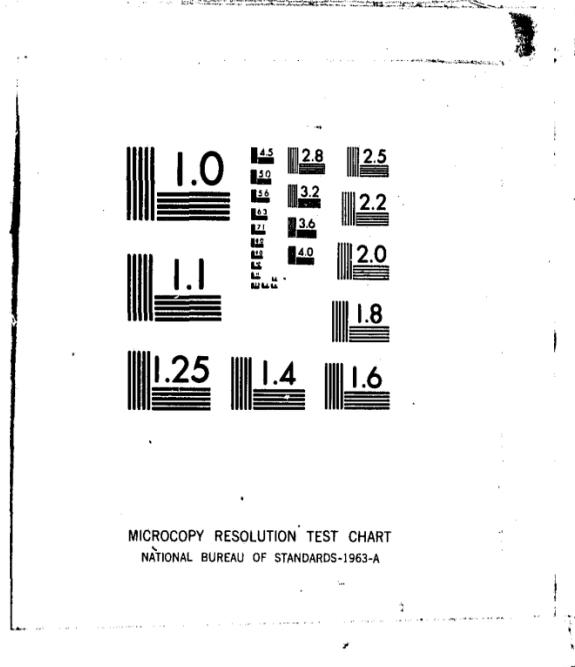


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National Institute of Justice
United States Department of Justice
Washington, D. C. 20531

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8/13/81



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THE MEXICAN CONNECTION

HEARINGS

BEFORE THE

SUBCOMMITTEE TO INVESTIGATE
JUVENILE DELINQUENCY

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

NINETY-FIFTH CONGRESS

SECOND SESSION

ON

UNITED STATES EFFORTS TO HALT HEROIN IMPORTATION:
ERADICATION AND ENFORCEMENT IN MEXICO
SOUTHWEST BORDER CONTROL

FEBRUARY 10 AND APRIL 19, 1978

Printed for the use of the Committee on the Judiciary



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STATEMENT OF ROBERT E. CHASEN, COMMISSIONER OF CUSTOMS

Mr. Chairman, and members of the committee, it is a pleasure for me to appear before you to report on the efforts of the U.S. Customs Service to prevent the importation of dangerous drugs into the United States.

This task requires the close coordination and cooperation of all the concerned agencies: federal, state, local, and foreign. Because of the number of involved agencies, there have been some problems of coordination in the past. However, we are working together with all involved agencies and have largely eliminated any problems by cooperation.

Customs role in drug interdiction was defined by Reorganization Plan No. 2 of 1973 which created the Drug Enforcement Administration (DEA). Essentially, Customs function is to interdict all contraband at more than 300 ports of entry and along the land and sea borders of the United States. We are the nation's first line of defense against all forms of smuggling and have been statutorily assigned this mission since 1789.

The same statutes which charge us with the responsibility for safe-guarding the nation's borders cover a wide and diverse range of civil and criminal authorities which allows our mission to be carried out in a versatile and flexible manner.

The drug smuggling problem facing us is a very large one. Although we have no definitive assessment of the quantities of illicit drugs being smuggled into the United States, it is apparent that they are being smuggled in massive quantities. In the past fiscal year, we have alone or together with other agencies such as Coast Guard seized nearly 1.6 million pounds of marihuana, 16,000 pounds of hashish, 278 pounds of heroin, and 951 pounds of cocaine having the total estimated value of 924 million dollars.

The variety of smuggling modes is endless along our land and sea border which stretches for 96,000 miles. During the 1977 fiscal year, Customs seized 11,000 vehicles, 285 vessels, and 121 aircraft. Despite these figures, we believe that we have merely scratched the surface of drug smuggling.

For Customs effectively to perform its function with respect to the interdiction of drugs, it is necessary to coordinate our efforts with other agencies and to develop methods of deploying our resources in ways which will bring us the greatest return. Simply, we cannot be all places at once.

The principal problem to be faced is that our national borders can not be effectively protected by traditional methods. Smuggling contraband is an old game, but the modern day smuggler, adopting many of the advances of recent technology, has to be countered with equally up-to-date modes of operation. Any enforcement strategy has to quickly face up to the vast range of ongoing smuggling. Modes of operation adapted by smugglers are closely aligned to the illegal product involved, the environmental characteristics of the particular location, and in many instances the enforcement practices then in use.

The level of smuggling of narcotics has continued almost unabated. Marihuana smuggling which has been growing in recent years, probably has reached an esti-

mated annual 16 million pound level. Smuggling has become highly organized with a greater proportion pouring in through illegal aircraft and small boat channels. Interdiction has become, of course, correspondingly more difficult, especially considering the quantity and quality of the aircraft, boats, and associated equipment available to Customs. "Hard" drugs, smuggled in relatively small quantities, remains a special detection and interception problem.

Although the interdiction problems confronting Customs at the ports and other areas along the border may appear to be considerably different, common to both is the basic problem of detecting the proverbial "needle in the haystack." At the ports of entry, whether they be land, seaport, or airport, Customs is faced with detecting the contraband among the enormous volume of incoming persons or cargo. At other locations along the border the interdiction problem is detecting and intercepting the smuggler in the vastness of the area that must be covered. The use of aircraft or boats for smuggling adds additional dimensions to the overall problem. Interdiction then requires special capabilities for reliable detection of contraband when hidden on a person, in cargo, in a vehicle, or when it is illegally crossing the border at a location between the ports.

To carry out our interdiction mission, we apply the principles of systems analysis to develop programs which would provide a balanced enforcement program integrating all Customs resources, as well as enforcement resources available from other agencies and which would use Customs unique legal authorities to achieve maximum results.

