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U.S. Aides Find Gun Smuggling Is a Low Priority

The following article is based on reporting by Joel Brinkley and Jeff Gerth and was written by Mr. Brinkley.

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WASHINGTON, Sept. 25 — United States law-enforcement officials say they are having little success stopping illegal exports of American-made arms.

Most of the agencies say halting gun smuggling is not a high priority, even though they acknowledge that domestically manufactured weapons are increasingly being smuggled abroad, particularly to Latin America, where they have been used in attacks against Americans and leaders of governments friendly to the United States.

Federal officials say they are concerned about the smuggling. But at the same time numerous Government officials and others involved in the arms business say that United States policies

Second of two articles on smuggling of American arms overseas.

often foster illegal gunrunning. Since the Government itself sometimes makes covert arms purchases for intelligence operations abroad, some major arms traffickers get Government protection, these sources say, even though those same traffickers may at other times sell arms to enemies of the United States.

Guns in 'a Black Hole'

Meanwhile, the Federal law-enforcement agencies that are responsible for stopping arms smuggling say they have other, more important interests. The Customs Service, for example, says it is so busy fighting drug trafficking and illegal exports of high technology that it pays little attention to guns, even though the service has exclusive jurisdiction for enforcing the Arms Export Control Act.

"It just isn't one of our priorities," said Roger R. Urbanski, director of the Custom Service's strategic investigations division.

When Federal officials do make an effort to catch gunrunners, loopholes in Federal laws often let the smugglers go free and "the guns end up going into a black hole," said Edward D. Conroy, special agent in charge of the Bureau of Alcohol, Tobacco and Firearms office in Miami. Federal officials describe

southern Florida as the nation's largest market for illegal arms smuggling.

Even when Federal law-enforcement officers do file charges against an illegal arms trafficker, sometimes they are forced to halt their case after learning that the suspect is receiving protection from the Central Intelligence Agency or another Federal agency that sometimes acquires weapons through unofficial channels.

'Both Sides of the Street'

"That may be a dangerous statement, but yes, that happens," said Leon W. Guinn, acting special agent in charge of the Miami office of the Customs Service.

"When I investigate" an illegal arms sale, he added, "we find out the traffickers are working both sides of the street. They're working with the C.I.A. or the Department of Defense or somebody else, and then I get a call from Washington, and they might leave me just a small part of the case."

Judy S. Hoyer, a Florida state prosecutor who was an assistant United States attorney in Tampa until earlier this year, said, "The Government has ways of making the cases disappear."

A spokesman for the C.I.A. said the agency would not comment on whether it maintained relationships with arms dealers.

One international arms dealer based on the East Coast, who Federal law-enforcement officials describe as a frequent and reliable informer on illegal arms trafficking, said in an interview: "The Government makes it possible for us. Selling arms isn't really frowned on by the Government."

The United States is the world's largest manufacturer of arms, and around the country the Federal Government has issued licenses to about 243,000 arms dealers. The vast majority of those people appear to be honest and law-abiding. A few, however, sell arms with the knowledge that they will be smuggled abroad.

Five or Six Major Dealers

Some of the dealers are also international arms brokers who find arms buyers for arms sellers and charge a percentage of the transaction price without ever taking possession of the weapons.

The East Coast arms dealer, who is also a broker, said there were five or six major international arms dealers in the United States who at times might have been involved in transactions of questionable legality, in addition to dozens of smaller dealers involved in possibly illegal sales.

That means the five or six major dealers may at times market arms that are not supposed to be available for commercial sale, or they may sell arms to groups or nations that are not supposed to get American weapons, like Iran, nations of the Soviet bloc or the Irish Republican Army.

A Federal law-enforcement official said the estimate appeared to be accurate although the Government did not know for sure.

"The ones that are smart and are making it, work with the Government. All of them work with the C.I.A., the F.B.I., the Defense Intelligence Agency or somebody else."

"I've always cooperated with the Government," the dealer said, adding that the relationship consisted of "a give and a take — as long as they know what's going on, they don't stop you."

