

*BORDERS*

THE GUNS GO SOUTH  
THE DRUGS COME NORTH

by

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May 1, 2017

## The Guns Go South; The Drugs Come North

This is the story as to how thousands of guns made in the United States are smuggled into Mexico every year and how marijuana, cocaine, and heroin are smuggled into the country every day to be used by our citizens.

The story is in 2 parts. The Guns and the Drugs.

First the Guns.

Mexico has witnessed a surge in homicides and gun-related violence in the past ten years. Even a casual American viewer of TV news soon became numb to the endless stream of horrors that seemed to afflict our southern neighbors. Americans, of course, are not strangers to gun violence. Our own cities erupt all too frequently in gunfire. Once in a while, usually after a particularly gruesome episode, a few political leaders say something must be done. At that point, just before the proposed reforms go down to defeat, you will hear that the cause of the violence is that Americans can too easily buy weapons.

If there is any truth to these beliefs, it makes the explosion of violence in Mexico difficult to comprehend. The nation has some of the most restrictive gun regulations in the world. There is no Mexican Smith & Wesson. The country has no major gun manufacturers. After suffering more than one million deaths during its civil war in the early 20<sup>th</sup> Century, and worrying in the late 60s that political unrest would bring back large-scale killing, Mexico decided that it had had enough of guns.

The US has chosen a different route. It is one of the most heavily armed societies in the world. According to a 2013 estimate by a respected gun researcher, American manufacturers had been producing more than four million guns per year for decades. And lax regulations on gun ownership means two out of every five households owns at least one gun.

Under both the US and Mexican Constitutions, gun ownership is a right, but in practice, owning a gun in Mexico is a privilege, a privilege that officials can revoke if public safety demands it. As a result, among the country's 127 million people, only two-and-a-half million legally own guns.

## ONE GUN SHOP

In the US, the federal government estimates we have more than 50,000 gun dealers. But Mexico has only one. It is unlike any retail outlet most people have patronized. The store, officially known as the Directorate of Arms and Munitions Sales, does not advertise or even hang a sign out front. It sits within an army base in the nation's capital, and many Mexican citizens don't even know it exists. To enter, shoppers must pass through metal detectors guarded by armed soldiers. The proprietor is usually a high-ranking army officer, most likely one without an ingratiating manner.

Hunting rifles and handguns are for sale, but only ones of a small caliber, and only one at a time. If a shopper purchases a gun, the army requires them, and their employer, to fill out a multitude of

forms and wait. The entire ordeal also requires fingerprinting and proof of a clean criminal record. In the end, it can cost the equivalent of thousands of dollars.

Only those who secure approval can return to the base, from wherever they live in Mexico, and pick up their new gun.

The nearly 1,500-mile journey from Tijuana takes 30 hours of driving.

It's no surprise that with these restrictions, very little merchandise ends up leaving this unusual store. In 2000, the army reported 549 sales. These days, the gun shop sells about 7,000 to 8,000 guns each year.

This strict control may have contributed to Mexico's decades-long decline in gun violence. By 2007, its homicide rate was less than half of what it had been in the 1980s, and not much higher than in the US.

## DOING BATTLE

But that beneficial trend abruptly reversed after 2007. The government, with considerable prodding from their American counterparts, decided to do battle with the narco-cartels.

Since then 175,000 homicides have occurred in Mexico. The worst year was 2011. The homicide rate had more than doubled in four years, and 22,000 people were killed.

In the early 1990s, just 10% of the homicides in Mexico were committed with firearms. By 2011, that figure had jumped to more

than 50%.

The source of this mayhem is guns legally manufactured in the United States. How those legal firearms get into the hands of narco-traffickers in a country that had been successful in controlling gun violence was a mystery for years. But researchers and law enforcement officials from both countries may have solved the puzzle.

However, in doing so, they have raised several questions. How responsible are Americans for the wave of killings in Mexico? To be precise, how responsible are America's lax gun laws and the flood of easily-concealed weapons we produce?