We develop systematized programs tailored to deal with smuggling by all conceivable modes—between our ports of entry on foot or by vehicle or even by mule pack; at ports of entry whether by passenger, vehicle, vessel, or in cargo; and by private aircraft and private vessel. Our objectives cannot, of course, be the complete elimination of smuggling but are those of raising the level of risk to the smuggler, to provide maximum deterrence, and, more importantly, to make seizures which provide valuable intelligence and investigative leads that can thereafter be developed into smuggling conspiracies, both domestic and foreign.

Our strategy is to deploy an interdiction force between ports—air, land, and sea—of sufficient capability to force the smugglers into ports where Customs has greatest control. At the ports, through which significant amounts of heroin are reportedly smuggled, Customs has instituted an intensified screening of personnel, vehicles, and cargo. It is physically impossible for the Customs Service to screen, inspect and search each of the millions of vehicles, tons of cargo, and mountains of mail which arrive in the United States annually. We have identified various modes of smuggling and are applying sampling techniques to try and detect smuggling usage. We couple this with intensified inspection periods where we conduct a very high level of inspection. Cargo containers are sampled based on origin, destination, contents and other criteria.

Passenger inspections are aided by profiles, computer screening, and other systems designed to sort out potential smugglers. Interestingly, these screening methods actually speed-up passenger clearance while our seizures have increased.

One innovation which has proven extremely successful in coping with the monumental inspection task with which we are confronted is the use of detector dogs. We are using the unique ability of dogs to discriminate between scents to provide an effective search and detection method to locate narcotics and explosives secreted in vehicles, vessels, aircraft, cargo and mail. Dogs are never used to screen people.

Where it may take a Customs inspector as much as 30 minutes to reasonably assure himself that a vehicle is free of narcotics or other contraband, a dog can screen the same vehicle in 4 to 5 minutes. A dog can screen 400 to 500 packages in 30 minutes.

Many foreign governments have observed the tremendous success of the Customs Detector Dog Program and we are providing similar training to them under the auspices of our Foreign Customs Assistance Program.

We have a program to develop portable and fixed devices for use at ports and other border areas to detect concealed narcotics and other contraband. We have surveyed current technological efforts of private and public institutions for their possible application to the detection of narcotics and contraband. We are constantly expanding and improving our ground sensor system aimed at detecting illegal vehicle and pedestrian traffic. We have continued the development of de-

tection techniques based on vapor detection, x-rays, neutron radiation and thermal imagery.

We have installed and begun an operational evaluation of the first of four x-ray machines specifically designed to examine merchandise entering at our ports along the Southwest border. Three additional x-ray systems will be installed in this fiscal year. We also use x-ray systems designed to examine vehicle tires, parcels and foreign mail entering the United States. We have increased our use of sophisticated night vision devices, and we are expanding our force of detector dogs, which have been increasingly successful in detecting concealed narcotics. Along the Mexican border, we have instituted an Unattended Border Alert Surveillance System, and our Land Branch has opened new patrol stations in Sierra Vista, Tucson, Presidio, and Big Bend National Park in Texas.

Although only in its initial development stage, the electro/chemical narcotics and explosives detection system, to be located at major airports and border points of entry, is designed for more efficient processing at the ports. Once developed, the vapor detection apparatus would detect the major prohibited drugs—heroin, cocaine, hashish, and marihuana—and in addition can detect explosives. Several configurations have been developed to examine passengers, baggage, and mail parcels.

Protecting our sea borders against the rising number of small boats and private yachts used for smuggling has proven an exceedingly difficult and complex task. The magnitude of the problem is illustrated by the vast area to be protected. There are 4,993 miles of coastal waters in the contiguous 48 states and 12,393 miles of additional coastal waters for Hawaii and Alaska. Moreover, we must protect the nearly 30,000 miles of improved inland waterways.

A recent smuggling technique has evolved in which large freighters or "mother-ships" laden with contraband hover in international waters as small high speed boats and fishing vessels ferry the illicit merchandise to shore. These motherships will cruise from the Caribbean, north along the Eastern seaboard, making numerous drops. The ships have ranged from 70 to 300 feet in length, the largest having a capacity to haul in excess of 100,000 pounds of marihuana.

Although many reports are received indicating that cocaine is being smuggled by small boats, there have been few seizures, and these for the most part have consisted of very small amounts. However, there is substantial evidence that cocaine is being smuggled into the United States aboard commercial cargo vessels, many of which operate in the banana trade out of Turbo, Colombia. Late last year, Customs seized 157 pounds of cocaine off the M/V MAYA in Miami. This seizure was exceeded only by 181 pounds seized off the M/V EA in Tampa in 1976. Both vessels were in the banana trade. A successful forfeiture action against the EA, a commercial vessel, was recently achieved and an order for a judicial sale of the vessel has been entered.

To enable Customs to have some indication of what vessels may be engaged in smuggling a vessel lookout list and the Vessel Violation Profile System (VVPS) have been established. The vessel lookout list includes privately owned pleasure vessels as well as motherships, whereas the VVPS is limited to commercial vessels. The lookout list is limited to those vessels which are suspected of engaging in large-scale drug importations, whereas the VVPS focused on vessels which have violated or are suspected to have violated any law and/or regulation, and contains intelligence and lookout data relevant to such violations. The VVPS records are accessible through a special TECS query which Customs now requires upon the arrival of every commercial vessel.

In response to the escalating level of smuggling by private aircraft across the nation's border, especially the Southern border, the Congress in 1969, authorized the establishment of a Customs Air Support Program.