'The File Has Been Removed'

Mrs. Hoyer, the former assistant United States attorney, said, "We'd open arms trafficking cases, and then the agent would call back later and say the case no longer existed, the file has been removed, and we'd get word later that the intelligence people were permitting the arms deal to go on or were conducting it themselves."

As a result, Mrs. Hoyer said, some arms traffickers have "one foot on each side of the fence."

A Miami man who Federal officials describe as the largest arms dealer in the United States, and perhaps in the world, got unusual treatment in a 1982 criminal case in which his attorney submitted a sealed court statement describing his client's "great assistance to the United States," the court record says.

A Federal grand jury indicted the arms dealer, Sarkis G. Soghanalian, a Lebanese citizen who lives in Miami, on three counts of fraud in 1981 in connection with the sale of 197 .50-caliber machine guns to Mauritania.

If convicted, he could have been sentenced to 15 years in prison or deported. But Mr. Soghanalian was allowed to plead guilty to one count while at the same time telling the court he was not really guilty of the charge.

'Not the Normal' Practice

Stephen Gillman, who was an assistant United States attorney involved in the case, said the plea arrangement was "not the normal" practice in his office, but he declined further comment.

Federal District Judge Joe Eaton, who accepted the arrangement, said that the case was unusual because it involved "international affairs conducted by the State Department." In addition, Judge Eaton said that "it is recognized by the Government that this man is in some part of international business, a legitimate one" and that Mr. Soghanalian should be able "to carry on his business" and continue traveling abroad as required.

Mr. Soghanalian was sentenced to five years probation, and the Government agreed not to deport him.

Gerald F. Richman, one of Mr. Soghanalian's attorneys, said he assumed his client's relationship with the Government affected the terms of his sentence.

"There is not any question Sarkis has been of assistance to the United States," Mr. Richman said, adding that his client's contacts included the C.I.A. and the State Department. "but in more detail I cannot go."

The C.I.A. would not say whether the agency has had any relationship with Mr. Soghanalian.

Increasing Number of Cases

In the last decade Mr. Soghanalian's arms dealings have been investigated by the F.B.I., the firearms bureau, Customs and the State Department, according to several Federal law-enforcement officials, but no charges have been brought except those in the Mauritania case.

Despite all the pressures and problems, the number of Government cases against arms smugglers has been increasing. The Bureau of Alcohol, Tobacco and Firearms, for example, initiated prosecution in 68 international arms trafficking cases in the fiscal year 1984 and estimates that the number of cases for 1985 will be 152 when the fiscal year ends Sept. 30.

Still, the firearms bureau "is a domestic law-enforcement agency," said Phillip C. McGuire, the agency's deputy director, and the bureau's 1,300 agents nationwide must spend nearly half their time, on the average, investigating violations of Federal alcohol and tobacco laws.

Although the bureau has an International Traffic in Arms division and in the last two or three years "has made a more aggressive effort to stem the illegal arms flow," Mr. McGuire said, most of the bureau's international cases are indirect results of domestic investigations.

Even the domestic investigations are hampered by weak laws, the bureau's officers say. For example, to purchase firearms in Florida and in many other states, the only identification needed is a driver's license with a local address. But neither the state motor vehicle authorities in Florida nor the gun dealers are required to verify the accuracy of addresses, Federal officials say.

Address Is a Vacant Lot

Mr. Conroy, head of the firearms bureau office in Miami, said that when his agents investigated suspicious arms sales they often found that the buyer was a foreigner who used a bogus address to get his license. "Invariably the address turns out to be a vacant lot or an empty storefront," Mr. Conroy said, and the buyer has disappeared with the weapons.

That "is a tremendous problem," said Charles Hudson, a bureau agent in Florida, adding, "The Colombians have developed this to an art."

Mr. Conroy also noted that although arms dealers were required to file a form with the bureau each time someone buys more than one pistol in a five-day period, they are not required to note what kinds of guns are involved.

If the bureau is told that someone bought 30 weapons, for example, it cannot tell whether those were sports target pistols or MAC-10 semiautomatic pistols that can easily be converted into the machine guns with silencers that are favorites of drug dealers and terrorists.

