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“Tan lejos de dios y tan cerca de Estados Unidos:” How U.S. Guns Drive Violence in Mexico & Abroad

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Executive Summary

- While Americans are concerned with the flow of fentanyl from transnational criminal organizations, it is U.S. guns that arm these criminal actors, facilitate illicit drug trades, and drive instability and migration throughout North and Central America.
- U.S. guns drive the violence associated with Mexico’s War on Drugs. Firearms originating in the U.S. account for 70 percent of the firearms recovered and traced from crimes in Mexico.[1] The conflict has killed hundreds of thousands of people on both sides of the U.S.-M.X. border.
- U.S. guns are flooding into the region with 75 percent of firearms recovered and traced from crimes in the Dominican Republic [2] and 40 percent in Belize, El Salvador, Guatemala and Honduras.[3]
- To address the challenges, the U.S. must identify its illicit arms trafficking as a priority in its own right.
- Data identifies a need for 1) data collection, 2) data sharing, and 3) interagency collaboration to create a comprehensive strategy that is multi-agency, bi-national, and regional.

Background

Under Mexico’s gun laws, there is only one gun retailer, and it is located on a highly-secured military base.[4] By contrast, the United States has over 130,000 licensed gun dealers.[5] U.S. government reports have identified the flow of firearms from the U.S. into Mexico as an iron river that threatens the safety and security of both countries.[6]

Due to Mexico’s strict gun laws, drug cartels look north to the U.S. to arm themselves.[7] The consequences of arms trafficking are felt in Mexico, in the U.S., and in the region at large. Mexico’s criminal organizations have splintered and become increasingly armed since Mexico’s War on Drugs began in 2006. [8] The estimated human cost is more than 360,000 deaths, largely due to gunfire.[9] Americans have also fallen victim to the violence. In March of 2023, gunmen killed two U.S. citizens traveling to Matamoros, Mexico for medical tourism; one of the weapons was traced back to illegal smuggling from the U.S.[10] Arms trafficking has been linked to organized crime groups in Mexico that are the leading suppliers of fentanyl to the U.S. where drug overdoses have reached a crisis point.[11] From Mexico to Haiti, migrants travel to the U.S. fleeing violence that has been linked to

U.S. weapons and criminal organizations.[12]

U.S. foreign policy, media, and public discourse towards Mexico and Latin America are dominated by concerns over immigration, drug smuggling, and violence. This policy brief does not focus on these issues but, the role of U.S. weapons informs their root causes. Understanding this uncontrolled flow of arms is critical to forming effective public policy related to migration, regional safety, and development in Mexico and throughout the Western Hemisphere.

Scope

The total number of U.S. weapons in Mexico and throughout the region is unknown. Part of the challenge to understanding the full scope of weapons in these countries is the various methods in which guns reach their destinations and unique country dynamics. The scope of arms trafficking, and the ensuing violence, can be understood in the following manners:

Illicit Arms Trafficking and Legal Gun Exports

There are two primary avenues for U.S. weapons to reach Mexico or a southern country: illegal trafficking and legal gun exports from U.S. gunmakers to foreign purchasers.

Illegal trafficking “refers to the diversion of guns from lawful commerce to the illegal market” and can include straw purchases within the United States smuggled across a physical, sea, or air border. [13]

Legal gun exports refer to the sales from United States gun manufacturers with federal gun-export licenses to foreign recipient, including a government agency, private security company, or gun retailer abroad.[14] These weapons may be diverted from the intended recipient through theft, unintended loss, or corruption and sold on the black market.[15]

Source Countries

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is responsible for tracing firearms and analyzing results to assist domestic and foreign law enforcement agencies.[16] Of approximately 80,000 firearms recovered at Mexican crime scenes from 2014 to 2018 and submitted for tracing:

- “U.S. sourced” firearms accounted for 70 percent (56,162) of traceable weapons, [17][18]
- 17.4 percent were firearms traced to a foreign manufacturer[19], and
- 12.4 percent of the weapons had undetermined origins.[20]

recovered in Mexico.[21] Per ATF, the weapons were primarily purchased from “secondary markets” including pawn shops, collectors, person-to-person, or internet sales.[22]

Types of Weapons Recovered

In Mexico, handguns made up the majority of U.S.-sourced weapons recovered in Mexico and traced to the United States, followed by rifles and shot guns.[23] Through rifles and shotguns are recovered and traced significantly less than handguns in Mexico, rifles are the main type of weapon intercepted en route to Mexico, with an average of three to four rifles recovered per seizure according to data from the Department of Homeland Security and analyzed by Immigration and Customs Enforcement’s Homeland Security Investigations department. [24] Mexican authorities report .5 caliber rifles are of particular concern due to “their range and ability to penetrate personnel and vehicle armor.”[25]

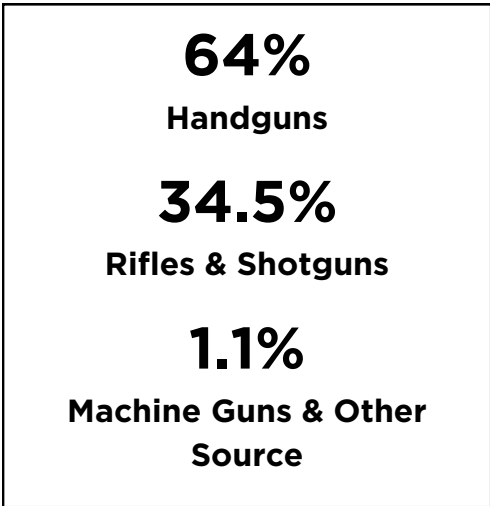
Given the nature of illicit firearms trafficking, the multiple agencies involved across the two countries, and the gaps in reporting, this data is a limited representation of the scope of U.S. firearms trafficking to Mexico. Of the data that is available, it is indicative of a problem that merits priority policy solutions.

Analysis

With such a complex issue as international arms trafficking, it can be helpful to consider certain factors and challenges when developing policy proposals.

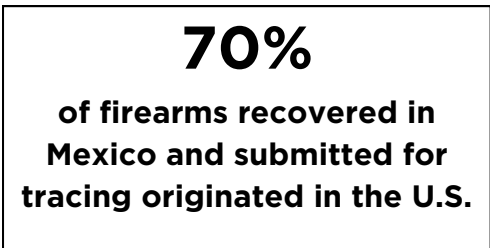
Government Relationships

Given the symbiotic nature of the gun violence, a collaborative U.S.-Mexico relationship is critical to the success of any policy meant to tackle arms trafficking. During the the XVII Summit of the Pacific Alliance held in November of 2023,



President Biden and President Lopez Obrador reaffirmed the “consequential strategic partnership” between the two countries with shared goals in economic development, national security, and immigration.[26] However, the U.S. has not joined Mexico in identifying arms trafficking as a priority.[27] While the partnership has been fruitful in some areas - recently, Mexico surpassed China to become the U.S.’s largest trade partner - it would be critical for policy makers to consider the strained cooperation around immigration and trafficking.[28]

Mexico has taken unprecedented steps to hold American actors accountability. In 2021 and 2022, the Mexican government sued gun manufacturers and gun dealers, respectively, for facilitating gun trafficking to criminal organizations across the Southwest border.[29] Though both cases were initially dismissed, a U.S. appeals court determined the federal Protection of Lawful Commerce in Arms Act, which typically protects the firearm industry from liability due to misuse of their weapons, did not protect manufacturers for aiding and abetting illegal gun sales that contribute to international trafficking.[30][31] This legal strategy could be seen as a breakdown of binational



Source U.S. States

Some government data exists that to further narrow gun origins to key U.S. states. Texas, Arizona, and California were the leading locations of initial purchasers of traceable U.S.-sourced weapons

cooperation that led Mexico to seek alternative solutions.