Initially, Customs acquired assorted light aircraft. These were used to conduct surveillances, but were ineffective for detection, interception and tracking of smuggler aircraft. Our need was for Customs aircraft equipped with special commercial navigation and communications equipment. Devices were needed for tracking of suspect aircraft, as well as good speed and long range capabilities. Interdiction also required detecting and following smuggler aircraft operating in darkness. We had an obvious need for a more sophisticated technical approach if interdiction was to become a reality.

Technologically, Customs has made enormous strides since acquiring eight surplus military aircraft in 1969. In addition to constant improvements in airborne radar and Forward Looking Infrared (FLIR) capabilities, both used for

detecting and tracking suspect aircraft, Customs has developed all-important support systems to assist the air interdiction units. The supporting systems include the Treasury Enforcement Communications System (TECS), the Private Aircraft Reporting System (PAIRS), and the recent breakthrough in implementing an interagency agreement with the military and the Federal Aviation Administration for long-range radar coverage.

There are six Air Support Branches located at military air bases near San Diego, Tucson, El Paso, San Antonio, New Orleans and Miami. These locations were selected because of their proximity to major air smuggling routes along the border, but smugglers can, and do, cross the border almost anywhere. Since the Southern border of the United States is more than 4,000 miles long, each Air Branch has the responsibility for protecting an air corridor that, on the average, is 700 miles wide. Basic to interdiction of air smuggling is the development of an effective means of detection, identification and interception.

Once detected, we must ascertain whether the aircraft is involved in smuggling. Customs implemented a Private Aircraft Reporting System (PAIRS) to assist our air units in identifying probable smuggler aircraft. Under regulations, a private aircraft planning to cross the Southwest border must report 15 minutes prior to penetrating U.S. airspace, and land at one of 13 designated airports, unless it has received special permission to go on to its destination. If an aircraft does not report in or does not land at a designated airport, then it can be presumed to be involved in smuggling, and the Customs Air Units can take appropriate action to intercept and apprehend.

Because of the vast airspace of the borders, smugglers initially detected by radar and identified by PAIRS are still difficult to intercept. Two major factors relating to aircraft performance are of prime importance; namely speed and range. Customs aircraft must be able to rapidly reach the detection point on the border, or the smuggler will have the time for evasive action. The plane must then be able to go slow enough to trail the suspect plane. In addition, to detect and to lock on to the target, Customs aircraft must have an efficient airborne radar as well as a Forward Looking Infrared (FLIR) system, which provides an all-weather night operation capability. Even with this equipment, smuggler aircraft, with greater speed and range, have "run away" from the Customs aircraft.

We are also conducting a pilot program with the Air Force regarding the use of the Advance Warning and Control System (AWACS) aircraft to detect aircraft crossing over the Mexican border. By integrating sophisticated radar detection systems with our high performance aircraft, we expect a significant increase in the effectiveness of our air program.

To coordinate these many enforcement methods, Customs has developed a most effective major computer system. This system, called the Treasury Enforcement Communications System (TECS), is a real time network with almost 900 terminals permitting instantaneous access to enforcement data by name, vehicle license number, or vessel or aircraft number.

TECS is the central nervous system, or backbone if you will, of the entire integrated tactical interdiction effort linking Agent, Inspectors, Patrol Officers, and management. The role of the system as a tactical interdiction tool completes the loop encompassing the full range of Customs enforcement activity. The system has been expanded to serve the needs of the Treasury enforcement community. The Bureau of Alcohol, Tobacco and Firearms (ATF), the enforcement arms of the Internal Revenue Service (IRS) and the National Central Bureau of INTERPOL are major users of TECS service. Outside Treasury, the system is utilized by the Drug Enforcement Administration (DEA). TECS terminals for use by the Coast Guard and the State Department in a joint Federal effort to combat international terrorism have been installed in both agencies. Interfaces exist with the FBI's National Crime Information Center (NCIC), the National Law Enforcement Telecommunications System (NLETS), and the recently established interface to the California Law Enforcement Telecommunications System (CLETS), which significantly increases the capabilities of TECS for users in the state of California.

Through the years of development of the TECS system, it has been seen and time again that overall effectiveness of the system has been increased rather than diminished through the sharing of resources and data. In the same way, the TECS interfaces to NLETS and NCIC have improved each subscriber's enforcement effectiveness. In fact, that is the whole basis upon which NLETS and NCIC were established; increased effectiveness through the sharing of resources while realizing economies. Certainly, much needs to be done to explore further additional areas of cooperation.

DEA has the capability to incorporate their data into TECS through their NADDIS tapes and through TECS terminals located in their headquarters and at the El Paso Intelligence Center (EPIC). The EPIC-TECS interchange has assisted DEA's efforts to track the international movement of traffickers on whom lookout entries have been made. We are currently in the process of establishing an agreement with DEA which will give Customs a greater role in the analysis and dissemination of the information generated at EPIC. We have assigned Customs officers to DEA intelligence units to act as the primary contacts for DEA information and have assigned two analysts to the Inter-Departmental Intelligence Group-Mexico (IDIG-M) at DEA headquarters, which also serves as a means of exchanging information. In addition to these formal channels of exchange there is an ongoing exchange of narcotics intelligence at field levels. In emergency situations DEA may contact Customs field offices directly to transmit urgent intelligence or enforcement information. The amount of information exchanged between DEA and Customs is constantly increasing, and information from DEA has made some contribution to our heroin seizure activity.

We have also been developing a closer working relationship with INS and have begun to combine some of their computer systems with TECS. Recently, two TECS terminals have been installed at INS Headquarters, one primary (airport) and one secondary.

