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Mexican Criminals, American Guns

Did the ATF help create its own crisis?

The next time gun-control advocates point to violence in Mexico and call for more restrictions on gun sales or a revived assault-weapons ban, they should consider that the problem may not be with the laws on the books, but with those who enforce them.

A number of outlets — among them [CBS News](#), the [L.A. Times](#), and the [Center for Public Integrity](#) — have alleged scandalous behavior at the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). Sen. Chuck Grassley (R., Iowa) is [investigating](#) allegations that ATF supervisors ordered agents to let gun runners ship arms across the border. Two of those guns turned up in a gunfight that killed a Border Patrol agent.

ATF special agent John Dodson says that agents in the Phoenix office were [ordered to let known gun traffickers purchase firearms](#). The plan, Operation Fast and Furious, was intended to help investigators follow low-level gunrunners to cartel leadership. That may justify letting a few illegal sales slip by, but agents say the number soon climbed into the hundreds and thousands.

Agents raised warnings to their superiors about the quantity of sales and the rising violence across the border, but were told that the operation had been approved at ATF headquarters. They were also told that if they didn't like it, they were welcome to seek employment at the Maricopa County jail as detention officers making \$30,000 a year.

Dodson came forward after hearing that two of the guns showed up at a crime scene, a remote valley where Border Patrol agent Brian Terry was killed in an exchange of fire. Dodson gave an emotional [on-camera interview](#) to CBS reporter Sharyl Attkisson, clearly disturbed by Terry's murder.

The ATF's alleged malfeasance is all the more disturbing when considered in the context of the Mexican drug war. The problem, however, is not legal U.S. gun dealers.

The media — [for example, Reuters](#) — have widely reported that “nine out of ten guns” found at Mexican crime scenes came from U.S. gun dealers, but this claim has been debunked: The statistic takes into account only guns traced by the FBI. Such tracing is possible only if the Mexican authorities submit a weapon to the FBI, and they submit only weapons designed for the U.S. civilian market (the only kind

of gun the FBI is equipped to trace). Once all guns retrieved in Mexico are included, only 17 percent come from U.S. gun dealers.

There are plenty of places for the cartels to buy guns other than the U.S. retail market. A goodly portion of weapons trotted out for the press cannot be legally purchased in the U.S. without the ATF's say-so and approval from the local chief law-enforcement officer (short-barreled rifles, for example). Rocket-propelled grenades and newly manufactured machine guns are not available at gun shows. Further gun control imposed on typical American buyers would have no effect on the ability of the cartels to purchase these military-grade weapons.

To acquire such weapons, the cartels put up recruiting billboards to persuade Mexican soldiers and police officers to leave their posts, and thousands have done so with weapons in hand. Past wars in Latin America have also created a healthy black market that the cartels can tap into. There remains the question of U.S. arms exports, but these, when legal, are monitored by the State Department.

Congress should be able to assume that the gun-control laws already on the books are being enforced. That does not seem to be the case. Congress should find out why, and the public should bear it in mind next time Attorney General Holder or Mexican president Felipe Calderón says that a new assault-weapons ban is necessary.

— *David Rittgers is an attorney and a legal-policy analyst at the Cato Institute.*