In December of 2023, U.S. Ambassador to Mexico, Ken Salazar publicly identified arms trafficking as a “big problem in the United States,” and was praised by President Lopez Obrador as a symbolic step towards the U.S. acknowledging their role in the violence.[32] A positive relationship allows for multiple avenues of collaboration including resource and intelligence sharing. An uncooperative or hostile relationship between administrations would surely prove unproductive.

U.S. Data Collection and Binational Data Sharing

In September of 2019, the U.S. State Department and Mexican government formed a bilateral firearm-trafficking working group to coordinate efforts to support Mexico’s investigations and seizures of weapons by improving technology, equipment, and intelligence sharing.[33] Since then, government reports have identified a need for collaboration between U.S. law enforcement agencies and data limitations between the two countries.[34]

Because ATF, which traces recovered weapons domestically and abroad and arrests vendors who illegally supply weapons to prohibited individuals, and the Department of Homeland Security’s ICE Homeland Security Investigations, which enforces firearm export laws, do not share data of weapons intended for or in Mexico, there is a lack of understanding about sources of weapons.[35][36] U.S. agencies ought to create policies to share data to aid in identifying patterns of firearms diversion and smuggling.[37]

Data from Mexico law enforcement also has known gaps. ATF only receives tracing requests from

Mexico’s federal Attorney General’s Office but state or local law enforcement agencies do not have an avenue to submit tracing requests, leaving thousands of weapons untraced.[38] Mexican officials believe the centralized data is more effective, but binational leaders have expressed their concern.[39] Moving forward it may be worth revisiting this decision.

U.S. Gun Laws

Any proposed policy aimed at curbing arms trafficking by targeting U.S. sales or suppliers must take into consideration the Second Amendment protections and the powerful gun-lobby.[40]

Given that sales from secondary sources (such as pawn shops) along the southwest border were the primary origin of U.S.-sourced weapons in Mexico, it is important to consider state-specific gun regulations. The data identified Texas, Arizona and California as key states selling the traced weapons; notably, Arizona and Texas are consistently ranked as having “weak gun laws,” while California has “some of the strongest” in the country, according to Everytown, a U.S. non-profit advocating for gun control and against gun violence.[41] This data should reveal that curbing international arms trafficking is an problem for both Republican and Democratic state leaders. Policy makers should consider state leadership as important stakeholders who can aid or obstruct any policy initiatives and consider diverse political or monetary incentives that can motivate cooperation around international security, outside of the typical domestic conversation around gun control.

One policy initiative could be targeted regulation of the .5 caliber rifles that limit Mexican law enfor-

ment’s ability to confront armed criminal groups, yet it is currently regulated as any other weapon.[42] In September 2023, Senate Democrats introduced the Stop Arming Cartels Act, that would regulate these rifles, amongst other regulations.[43] The bill may have traction within the current Democrat-controlled Senate; however, it is unlikely to be heard in the Republican-controlled House of Representatives.

Additionally, at the federal level, more oversight and scrutiny can be achieved over government-issued export licenses for weapons to Mexico and the Western Hemisphere. The State Department was historically responsible for oversight of firearms exports. In January 2020, the outgoing Trump administration transferred oversight to the Department of Commerce, which has fewer registration and oversight requirements to obtain an export license to boost U.S. firearm sales abroad.[44][45] Since the transfer, the Department of Commerce has approved 95 percent of the export license applications, resulting in a 30 percent increase in weapons exports.[46]

One practical policy solution would be to return oversight to the State Department, which does not have the same incentive to maximize exports as the Department of Commerce. The Americas Regional Monitoring of Arms Sales Act (“ARMAS” Act), introduced by Representative Joaquin Castro in December of 2023, would return oversight to the State Department, prohibit the Commerce Department from promoting small arms sales globally during the transition, and mandate a State Department-led interagency program to disrupt arms trafficking and diversion of legal arm exports and create a certification requirement for end-users.[47] A previous of this bill did

not advance under the Republican-led House of Representatives, and this bill may face similar challenges given the partisanship in the House.