The effective reporting and exchange of tactical intelligence is vital to a successful Federal strategy. We believe that TECS provides an efficient means by which enforcement agencies can report and exchange intelligence and increase their effectiveness while realizing economies by sharing resources at the same time.

Since money is the single common denominator to all smuggling activities, we have launched a major effort to enforce the Currency and Foreign Transactions Reporting Act against the unreported importation and exportation of currency and other monetary instruments. Currency investigations conducted to date indicate a high incidence of drug related activity. During fiscal year 1977, Customs made 461 seizures under the Currency Act involving more than \$7 million.

The currency laws can be used to complement drug smuggling or trafficking investigations, and they may prove to be an effective means of disrupting illegal drug organizations by reaching their financial base. Currency related information is presently being exchanged by Customs and IRS. A computer program is also being developed whereby this information can be compared. Subsequent analysis will provide information on the international movement of funds by criminal suspects. We also make currency related information available to DEA through the Treasury Department.

We have tried to familiarize virtually every domestic and foreign law enforcement organization with our responsibilities under the Currency Act. These efforts have resulted in a growing awareness of the Currency Act with a commensurate increase in narcotics-related currency seizures and arrests by Customs officers. We also participate in Task Force operations initiated and conducted by DEA for the purpose of targeting and immobilizing specific high-level drug trafficking organizations. We will continue to participate in these operations when information indicates that unreported funds are moving across our borders.

Recent statements indicate the illegal weapons traffic from the United States to Mexico is of a major magnitude. BATF and the U.S. Customs Service do not view the illegal weapons traffic from the United States to Mexico as an extensive, out-of-control problem. There has been a traffic in weapons from the United States to Mexico for decades, and it will probably continue. While this traffic has certainly increased, we would point out that all crime statistics have also substantially increased. Although we do not consider the problem to be of "major magnitude," we consider it to be a serious problem which merits the concerted and concentrated efforts of both agencies in halting the illegal flow of firearms into Mexico.

Intelligence developed and statistical analysis of U.S. Customs seizures indicates: (1) that there is considerable traffic in arms and ammunition from the United States to Mexico (2) that the bulk of the traffic in ammunition consists of .22 rim-fire cartridge and broad spectrum of handgun centerfire calibers; and (3) that the illicit traffic in firearms consists mainly of handguns and sporting type weapons, legally available from commercial sources in the United States, and while there exists considerable illegal traffic of arms and ammunition to Mexico; the firearms involved are primarily sportsman and civilian type weapons and ammunition, induced by scarcity and high prices of such weapons in Mexico.

There have been no seizures of heavy weaponry enroute to Mexico. The Customs Attache in Mexico City periodically receives lists of firearms which were seized in Mexico by Mexican Customs officials. The lists are forwarded to Customs Headquarters and subsequently to BATF, where traces on the weapons are conducted. Investigative leads resulting from these traces are coordinated with BATF, where appropriate. To date, none of these investigative leads reflect any significant number of guns being traded for narcotics. While there may be some instances of the exchange of guns for narcotics in Mexico, we do not have any hard intelligence that this is taking place on a major scale.

This past summer, Customs and ATF signed a Memorandum of Agreement and Investigative Guidelines which delineates the role of each agency in the investigation of arms violations. It is evidence of the desire on the part of both agencies to avoid wasteful duplication of effort and to maximize the Federal effort to control the illegal exportation and importation of weapons.

Since almost all illicit drugs consumed in this country originate outside our borders, we must have programs aimed at eliminating them before they enter the stream of worldwide traffic. To this end we must have the active cooperation of the international community. One of the problems in securing their cooperation, and that of drug producing nations in particular, however, is to convince these nations that it is in their interest to suppress narcotics trafficking. We at Customs are continuing our efforts to secure the participation of other nations in this effort.

Our foreign Customs programs are designed to train foreign enforcement officials in border control activities, emphasizing interdiction techniques, border surveillance, anti-smuggling programs and methods, and search and seizure. Representatives of at least 15 nations have taken part in our training programs in fiscal year 1977. The value of our training programs is evident in the increasing drug seizures made by Customs officers in countries where training has been given. We have also been involved in working relationships with the Customs administrations of other nations. While the primary mission of our advisors is to provide technical assistance, the eradication of narcotics production and trafficking has now been included as a stated program objective.

During the past year we have entered into a Mutual Assistance Agreement with Mexico which contains a provision for the exchange of information specifically aimed at offenses involving narcotics. Our Tucson Air Support Branch has also established an excellent working relationship with the Mexican Federal Judicial Police.

From all of the above, it is evident that the drug enforcement effort is a multifaceted one.

As you know, a number of studies have been conducted by GAO, ODAP, and OMB on drug law enforcement and border management. It is possible that the present configuration of some Federal law enforcement agencies and that the scope of their responsibilities will be changed as a result of these studies.

Before closing, I would like to relay to the Committee two very recent incidents which reflect how Customs must respond to new situations and how well various federal and local agencies can work together in a complicated enforcement action.

In the first, an international flight from Peru made its initial U.S. arrival at Dulles International airport. Although the flight normally continues to JFK airport in New York, all incoming passengers go through U.S. Customs inspection at Dulles, prior to re-boarding the plane for the flight to New York.

A passenger went through Customs at Dulles, where a CPO checked his passport and found everything in order. A second passport was discovered with the same picture but with a different name. The first name was punched into TECS and the word came back that he was suspect. The Dulles CPO permitted the passenger to re-board the flight for the trip to JFK and then a CPO at JFK was notified and given all the facts. When the passenger deplaned in New York approximately two hours later, he was stopped by the CPO who examined the passenger's flight bag and discovered 10.8 pounds of cocaine (estimated street value \$5.9 million).