The bureau gets thousands of those multiple sales forms a month; Mr. Conroy said his office received as many as 800 a month in recent years, far more

than the bureau can check individually.

Further, Mr. Conroy said the notification law applies only to pistols. "If someone buys 23 AR-15" rifles, the civilian equivalent of the Army's M-16, "we don't get anything on that at all."

Some Federal officials say they are reluctant to ask for tighter laws because they anticipate opposition from the powerful firearms lobby. Meanwhile, some gun lobbyists are trying to eliminate some of the limited tools the

Federal authorities now have.

The 100,000-member Gun Owners of America, for example, is preparing to file suit calling for repeal of the requirement that purchasers of firearms fill out a firearms bureau form that is often used to trace weapons purchased illegally or used in crimes.

The Customs Service is responsible for catching arms smugglers at the nation's borders. But Customs officials say they are primarily interested in arms cases that involve advanced weapons, like computer-guided missiles.

Mr. Urbanski said that on most cases involving small arms the Customs Service deferred to the Bureau of Alcohol, Tobacco and Firearms. "Clearly our focus is on other areas," he said.

The East Coast arms dealer who has worked with the Federal authorities estimated that illegal arms sales made in southern Florida, most of them involving small arms, totaled \$70 million to \$150 million a month on the average, a figure that Federal officials confirmed.

A confidential firearms bureau report shows that last year nearly one-third of the American-made weapons used in crimes abroad that were later traced back to an American point of origin came from southern Florida. And yet the Customs Service's South Florida office has not made a single significant arms seizure in almost three years, Mr. Guinn said.

Secret Compartments Used

"It has not been one of our greatest success," he said. "I'd say we spend 99 and forty-four one-hundredths percent of our time on narcotics cases."

Mr. Conroy said arms traffickers "are only limited to their imagination," when scheming to smuggle arms out. Federal officials say smugglers pack weapons in boats and tractor-trailors with secret compartments and, more often, in airplanes.

A few years ago, about 100 pistols were found hidden inside a washing machine being shipped to Latin America, and in another case rifles being shipped to one of Lebanon's Christian militia were hidden inside the fenders of a Chevrolet Blazer.

Mr. Guinn said his office cannot

check aircraft to see if they are being used to smuggle guns.

"Other than the filing of a manifest, there is no inspection," he said. "We cannot be at the myriad of private airports to check outbound aircraft. There are obviously weapons leaving here, but in what volume we just don't know."

Earlier this year the Costa Rican authorities arrested five Miami residents and sentenced them to jail for smuggling automatic rifles, mortars and a 14-foot-long cannon from Miami, for use by Nicaraguan rebels based there.

The pilot of the airplane, who faced two previous convictions on arms trafficking charges, reported before leaving Miami that his cargo was humanitarian aid for Central American refugees, and he said in interviews after his arrest that his plane was not inspected before leaving Florida.

F.B.I.'s Other Concerns

The Federal Bureau of Investigation does not often involve itself in arms trafficking either. A senior F.B.I. official said arms smuggling did not clearly fall within the bureau's jurisdiction, and in Florida, he said, "we've got drugs, terrorism" and organized crime "to worry about," although he added that the bureau inadvertently came across scores of arms smuggling cases anyway.

The Customs Service established a program four years ago to stop illegal exports of high technology to Soviet bloc countries. It is the only major Customs program to investigate exports; most Customs resources are devoted to stopping illegal imports, like drugs.

Even though the program concentrates on technological exports, like computers and advanced manufacturing equipment, "when we put assets toward exports, inevitably we get more munitions than anything else," Mr. Urbanski said. As a result, Customs has made several significant small-arms seizures recently.

Mr. McGuire, the firearms bureau official, said: "In the last two or three years, I've tried to sensitize people to the problem" of international arms trafficking because, he added, "we don't want to be known as the international arms source for the world."

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Gun Smuggling On the Increase, U.S. Aides Say

The following article is based on reporting by Jeff Gerth and Joel Brinkley and was written by Mr. Gerth.

