background checks, which are required only at gun dealers, have blocked well over 1.6 million prohibited purchasers – felons, the dangerously mentally ill, domestic violence abusers, and others – from buying guns from licensed gun dealers. Background checks have undoubtedly saved lives. In the seven years prior to the Brady Law’s enactment, the number and rate of violent firearm crimes increased every year, while in the seven years after the law took effect, the number and rate of violent firearm crimes declined precipitously.¹³⁵
- **End bulk handgun sales.** Multiple sales of guns are a prime indicator of gun trafficking.¹³⁶ Gun traffickers frequently buy multiple guns in one transaction in states with weak gun laws to export across state lines to areas where gun laws are stronger. Federal law enforcement regards the purchase of multiple handguns by a single buyer in a single transaction as an indicator that the buyer intends to traffic the guns to the illegal market. For this reason, if someone buys two or more handguns in a five-day period, federal law treats the purchase as so suspect that it must be reported to ATF. Handguns sold in multiple sales have accounted for 20% of all handguns sold and traced to crime annually.¹³⁷
- **Stop corrupt gun dealers by removing restrictions on ATF enforcement.** Only one percent of federally licensed firearms dealers are responsible for nearly 60 percent of guns traced to crime.¹³⁸ ATF investigations of these “bad apple” gun dealers indicate that the vast majority of them – 75 percent – have violated Federal



firearms laws.¹³⁹ Restrictions on ATF's enforcement authority, however, enable corrupt dealers to continue to pump countless numbers of guns into the criminal market.¹⁴⁰

- **Restrict military-style semiautomatic weapons.** 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. Civilian ownership of these military-style weapons, and high-capacity ammunition magazines and armor-piercing bullets, should be restricted.¹⁴¹

Proposals in Congress that purport to address this issue but that do not strengthen U.S. gun laws that allow easy access to illegal guns will not solve this crisis. While proposals to provide greater resources to ATF are important, a strategy limited to merely "enforcing the laws on the books" by interdicting guns being smuggled by the traffickers, whether into Mexico or into American cities, will never be sufficient. We must also strengthen existing laws to attack the problem at its source. We must close off the channels by which guns are diverted from gun dealers and gun shows into the illegal market.

CONCLUSION

Mexican drug traffickers are fighting an escalating war that threatens to destabilize our Southern border and bring more gun violence to both Mexico and the U.S. American gun sellers are supplying the cartels with the guns used to wage war, with more than 90% of guns used by the drug cartels originating from U.S. gun sellers. The same weak gun laws and corrupt gun sellers who arm Mexican criminals also arm American criminals. Unless existing gun laws are strengthened, drug cartels and criminals will continue to amass their arsenals.

We must enact common sense gun laws, including:

- 1) requiring background checks for all gun sales,
- 2) limiting bulk gun sales,
- 3) providing more resources and enforcement authority for ATF to inspect and crack down on corrupt gun dealers, and
- 4) restricting the sale of high-firepower military-style weapons.

These proven solutions will stem the growing tide of violence in Mexico caused by U.S. guns, while also helping to keep dangerous people in the United States from having easy access to dangerous weapons.



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