A check of the aircraft at New York showed that an over head screw-type panel in the restroom had been removed and there it is believed the suspect had hidden the cocaine while he was undergoing inspection at Dulles. Subsequent investigation has revealed another suspect smuggler.

The second instance involves a typical case in which a suspect vessel was identified by Coast Guard and Customs while offshore and surveilled to off the North Carolina coast. After determining that the vessel was bound for North Caro-

lina, a meeting was later held by representatives of the Customs Patrol, DEA, Coast Guard, and North Carolina State Bureau of Investigations. It was decided to establish a command headquarters in Morehead City, North Carolina.

Utilizing overhead surveillance, it was possible to keep track of the vessel and to maintain communication among the interdiction forces without the risk of interception by the violators.

When the unloading operation was underway, the combined Federal and State force closed the net, arresting thirteen people, seizing the 41,000 pounds of marijuana, the seventy-two foot vessel, four small boats, two barges, and eight trucks.

Each of these examples reflects different modes employed by smugglers and the variety of interdiction methods which are necessary to react to them. They also illustrate that while one agency can effectively interdict drugs in certain situations, in larger smuggling operations a combined Federal and State effort is required.

I would like to thank the committee for inviting us to appear today and to speak about the Customs role in the drug interdiction program. I will be happy to answer any questions at this time.

Thank you.

Border patrol agents as of Jan. 31, 1978

WR:	Authorized force
CHU.....	427
ELC.....	153
YUM.....	140
TCA.....	138
Subtotal.....	858
EPT.....	330
MAR.....	102
DRT.....	195
LRT.....	119
MCA.....	117
Subtotal.....	923
Grand total.....	1,781

2206 divided by 1,781 equals 80.7 percent.

**STATEMENT OF CHARLES SAVA, ASSOCIATE COMMISSIONER FOR ENFORCEMENT,
IMMIGRATION AND NATURALIZATION SERVICE**

Mr. Chairman, members of the subcommittee, I am here to testify, according to your invitation on the role of the Immigration and Naturalization Service in interdiction of drugs coming from Mexico.

INS is a bureau of the Department of Justice and is responsible for administering and enforcing the immigration and nationality laws of the United States. We employ about 10,000 persons with a fiscal year 1978 budget of approximately \$266,500,000.

We have two basic functions: (1) to insure that all persons entering into or remaining in the United States are entitled to do so, under law, and (2) to provide public services in the form of processing various applications such as extensions of stay, petitions for permanent residence, petitions for naturalization and similar other benefits under the immigration and nationality laws. While INS has no statutory mandate to enforce Federal drug laws, we do encounter drug and contraband smugglers incidental to the performance of our duties and control over the entry of aliens into the United States.

In order to discharge our statutory responsibilities of inspection and apprehension of aliens, we have two basic groups of officers who function in border areas: Immigration Inspectors and the Border Patrol Agents. In addition, Investigators, who function primarily in interior locations all across the country, have an enforcement support role in border areas.

Operating at air, land, and sea ports of entry into the United States, Immigration Inspectors, presently numbering 1,543 examine each person seeking admission to the United States. This is the first contact an applicant for admission has with a representative of the United States Government. Immigration Inspectors must conduct their inspections quickly enough so that the entry of U.S. citizens, bona-

fide immigrants, tourists, and other nonimmigrants is facilitated. At the same time they must be able to identify and reject aliens who are not admissible under the law, such as narcotic traffickers, other criminal elements, and aliens who are fraudulently posing as legal immigrants or nonimmigrants in order to enter the United States and work here without authorization.

The United States Border Patrol, founded in 1924, is an elite corps of highly trained, uniformed officers who patrol and guard our land borders and Gulf and Florida coasts between ports of entry. These officers are trained extensively in immigration and criminal law and in the Spanish language. The present authorized force of the Border Patrol is 2,207 officers. The Border Patrol operation involves the gathering of information from adjacent foreign areas, the actual watch on river, land, and coastal borders, check of public transportation, traffic check on highways leading from the border, observation of aircraft, and checks of farms, ranches, and industries in the border area. The Border Patrol employs sophisticated technology to extend the effectiveness of its officers, including observation aircraft and helicopters, a complex and sensitive remotely controlled sensor and vehicle dispatch system, a communication system linking the entire border, and repair and maintenance facilities for vehicles, radios, and electronic equipment.

While pursuing their primary mission of immigration law enforcement, Immigration Inspectors and Border Patrol Agents also apprehend violators of other laws, and have intercepted millions of dollars worth of narcotics, arms, ammunition, and other contraband. In addition, they identify and apprehend vendors and purchasers of fraudulent documents which are used in illegal immigration and drug smuggling schemes. Over the past 5 years, from fiscal 1973 through fiscal 1977, the Service spent \$453,079,106 on combined Inspections and Border Patrol activities. A breakdown of this total by year and activity is contained in Chart A in the Appendix.

The Service has arrested 6,864 aliens in connection with drug violations during the past five years. A year by year breakdown of these arrests is contained in Chart B in the Appendix. In addition, during the same period over 22,000 drug seizures have been made by INS personnel, either alone or in cooperation with agents of the Customs Service or the Drug Enforcement Administration. A year by year breakdown of such seizures by controlled substance is contained in Chart C in the Appendix.