Special to The New York Times

WASHINGTON, Sept. 24 — In early 1981 two American agrarian advisers and a Salvadoran official were shot to death in what has become one of the most notorious unresolved crimes in El Salvador. Now American law-enforcement officials say they have evidence that an American-made semiautomatic pistol, which had been smuggled out of Florida, was used in the killings.

The disclosure is one of the more dramatic of a recent number of cases in which illegally exported American weapons have been used abroad in terrorist plots against Americans and officials of governments friendly to the United States. Those cases and the increasing number of American weapons being smuggled abroad have caused concern among United States and foreign law-enforcement officials.

Arms Smuggling Cases Increase

"Firearms exported illegally from the United States have found their way in ever-increasing quantities to the most remote countries in the world," said a confidential report by the Bureau of Alcohol, Tobacco and Firearms on international arms trafficking in 1984. The number of international arms trafficking cases and defendants this year will be more than twice that of 1984, Phillip C. McGuire, the deputy director of the bureau, said in an interview.

Mr. McGuire said southern Florida was the top source for arms smuggled out of the United States.

"There is no question that this country, this state and this part of the state is arming the Americas," said Charles Hudson, a special agent with the firearms bureau in Florida.

One top official of the Federal Bureau of Investigation in Miami said: "Weapons are going everywhere. Ships

coming in with dope have to have something going out, so it's arms."

George A. Rodriguez, who heads the firearms bureau's international arms trafficking program, said police officials in countries in Central America that had tried to remain neutral amid the region's conflicts were becoming increasingly concerned about the problem of American guns used in crimes in their countries.

Mr. Rodriguez said a top Costa Rican police official had told him that his country "had become another Casablanca" for arms smuggling and had asked him to trace 4,000 American guns recovered in Costa Rica, surpassing the total number of traces by the bureau in 1984.

In recent months, according to Federal law-enforcement officials and public records, illegally exported American weapons have been linked to the kidnapping and killing of an agent of the Federal Drug Enforcement Administration in Mexico and to plots to overthrow governments or assassinate government leaders in Mexico, Honduras, Colombia and Nicaragua.

Latin America, the source of most of the drugs smuggled into the United States, is the largest recipient of illegal weapons shipments from the United States, according to the firearms bureau report.

Mr. McGuire, the bureau's deputy director, said it was difficult to determine whether the increase in the reported number of international smuggling cases stemmed from more effective enforcement or increased activity.

Other Federal law-enforcement officials acknowledge that they have had difficulty in stopping gun running. They say the lack of success stems in part from other priorities. But numerous Federal officials say the Government itself also occasionally makes covert arms purchases for intelligence operations abroad.

Gun smuggling is a small but crucial part of the billion-dollar worldwide market for weapons. The leading manufacturers and exporters of weapons are the Soviet Union and the United States. Arms from both countries are sold through both official and unofficial channels.

Most official weapons sales are part of Government security assistance programs. But according to the State Department's Office of Munitions Control, from 1982 to 1984 the number of appli-

cations from private parties for licenses to legally export arms increased 18 percent, to 46,283 from 39,221.

Federal officials say many guns that have been used by criminals in Latin America were legally exported by American manufacturers to foreign gun dealers.

Illegal exports, on the other hand, operate largely out of the reach of governments and policymakers. "There are no reliable Federal estimates of illegally exported American guns," Mr. Rodriguez said.

Roger R. Urbanski, the director of the United States Custom Service's strategic investigations division, said the service does not keep separate data on arms smuggling or gun seizures.

United States as Prime Source

One East Coast arms dealer estimates that the weapons smuggled from southern Florida alone, consisting mostly of small arms, are worth \$1.5 billion to \$2 billion annually. The weapons go primarily to Latin America but also to Africa, Europe and the Middle East, the dealer said.

The flow of arms southward from the United States stems from a number of legal, economic and cultural factors.

"The United States is the major manufacturer of firearms in the world," said Mr. McGuire. Most of the five million guns commercially produced each year are sold legally.