## THE WAY OF THE GUN

Travelers to Mexico are sometimes greeted at the border by forbidding signs which inform visitors that bringing guns into the country means prison. Yet guns continue to arrive and get into the wrong hands.

The Mexican government has at times gotten frustrated with this illegal traffic. Then President Felipe Calderon told CBS News in 2010 that his officers had in recent years "seized more than 90,000 weapons," including "50,000 assault weapons, AR-15 machine guns, more than 8,000 grenades and almost 10 million bullets." Most of this material was made in America.

American authorities found it difficult to estimate the size of the illegal traffic. Border officials usually tried to estimate the number of

guns by counting up those seized at the border. But they could never be sure just how many the smugglers had slipped through.

Finally, in 2013, researchers from the University of San Diego and the Igarape Institute, a think tank in Rio De Janeiro that seeks humane solutions to security issues, shed some light on the issue. Their study, titled “The Way of the Gun,” tracked with mapping software thousands of licensed gun dealers from the border region and beyond. They noted each dealer’s exact distance from the nearest border crossing, and how that distance impacted sales.

This, the first truly scientific estimate of the traffic, found that firearms were moving south at a faster rate than anyone had previously thought. The trade had actually escalated to the point where it was financially significant to the gun industry.

In 2012, firearms trafficked to Mexico but legally sold by licensed US dealers were generating annual revenues of more than \$127 million, or quadruple the amount seen in the 1990s. Gun retailers typically have profit margins of just a few percentage points, not much different from hardware, electronic and general stores. And the absence of the Mexican market would wipe out that profit margin for nearly one-half of American dealers. Overall, roughly one quarter of the million guns bought in the US during 2012 were illegally sent south.

The findings were clear. Although it was not by design, the US had undoubtedly become the black-market supplier of illegal weapons. And just as an upstairs neighbor that leaves the water

running is responsible for any damage done down below, it would be hard to argue that Americans don't have the moral responsibility to do what they can to shut off the deadly flow of guns.

## A CERTAIN NEGLIGENCE

Unfortunately, a fair-minded look at our conduct shows a certain negligence. Of the tens of thousands of legal gun dealers, just 5% are inspected annually. And there is no way to track the millions of unregulated sales that take place at gun shows or over a kitchen table. Anyone who wants to become a smuggler can stockpile weapons with impunity.

According to "the Way of the Gun" researchers, anyone arrested for smuggling is quite unlucky. In an average year, Mexican border authorities intercept just 12% of the illegal guns moving south, and the Americans just a handful.

The United Nations estimates that more than 15 million illegal guns have accumulated in Mexico. The military and law enforcement, by contrast, only possess about one million.

A study published by the *Woodrow Wilson International Center for Scholars* found that of 339 guns sold by just one gun shop in Houston, 88 ended up getting seized by Mexican authorities.

Most of these illegal weapons entered Mexico either hidden in vehicles that join the steady stream of American tourists, or are walked in by what Terry Goddard, the former Attorney General of Arizona, once called a "parade of ants." And many in this parade get

their supplies from the nearly 7,000 gun dealers in the American border region.

Early on in the declared war on the drug cartels, a group of Mexican officers in the state of Sinaloa approached a house used by one of the gangs. They were met by a fusillade of bullets from AK-47s. The rather one-sided battle left eight officers dead. This may not have been an unusual occurrence in that war, but what happened in the subsequent months and years concerning this incident was rare. The Americans decided to prosecute someone, and the Mexicans supplied the evidence.

## A CASE FALLS APART

Many of the guns found in the aftermath of the battle had been sold out of a small and unremarkable storefront in Phoenix called X-Caliber Guns. Prosecutors alleged the owner, Egyptian-born George Iknadosian, had brought his gun business from California to Arizona because Arizona laws were much less restrictive.

They also said he sold hundreds of rifles to people he knew were straw buyers for smugglers. He even gave them advice on how to fool the authorities on both sides of the border. They did seem unlikely to get caught.