When unlawful drugs are intercepted by Immigration Inspectors at ports of entry, the violator is sent to the Customs secondary area where the arrest and seizure is made. If the arrest and seizure is made by the Border Patrol or an Investigator between ports of entry or at an interior location, the violator and contraband are turned over to the Drug Enforcement Administration. In the event that the U.S. Attorney declines prosecution, the violators are referred to state or local law enforcement authorities.

With respect to the processing of those aliens arrested for drug violations, the Service has deported 2,210 drug violators under section 241(a)(11) of the Immigration and Nationality Act, 8 U.S.C. 1251(a)(11) during the last 5 years as shown on Chart D in the Appendix. According to the U.S. Bureau of Prisons, the average sentence for aliens who are criminally prosecuted is 6.1 months and the average time spent in prison is 4.6 months.

The Immigration and Naturalization Service also cooperates with other agencies in the drug enforcement effort. A number of Border Patrol agents are also designated as Customs Officers, and Immigration Inspectors at land ports of entry are cross designated as Customs Inspectors. As I have already pointed out, Immigration Officers have played an important role in seizing contraband and apprehending violators of other Federal laws. On their part, Customs Patrol Officers apprehend and turn over to the INS undocumented aliens in the border areas. In the last year, 4,351 aliens were delivered to Border Patrol Agents by Customs Officers.

In April, 1975, a Memorandum of Understanding was signed between the INS and Customs providing for cooperation between the two Services. While concededly there are still areas where Customs and INS can achieve more cooperation, we believe that significant progress has been made. This is especially true in the primary inspection process at land border ports, where cross designation and coordination have achieved substantial savings in time and manpower for both agencies.

The first national interagency cross-training agreement with the Customs Service was signed last year providing for cross-training of inspectors engaged in dual, primary inspection activities. This training program was formally implemented during September 1977. A new program is now being negotiated for cross-training of Border Patrol Agents and Customs Patrol Officers.

In addition, 16 of the 21 Border Patrol Sectors have the capability of radio communications with the Customs Patrol. The Chula Vista Sector is presently using a Customs Patrol portable unit in their communications center. This temporary measure will end shortly upon installation of crystals to cover Customs frequencies in our radio network.

INS coordinates closely with the Drug Enforcement Administration in the exchange of mutually responsive intelligence data and in joint field operations. Operational agreements with DEA have been in force since November 29, 1973.

In addition, INS and DEA share operational duties for the El Paso Intelligence Center (EPIC), which collects, analyzes, and disseminates information regarding drug trafficking and illegal alien smuggling activity along the U.S. borders. The Service maintains all narcotics trafficking lookouts at ports of entry for EPIC. The Service presently has 15 employees assigned to EPIC, 9 officers and 6 support personnel. In addition, the Service pays for approximately 20 percent of the operating expenses of EPIC, which amounted to \$97,000 in fiscal year 1977.

INS has also participated with DEA and Customs in the Interagency Drug Intelligence Group-Mexico (IDIG-M). As a result, investigative leads were developed concerning smuggling of aliens as well as involvement of aliens using fraudulent immigration documents. INS was able to respond to queries by DEA and Customs for information which was used by those agencies in their investigations. The data compiled by this group showed that criminals involved in illegal alien traffic have also been involved in traffic of contraband, narcotics, and arms. The INS Director of Intelligence was a member of the permanent committee of IDIG-M, and an Investigator from our Central Office was assigned to the working group from May, 1976 until February, 1977.

In his August 4, 1977 message to Congress on immigration policy, the President gave a high priority to increased border enforcement. Specifically, he recommended the following measures, most of which require some Congressional action: (1) a substantial increase of border enforcement resources and personnel, (2) a shift by the INS of enforcement personnel to the border areas having the highest rates of illegal entry, (3) the creation of an anti-smuggling task force, (4) passage of pending legislation to prohibit the production and knowing possession of false identity documents, and (5) cooperation with other countries in border enforcement and anti-smuggling efforts. While these measures were addressed to the problem of illegal entry of aliens, they also will contribute to the Federal drug interdiction effort.

The INS goals for the coming year include the issuance of machine readable alien travel documents and joint planning with the Customs Service on how that agency can benefit from the use of these automated data cards. Automated screening of applicants for admission would allow more time to concentrate on drug interdiction.

APPENDIX

CHART A.—AMOUNT SPENT ON INSPECTIONS AND BORDER PATROL ACTIVITIES

Fiscal year	Border patrol	Inspections	Total
1977	\$71,109,630	\$46,018,686	\$117,128,316
1976	61,691,874	35,429,935	97,121,809
1975	52,254,055	33,016,665	88,270,720
1974	46,894,121	28,939,347	75,833,468
1973	40,302,543	34,422,250	74,724,793
Total	275,252,223	177,826,883	453,079,106

CHART B.—ARRESTS FOR DRUG VIOLATIONS

Fiscal year	Number
1977	1,281
1976	1,674
1975	1,639
1974	1,252
1973	1,018
Total	6,864

CHART C.—SEIZURES BY CONTROLLED SUBSTANCE

Fiscal year	INS	Joint	Total
Heroin seizures:			
1977	15	19	34
1976	25	30	55
1975	19	56	75
1974	23	56	79
1973	33	53	86
Total	115	214	329
Cocaine seizures:			
1977	27	24	51
1976	26	33	59
1975	15	63	78
1974	29	64	93
1973	25	48	73
Total	122	232	354
Marijuana seizures:			
1977	1,230	1,892	3,122
1976	1,091	2,007	3,098
1975	1,612	3,125	4,737
1974	1,764	3,331	5,095
1973	1,568	2,363	3,931
Total	7,265	12,718	19,983
Hashish seizures:			
1977	50	223	273
1976	38	216	254
1975	63	299	362
1974	85	376	461
1973	99	356	455
1973 to 1977 total	335	1,470	1,805
			22,471

CHART D.—DRUG VIOLATORS DEPORTED

Fiscal year	Number
1977	372
1976	464
1975	583
1974	396
1973	395
Total	2,210

STATEMENT OF REX D. DAVIS, DIRECTOR, BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, U.S. TREASURY DEPARTMENT

Mr. Chairman and committee members, thank you for inviting me here today to discuss the problem of firearms smuggling from the United States into Mexico, and the attending thesis that many of these guns are profitably exchanged for narcotics which are then smuggled into the United States.