Country-Specific Needs

U.S. weapons reach beyond Mexico, government reports and data have tracked U.S. weapons to Central America and the Caribbean. One of the most complicating factors for policy makers to consider are the unique dynamics of arms trafficking in each respective Latin American country.

In Central America, 40 percent of traceable weapons recovered from crime scenes in Belize, El Salvador, Guatemala, and Honduras were U.S.-sourced.[49] In the Caribbean, traceable U.S.-sourced weapons recovered from crime scenes in the Dominican Republic accounted for up to 86 percent according to ATF data as of March 2022.[50] Recent migration patterns have seen an increased number of Central Americans and Haitians traveling towards the U.S., many cite violence or destabilization in their home countries as a motivating factor.[51]

ATF data of weapons retrieved in Central America revealed guns in circulation from previous conflicts, including U.S.-influenced civil wars. [52] In the Caribbean, the data suggests most traceable U.S.-trafficking in the region.

sourced weapons were trafficked in small scale shipments via sea from Florida.[53]

The understanding of arms trafficking to these countries is in its early stages. Government reports note that U.S. efforts against firearms trafficking in El Salvador, Guatemala, and Honduras were limited by a lack of information about the respective country conditions and performance measures; no government

report on arms trafficking to the Caribbean has been published as of this brief.[54]

Policy makers must refrain from a one-size-fits-all approach to arms Socio, political and economic conditions vary by country and the U.S. foreign relations to each country is likely to differ. This would be a prime opportunity for the U.S. to invest in its relationships with its neighbors to the South and finally invest in a mutually cooperative regional strategy.

Conclusion

Without intentional, targeted policy solutions, the “iron river” will continue to flow into Mexico and Central America every day. And every day, lives will be lost. Gun violence will continue to cause survivors to seek safety north.

2024 will be a critical year; both Mexico and the United States have upcoming presidential elections. Candidates will face pressure to form policy positions regarding security, immigration and drug trafficking - it is imperative the illicit arms trafficking exacerbating these matters is among the priorities.

Endnotes

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- [15]Id.
- [16]United States Government Accountability Office. (2021). FIREARMS TRAFFICKING U.S. Efforts to Disrupt Gun Smuggling into Mexico Would Benefit from Additional Data and Analysis Report to Congressional Requesters United States Government Accountability Office. (p.5). <https://www.gao.gov/assets/gao-21-322.pdf>.
- [17]Per ATF, "U.S. sourced firearms" are firearms it determined to have been manufactured in the U.S. or legally imported by a federal firearms licensee. Id. at p. 13, Figure 4 notes.
- [18]Notably, ATF lacks source information for weapons not submitted for tracing and cannot estimate the quantity of firearms not processed for tracing. Id. at p. 13.
- [19]A foreign manufacturer, or non-U.S. manufacturer, refers to firearms tracing associated to a foreign manufacturer and a U.S. firearms importer was not listed or not required. Id. at p. 13, Figure 4 notes.
- [20]Id. at p. 13.
- [21] Nearly half of the U.S. sourced weapons could not be traced to their initial purchaser. Id. at p. 18, Figure 7.
- [22] Id. at p. 18, Footnote 19.
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[34] Id.

[35]Federal law prohibits the sale or transfer of firearms to certain individuals including, but not limited to, any person who has been convicted in any court o a crime punishable by imprisonment for a term exceeding 1 year; who is an unlawful user of, or addicted to, any controlled substance; or who is undocumented or unlawfully in the U.S. 18 U.S.C. §922(d).; Id. at 5, footnote 13.

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[38]Id. at 12.

[39]Id. at 15, footnote 17.

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