Like many in the trade, the buyers had clean criminal records, and for \$100 per gun, would purchase a collection from different shops, and turn them all over to smugglers, who then hid the goods in cars and trucks. Someone would almost certainly discover massive

gun shipments, but these ants usually got by undetected.

But this time, agents from the Bureau of Alcohol, Tobacco and Firearms followed and taped the entire crew. They eventually secured guilty pleas, on lesser charges, from nine who agreed to testify against Iknadosian, who was hit with fraud, conspiracy and money-laundering charges.

The authorities say he sold hundreds of high-powered weapons over a two-year period, and most ended up in Mexico. Among the firearms traced to his X-Caliber store was a diamond-encrusted pistol owned by a gangster eventually charged with the murder of a Sonoran police official.

The case against him did not seem thin. The prosecutors had a line of cooperating witnesses ready to go. Furthermore, he was even recorded selling guns to undercover agents who told him straight out that they planned to illegally ship the guns south. According to transcripts, the dealer had some advice for smugglers. "If you got pulled over, two is no biggie. Four is a question. Fifteen is, 'what are you doing?'"

Just before the trial began, Mr. Goddard told the *Arizona Republic* that Iknadosian was a "specialist. He was able to get the weapons they wanted in the volumes they needed."

But the charges fell apart even before the defense really got started. The state judge overseeing the case dismissed all 21 charges. Unfortunately for the prosecutors, the judge said none of the purchases were illegal. Iknadosian himself filled out all the required

FBI forms for the squeaky-clean gun buyers, who passed the background checks. The straw purchasers pleaded guilty to lying that the guns were for their personal use, but that's not a serious crime.

Therefore, where the guns ended up, even if they helped fight an illegal war, was not the defendant's responsibility. American law was helpless, and Mr. Goddard, who was the 2010 Democratic nominee for Governor, was deprived of what certainly would have been a great story for the campaign.

## FAST AND FURIOUS

If you never heard of George Iknadosian, you probably have heard of the federal government's Fast & Furious operation. It began in 2010, when the ATF began allowing straw buyers to buy up batches of guns in the hopes that some would eventually turn up in the cartels' hands.

In 2011, the Washington, DC-based Center for Public Integrity was the first group to expose the practice. They interviewed ATF agents and found that AK-47s from the border states had been confiscated by Mexican police at several crime scenes.

But the strategy, though controversial, had only come about after years of failure. And the failed case against Iknadosian was the key. It was the feds that first collected the evidence against the Phoenix gun dealer. But federal prosecutors dropped the case in 2009, before they even reached a trial, largely due to worries that any judge would decide Iknadosian was not legally responsible even if

guns bought from his shop were used in crimes. The federal prosecutors were not surprised when the state judge came to just that conclusion after the Arizona's attorney general used the federal evidence for his own case.

A top official for the ATF told the Center for Public Integrity that the agency officially decided to shift tactics just months after the quiet end of their case against Iknadosian. In all, the agents tracked nearly 2,000 weapons, mostly high-powered rifles, from gun shops in the border region and down into Mexico. In one way, this operation was a success. Almost 800 of these guns were later found at crime scenes. The information was used to get permission for wiretaps on the people involved, and hopefully to establish that the dealers were directly connected to the drug cartels.

However, in December of 2010, an American customs agent named Brian Terry was killed in a shootout with robbers armed with AK-47s just North of the Arizona-Mexico border. Two rifles recovered at the scene were in the Fast and Furious database. Although neither gun had been fired in this killing, unhappy ATF agents began complaining, eventually generating headlines and a political firestorm. Two men were convicted of this shooting in late 2015.

After that, press reports frequently characterized Fast and Furious as a "bungled" operation that had "lost" guns. In doing so, reporters had forgotten, or perhaps never understood, that having the guns turn up at crime scenes was not necessarily a failure. In some ways, it was the whole point. Only then could the authorities sketch

out the entire supply chain of a gun running operation.