The subcommittee is to be congratulated for its interest in the subject. Traffic in firearms to Mexico is a serious problem and deserves attention, particularly since, as you will see from my testimony, part of the problem stems from the comparatively easy accessibility of firearms in the United States.

While there has been a long tradition of a firearms traffic into Mexico, the problem became more acute beginning in 1968 when the Mexican Government passed its stringent firearms law. That law forbids the possession of handguns, and restricts ownership of firearms to rifles and shotguns.

At that time, Mexican firearms stores went out of business and the Government now requires that all weapons owned by private citizens be registered. In addition, there are strict controls on ammunition, and only .22 caliber rimfire cartridges and shotgun shells may be sold, and then only to those persons who have registration certificates.

This obvious curtailment of supply, placed added emphasis on demand. Thus, the United States is a handy source of supply for guns which are moved into Mexico. From our enforcement experience, we know that there is traffic of U.S. guns being taken into Mexico. However, the extent of that traffic is difficult to evaluate.

There also may be some exchange of guns for narcotics in Mexico but, again, the size and frequency of these transactions has not been established, nor do we have concrete evidence that organized crime is involved in these transactions.

Our best information is that the firearms traffic to Mexico is being done by many individuals dealing in small numbers of firearms. We also know there is a sizable traffic in ammunition purchased in the United States and then taken into Mexico.

The volume of this firearms traffic is debatable, but the trafficking exists despite constant interdiction efforts by agents of the Bureau of Alcohol, Tobacco and Firearms and the Customs Service along the border and throughout the entire United States. These interdiction efforts are performed either alone or in conjunction with other State and Federal agencies.

The Bureau's primary jurisdiction over this firearms traffic is through the Gun Control Act of 1968. The Bureau regulates the firearms industry and enforces the law.

We are authorized to conduct compliance investigations of firearms dealers. During these inspections, our agents check firearms acquisition and transaction records to determine if proscribed individuals are obtaining firearms. Under Federal law, there are several classifications of people prohibited from acquiring, possessing or transferring firearms including convicted felons. Also, Federal law requires that machine guns and other so-called gangster type weapons cannot be legally possessed unless they are registered with ATF.

All of these and other provisions of the law are used to enforce our interdiction efforts. However, it must be remembered that ATF jurisdiction exists only within the United States and ends at the border.

With some exceptions, the gun control act prohibits the licensed dealer from selling firearms to anyone not a resident of the State in which the dealer is licensed.

An alien legally can buy a firearm from a licensed dealer if he can establish that he has resided in the State for at least 90 days prior to the date of the purchase, or has a letter authorizing the purchase from the principal officer of the alien's Embassy or Consulate—if that Embassy or Consulate is located in the same State as the dealer from whom the firearm is to be purchased. Generally, the Mexican Government does not authorize its Embassy or Consulates to issue such letters.

The restrictions on the sale of ammunition by the licensed dealer are not as stringent as those on guns the licensed dealer has only to determine that the buyer of ammunition meets a minimum age and that the sale of the ammunition does not place the buyer in violation of any state or local statute applicable at the place of sale, delivery or other disposition.

There are several ways in which guns are acquired in the United States for movement into Mexico.

First, the licensed dealer, acting in collusion with a Mexican resident, might falsify his firearms records to either show that he did not acquire the firearms which he ultimately sells to the Mexican resident, or that firearms were sold to citizens of the United States.

Second, a citizen of the United States is induced, by collusion between the dealer and the Mexican resident, to use his name on the dealer's records as the party to whom the firearms were sold, but with the actual delivery of the guns being made to the Mexican resident who will also pay for the guns.

Third, a citizen of the United States legally acquires the firearms from a licensed dealer in his own name, but resells the guns to the Mexican resident.

Fourth, the Mexican resident uses false identification to establish his eligibility to buy a gun.

It is important to remember that ATF's responsibility lies in the illegal disposition, acquisition or possession of the guns by the parties involved within the United States.

ATF always has had an active international firearms interdiction program. It was formalized into the Guns to Mexico program in 1973. The effort subsequently was reorganized and now falls under our International Traffic in arms program, better known by its acronym as ITAR. Our efforts to stem the flow of guns to Mexico is a considerable part of the ITAR Program.

One difficulty in our enforcement efforts is the comparative ease by which firearms generally can be obtained in the United States. There are 160,000 Fed-

erally licensed firearms dealers Nationwide. This includes 2,148 licensed firearms dealers situated in those counties along the 1,765 miles of United States-Mexican border.

This breaks down into 585 firearms dealers along the Southern California border, 582 along the Arizona border, 189 along the New Mexico border and 692 along the Texas border.

In addition, it is not illegal for two private citizens to buy, sell or trade firearms among themselves, which they may do freely as long as they are both residents of the same state. If the transactions are interstate and involve handguns they must be conducted through a licensed firearms dealer.