In addition, many American weapons are considered the most desirable by gun owners, and American laws make it easy for citizens to acquire or possess weapons.

By contrast, most Latin American countries, like Mexico and Costa Rica, have stringent gun laws, according to Mr. McGuire and Mr. Rodriguez. Local production of guns in the region has all but disappeared. In Mexico, Mr. Rodriguez said, no gun factories are operating, and the United States is the main source for guns.

An International Commodity

Whatever the precise number of smuggled guns, they have become an international commodity, like drugs, according to United States and Latin American law-enforcement officials.

In one recent case, the Federal authorities said more than 2,000 firearms purchased from a gun shop in Miami over the last several years were smuggled to Latin America.

Nancy Worthington, an assistant United States attorney in Miami, said the Federal authorities "started getting trace requests from countries all over South America," where the smuggled American weapons had apparently been used in crimes.

Mr. Hudson, the firearms agent who investigated the case, said some weapons from the Miami gun shop were traced to criminal acts in Venezuela and to Colombian cocaine dealers.

The F.B.I. does not generally have jurisdiction in the area of arms smuggling. Yet, according to a top bureau official, the F.B.I.'s investigations of terrorism and drugs generate "so much

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arms trafficking information we don't know what to do with all of it."

Most smuggled guns, according to Federal officials, are used for drug-related crimes or are sold for profit. But recent traces of guns show a number of cases in which weapons smuggled out of the United States have been used in plots to kill Americans or foreign leaders. These are some examples:

¶About two dozen terrorists in Mexico planned to use arms and bombs smuggled in from Texas against the Mexican Government, including a possible assassination of President Miguel de la Madrid, according to information recently uncovered by Federal officials. Earlier this month a San Antonio woman, Raquel I. Gonzalez, pleaded guilty to illegal possession of a bomb, said M. Stewart Allen, head of the firearms bureau office in San Antonio. According to Mr. Allen, Miss Gonzalez told investigators that she had smuggled arms to 22 Mexicans working against their Government. Another bureau official said Miss Gonzalez had indicated that a possible target for the smuggled arms and explosives was Mr. de la Madrid.

¶Guns recovered in Mexico earlier this year from the site where a slain American drug enforcement agent, Enrique C. Salazar, was found were smuggled out of Chicago, Los Angeles

and San Antonio, according to firearms bureau officials. They said some of the guns had been purchased by Rafael Monzo of Del Rio, Tex., who recently pleaded guilty to illegally selling a firearm, although there is no evidence that Mr. Monzo knew what the buyer planned to do with the weapon.

¶A MAC-10 semiautomatic pistol used last year in the assassination of the Colombian Justice Minister, Lara Bonilla, was recently traced to Florida by Federal officials, according to Edward D. Conroy, head of the firearms bureau office in Miami. The MAC-10 is easily converted to a machine gun and is favored for paramilitary activities.

¶The Government has indicted a Miami arms dealer in a plot to supply weapons to assassinate the President of Honduras, Dr. Roberto Suazo Córdova. Earlier this year, a Federal grand jury in Miami indicted a number of Miamians for planning to assassinate Dr. Córdova. Gerard Latchinian, a Honduran living in Miami who was alleged to be a key member in the plot, described himself as "a major international arms dealer representing many international governments and firms as well as several American companies," according to an F.B.I. affidavit filed in court.

¶A group of Floridians were arrested in Costa Rica in April over an attempt to supply arms purchased in southern Florida to rebels seeking to overthrow the Nicaraguan Government, according to Federal officials and some of the participants. The weapons included automatic rifles and cannons.

There have been other cases in which arms have gone from Miami to Nicaraguan rebels, including, Mr. Hudson said, a 1978 case in which 100 guns were recovered that had been smuggled from Miami to rebels who were then seeking to overthrow President Anastasio Somoza Debayle of Nicaragua.

While most arms smuggling cases involve Latin America, firearms bureau officials said that in the last year there was a dramatic increase in the number of American guns being smuggled to the Philippines, some of which officials suspect are being used by rebel groups seeking to oust President Ferdinand E. Marcos.