But deliberately letting guns fall into the hands of Mexican drug lords legitimately troubled several ATF agents, and the moral dilemma they struggled with is not easy to resolve. The straw buyers could have been quickly arrested for falsifying the required forms, and the guns in question would never been used by dangerous criminals. Those complaints eventually caused the political brouhaha that made the operation's name a byword for failure and government overreach.

However, instead of dismissing Fast and Furious, any fair observer must put themselves in the shoes of the ATF's top leaders. The prosecution of Iknadosian was a fiasco. And if drug gangs had not been allowed to buy the relatively few tracked weapons, would they not have had their pick of the estimated 250,000 guns that flowed almost unimpeded into Mexico each year? Could they not have committed the same crimes, but with different guns?

And Fast and Furious did show some results. A man named Jamie Avila, charged with supplying the weapons found at the scene of Agent Terry's killing was indicted, convicted and sentenced to five years in prison. All those who pleaded guilty in the Iknadosian case had received probation.

According to the Center for Public Integrity, an ATF supervisor explained himself in an email sent to dissenting agents. Perhaps thinking of the previous failed efforts, he wrote "we are righteous in our plan to dismantle this entire organization and to rush in to arrest any one person without taking into account the entire scope of the

conspiracy would be ill advised to the overall good of the mission . . . after this the tool box is empty.”

## MODEST PROPOSALS

But if authorities can only seize a small portion of illegally-trafficked weapons, how can they halt the trade? Building a big, beautiful wall, as was recently proposed, across several thousand miles of desert wilderness won't stop, and in truth isn't meant to stop, the parade of traffickers that hide guns in innocent-looking vehicles. So, what can curtail the violence?

To propose strict gun laws for the US is to indulge in fantasy. The 2012 school shooting in the Connecticut town of Newtown was terribly shocking due to the ages of most victims, but the heartfelt pleas from their families to do something came to nothing.

Even modest efforts pose a number of problems. Considering how easily most traffickers evade border controls, more laws meant to crack down on firearms trafficking seem unlikely to work. “The Way of the Gun” authors do advocate outlawing straw purchasing entirely, and empowering the ATF to audit all gun dealers, rather than just a handful. Still, they also recognize that, considering the nation's powerful gun lobby financially supported by American firearms manufacturers, even those steps would be tremendously difficult.

The authors encourage those concerned to think outside the box, and do more than just ban the trade. They advocate the creation of sophisticated background checks, the kind which will actually

identify straw purchasers, instead of just certifying that someone has a “clean record.” Requiring gun buyers in border states to use credit cards or checks for all purchases, instead of cash, would also make it easier to ensure illegal activities were not supporting the gun trade.

But considering the scale of the problem along the border, these steps seem a bit technocratic. Furthermore, even if enacted, each addresses a symptom, rather than the disease itself. And the disease is the illegal drug trade. Specifically, the vast amount of money that traffickers can make, which in turn attracts violent men willing to kill. And with 2,000 killings in Mexico just this January, 2017 could turn out to be Mexico’s deadliest year in decades.

Perhaps the solution is to transform the illegal drug trade into a less profitable business. This is not necessarily a call to legalize dangerous drugs. The opioid epidemic has certainly proved that legal drugs, especially ones that also generate huge profits, can kill thousands without a single shot fired. But small, incremental steps, such as the legalization or decriminalization of less harmful drugs, such as marijuana, could at least begin to ratchet down the violence, and perhaps eventually break the deadly cycle in both Mexico and the US.

And now the Drugs.

The Mexican-American border is more than 1,900 miles long. Many parts of the border are now fenced. The border between Texas and Mexico is the Rio Grande River and is only partially fenced or walled. There is not much water in the Rio Grande today. One of my

clients told me about walking across the river and mentioned that the first thing he saw in the U.S. was a gun shop facing the river.