Because of a change in the method of keeping statistics, at the present we are not able to break out those current cases which would fall in the Guns to Mexico category. But in 1975, when the program was getting started, we conducted 83 investigations which resulted in 27 cases. The following year, 1976, we opened 448 investigations which resulted in 100 cases.

Most of the cases we have made are initiated through our own agents acting on intelligence they have developed. Their leads come from inspection of the records of Federally licensed firearms dealers, undercover activities and sometimes referrals from other agencies. Unfortunately, the many thousands of traces we have done on guns picked up in Mexico have not been fruitful in identifying large volume sources of firearms.

In their work along the border, AFT agents often conduct spot surveys of licensed firearms dealers. Two recent surveys on the Texas border reflect the problems they encounter.

In El Paso, agents spot checked eight licensed dealers. They selected the names of 373 gun buyers with Spanish surnames. The agents were able to contact 234 of these purchasers. One hundred and fifteen still had the gun they purchased, or else could account for it. However, of the 234 persons contacted, 83 readily admitted that the gun had been taken to Mexico shortly after its purchase. Another 36 persons could not produce the gun they purchased nor could they provide an adequate explanation of how they disposed of the gun.

A similar spot check was made of 14 licensed dealers in the Brownsville, Texas, area. Three hundred and fourteen purchasers with Spanish surnames were selected. Agents were able to contact 171 purchasers. Of these, 61 readily admitted that they disposed of the gun in Mexico, and 20 could not produce the gun or give a plausible explanation as to what happened to it.

Previously, we conducted extensive ammunition surveys. Two surveys involved .22 caliber ammunition and handgun rimfire ammunition. In one survey conducted from January through June 1975, 648 licensed dealers along the border reported that they had sold more than 7.5 million rounds of ammunition.

We did not count any sales of less than 2,000 rounds of .22 caliber ammunition or 500 rounds of handgun ammunition.

Our analysis of the recorded sales showed that 913 of the persons buying this ammunition had addresses in Mexico and purchased just over 4.8 million of the total 7½ million rounds. The average was 5,000 rounds per individual Mexican purchaser during one six-month period. Further study showed that much of the ammunition sold to persons with a Mexican address was destined for the interior of Mexico, as well as the border states of Chihuahua, Coahuila, Nuevo Leon, and Tamaulipas.

In February of 1976, we did a second, more detailed ammunition sales survey at 36 of the original 648 dealers. The sale period surveyed was from July 1975 through January 1976.

The total recorded sales of .22 caliber and handgun ammunition from these 36 dealers for the seven-month period was more than 9.1 million rounds. Of this, 8.1 million rounds were sold to persons giving addresses in Mexico. This averaged out that each of these 36 dealers sold approximately 32,000 rounds of ammunition a month to Mexican nationals during this seven-month period.

Numerous investigations were initiated. The most significant case was made against a federally licensed firearms dealer in Brownsville, who operated his firearms business from the Villa Verde Food Store, the surveys showed this dealer sold more than 12 million rounds of ammunition to residents of Mexico in a year.

This dealer falsified his records to cover ammunition purchases by nine Mexican residents who transported the ammunition to Mexico. The dealer subsequently pleaded guilty to violating the gun control act and was placed on probation for three years and fined \$3,000. He also lost his firearms dealers license.

These cases and others bear out our observation that many of the guns and ammunition going from the United States to Mexico are being transported by Mexicans who are in the United States either legally or illegally.

The source of these guns is not only along the border, for there is a growing number of cases being made in widely scattered areas of the United States which involve the purchase of guns which end up in Mexico.

It was by inspecting firearms transaction records that our agents in one large metropolitan, midwestern city uncovered what could be a typical method of trafficking of guns by Mexican aliens.

During the inspection of the transaction records, ATF agents selected those records which bore Spanish surnames. They then went to the purchasers and asked about the guns they had bought.

The agents learned that most were Mexicans who had purchased guns singly or two or three at a time, on their next visit to their homeland, they took the guns into Mexico where they were given or sold to relatives or friends. Many of the U.S. purchasers could not speak English, and pleaded ignorance of the law. The result was that ATF made 8 cases which still are pending.

In another recent case, guns seized in Mexico by the Mexican police were found to have originated in Savannah, Tennessee, where they had been purchased from a licensed firearms dealer. Subsequently, the dealer was sentenced for falsifying his records to effect the sale.

One method ATF has used to evaluate the firearms traffic to Mexico has been through the tracing of guns by the ATF National Firearms Tracing Center in Washington.

In 1974, Mexican officials concerned with the problem of illegal firearms in their country, asked ATF for assistance. As a result, the bureau agreed to trace American made firearms seized in Mexico, either by the police or Mexican Army.

Since this program began late in 1974, the bureau has traced about 8,000 firearms. When the guns are seized, their records are forwarded by the Mexican police to a U.S. customs officer or a drug enforcement agent in the embassy in Mexico City. They are then sent to ATF to be traced.

The most recent group of Mexican trace requests for 5,049 guns points up the problems we have in tracing these weapons. For a variety of reasons we were able to trace less than 20 percent of the firearms. Either the information was incomplete, the guns were old and records did not exist, the records were outdated, or else the firearm was of foreign make.

In summation, let me say that ATF has a vigorous interdiction program. We work closely with other federal agencies along the border and have a special agent assigned to the El Paso Intelligence Center.

We know that there is a traffic in guns from the United States into Mexico, but the length of the border along four states makes it difficult to assess the size of this gun running with any exactness. We believe that most trafficking in guns is done in small numbers by many people, and our cases indicate that many Mexicans are participating in the smuggling of guns and ammunition.

Thank you.

END