According to maps in the New York Times, the areas that are almost fully-fenced are about 700 miles of the Mexican border with California, Arizona, and New Mexico. You have seen the fences on television. They are built with tall black poles very close together so that no one can squeeze through. Most of the fencing is also covered in mesh.

There is an old adage, “When you build a 50-foot fence or wall, someone will build a 51-foot ladder.”

But in this case, the opposite has occurred. Prior to 1990, drugs had been transported hidden in passenger cars or commercial vehicles. Today, tunnels are widely used.

The first tunnel was found in 1990. According to the San Diego Press, a tunnel was built that started in a house in Tijuana and ended in an abandoned industrial building on the U.S. side or as my Mexican clients call it “the other side”. A Sheriff in Nogales, Arizona quoted in the Chicago Sun Times, refers to Mexico as “the other side of the line”. Another tunnel was found in Aqua Prieto, Mexico. It began in a luxury home and ended in an abandoned warehouse in Arizona. It had a drainage system, electricity, and a trolley to carry the drugs. It was characterized by drug enforcement officials as similar to a James Bond movie.

The home had a pool table that could be electrically activated. The table and the concrete slab supporting it would be hoisted aloft

revealing the entrance to the tunnel. Many of the tunnels have electricity, lights, rails, and carts to carry the drugs on the rails.

The U.S. authorities have found many tunnels and cemented them closed on the U.S. side. But the Mexican side remains open and then the smugglers break the U.S. side open from inside the tunnel and continue with their operation.

The Mexican smugglers have tried other ways of moving drugs across the border. In one case, a surveillance camera showed a package of marijuana that was catapulted into the U.S. Mexican officials told the Associated Press that the catapult could send four pounds of marijuana across the border each time it was used. Not the most efficient process.

Next came the use of a cannon in Sonora. Sonoran authorities found a vehicle modified to serve as a mobile air cannon capable of launching packages across the border. It was described as looking like it came out of a Mad Max movie. The conspicuous appearance of such contraptions and the substantial effort to use them, make it unlikely that they will come into widespread use.

If Amazon can use drones to deliver packages, why not use them to move drugs across the border?

According to an article in the Los Angeles Times in August of 2015, two men pled guilty in a U.S. Court for receiving a package of 28 lbs. of heroin sent from Mexico on a drone. According to the Drug Enforcement Agency, smuggling by drone has its limitations as they

can only carry small amounts. Of course, bigger drones can be coming in the future.

So, what will the smugglers do if the wall is built? They will probably use ultralight aircraft. Flying is not new for Mexican smugglers. The late kingpin of Juarez, Amado Carrillo Fuentes, who was called the lord of the skies or *El Señor de los Cielos*, used small airplanes to smuggle drugs. More recently, the choice of aircraft is the “ultralight”. The ultralights are small and slow and have a limited range. The cartels have begun to outfit the ultralights with special equipment such as all-terrain take off and landing gears and extra cargo space. The ultralight does not need an airport or a landing strip of any kind. After delivering the drugs, the ultralight can be folded up, placed in a truck, and driven away. The ability to carry drugs across the border is greatly increased.

Further, the ultralights require little training to operate and they are cheap, easy to construct, and easy to hide. Authorities expect the ultralights to be the wave of the future.

What drugs are smuggled and where do they come from? Marijuana is grown illicitly in remote mountainous areas in the western part of Mexico. The State of Sinaloa is one of the most productive areas. If found, Mexican authorities eradicate the crop by burning the fields. The Mexican marijuana farmers have never done all that well financially but their income has recently decreased since the recent legalization of marijuana by several states. It should be

noted that marijuana is not widely used in Mexico so most of what is grown is for “export.”

Cocaine has mostly come from Columbia. But today, some farmers are thinking that the middleman should be eliminated. So some farmers are starting to grow the coca plant. This plant is similar in appearance to native Mexican bushes so that it can be grown by hiding it among the indigenous plants.

Mexicans have been growing poppies since the 1930s. Today, they may be used for heroin, but not much is known about this. John Kelly, current Chief of Homeland Security, recently told an interviewer that heroin is being processed in Mexico.

Recently there has been an increase in the trafficking from Mexico of methamphetamines. Little is known about this fledgling industry, but Kelly also told the interviewer that there is processing of methamphetamines in Mexico.

In researching for this paper, I came across a documentary on *UTube*. One of the people who was being interviewed said that his last name was Romney and that he was a first cousin of Mitt Romney. He looked exactly like a younger version of Mitt Romney.

The Mexican Romney said that he was afraid to allow his children to go into town to see a movie due to the violence in the area. The interview was in 2008 during the presidential campaign. Mr. Romney further stated that he wished that his cousin Mitt would run on a platform of legalizing marijuana. He thought that would help solve the violence problem in Mexico.

Mexicans have long recognized the need to differentiate between drug addicts, casual users, and traffickers. The Mexican government has been trying to make marijuana legal since 1996.

The Senate always approves the legalization. The President always says he will sign it. The lower house would always vote “no”. Recently it has been decided that Mexicans may legally have five grams of marijuana in their possession. It is also legal to possess half a gram of cocaine. The third time a person is caught with such legal amounts, he or she is required to participate in addiction counseling. The Mexican government terms this “regulation” not “legalization.”

When I began the research for this paper I wondered how all the drugs and all the guns could be smuggled across the border. “Where is the border patrol?” I wondered.

The answer is in Information put out by U.S. Customs and Border Patrol. “The top priority is to keep terrorists and their weapons from entering the U.S. while welcoming all legitimate travelers and commerce.” They do deploy a minimal amount of trained law-enforcement personnel to apprehend those suspected of violating laws.

In practice, it seems that the Drug Enforcement Agency seems to be in charge of violations of any drug laws. The Bureau of Alcohol, Tobacco, and Firearms and now Explosives, otherwise known as the ATF, is in charge of gun violations. Of course, since the guns are sold legally in the U.S., ATF is not busy in the area. There are also

laws in all the border states concerning both drug and firearm violations as well as participation by the Immigration and Customs Enforcement arm of the Department of Homeland Security (ICE). Is law enforcement spread too thin?

In researching this paper, one thing seemed odd. Mexicans know who uses the drugs and where the guns come from. Most Americans don't. Americans are shocked when they learn that there is only one gun shop in all of Mexico and more than 6,000 registered gun dealers at or near the border on the American side.

So now you have heard the stories of the guns and the drugs. There is one more story – THE MONEY.

The drugs are sold in the U.S. How do the traffickers get paid? The money goes South just like the guns do. Money from drug sales is usually hidden in cars or commercial vehicles. A very recent article in the New York Times quoted a Special Agent from Homeland Security Investigations (a part of ICE) as saying, "I'm a firm believer that if we can keep the cartels from getting their profits it would have much more effect than seizing the drugs." Apparently, they do stop suspicious vehicles heading into Mexico and, according to the article, Mexican customs officials at points of entry have seized about 300 million dollars in cash.

According to the same article, the U.S. Treasury estimates that there is about 64 billion dollars in annual drug sales in the U.S. This allows cartels to buy more weapons and to pay more bribes to government and law-enforcement officials.

Other ways that the money travels is by mail, in boxes filled by money orders, in bundles left along highways or hidden in suitcases or compartments in the same way that drugs previously travelled North.

What we have presented in this paper is just a tiny part of the story of our Mexican border. We have barely touched on guns, drugs, and money for the cartels. We have not touched at all on immigration, deportation, the psychological damage caused by separation of parents from their children, the financial harm that is a consequence of diminished financial support of separated families, and the fear and resentment running rampant in the Hispanic community. We have not touched on the damage that will be caused by the walling off of the “twin” municipalities of the border. These places are often just one metropolitan area and the people largely related. The separation of one from the other by a big wall or fence seems counter-productive at best.