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Mexican Deaths, Mexican Killers, U.S. Guns: Black Market Weaponry and U.S. "Straw-Purchasers"

Bullets tear through the streets of Culiacán as innocent civilians run for shelter, the roadways blocked with cars and trucks set ablaze. A small group of government forces desperately try to hold their ground as assault rifle fire from passing pickup trucks filled with Sinaloa Cartel members pin them down. A short while later, El Chapo's son walks free from government custody, leaving several dead and injured in his wake. The Mexican President's response? "You can't fight fire with fire…We do not want dead people, we do not want war."[1]

Unfortunately, Mexico has found itself in a bloody state of affairs, with many dead people and seemingly never-ending war. 2018 saw a record number of murders in the country, 33,341, and 2019 is on track to surpass these homicides.[2,3] The constantly increasing violence is a result of many contributing factors, ranging from governmental corruption and ineptitude, to infighting amongst the cartels, to massive income inequality and poverty. However, the role of the main tools of war, guns, is often taken for granted in analyses of increasing violence in Mexico. Of the tens of thousands of annual murders in Mexico, guns are used in approximately 72% of these homicides.[4] Further, over 100,000 people have been killed by guns in the past decade in the country.[5] However, a disturbing number of the guns used in these killings have a striking commonality: U.S. serial numbers and ammunition. This research report seeks to analyze the history, process, and effects of the United States-Mexico black market gun smuggling trade that has substantially contributed to the increasingly deadly violence observed in Mexico in the 21st century. While hardly operating in isolations of other issues facing Mexico,

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[1] Azam Ahmed, "The Stunning Escape of El Chapo's Son," *The New York Times*, last modified October 21, 2019, https://www.nytimes.com/2019/10/18/world/americas/mexico-cartel-chapo-son-guzman.html.
[2] Eli Meixler, "Cartel-Ravaged Mexico Sets a New Record for Murders," *Time*, January 22, 2019, https://time.com/5509216/mexico-murder-rate-sets-record-2018/.
[3] Kenneth Garger, "Mexico Sets New Record for Most Murders in First Half of Year," *The New York Post*, July 22, 2019, https://nypost.com/2019/07/22/mexico-sets-new-record-for-most-murders-in-first-half-of-year/.
[4] Kate Linthicum, "Mexicans are killing each other at record rates. The U.S. provides the guns," *The Los Angeles Times*, October 6, 2019, https://www.latimes.com/world/mexico-americas/la-fg-mexico-guns-20190430-story.html.
[5] Kate Linthicum, "There is only one gun store in all of Mexico. So why is gun violence soaring?" *The Los Angeles Times*, May 24, 2018, https://www.latimes.com/world/la-fg-mexico-guns-20180524-story.html.

the tremendous loss of life as a result of rampant militarization of the cartels, police, and civilians only stands to worsen, posing what is arguably the single greatest threat facing Mexico today.

Mexico's Gun Laws

Keeping in mind the rampant gun violence that has continued to plague Mexico, it may be surprising to learn that Mexico's gun laws are deeply restrictive. Article 10 of the country's Constitution of 1917 guarantees the right to arms, a fitting inclusion considering the pivotal role of armed insurrection by the masses that fueled the Mexican Revolution.[6] However, in the late 1960s and 1970s, it was fear of similar armed rebellion that prompted the Mexican government to pass a notable amendment to Article 10 in 1971, limiting the right to keep arms only at home, and reserving the right to bear arms in public and outside of the home only for those legally authorized to do so.[7] This amendment was in response to massive civil unrest, characterized by the ill-fated protests of the Tlatelolco Plaza Massacre (1968) and the Corpus Christi Massacre (1971), which led to hundreds of injured, killed, and disappeared Mexican citizens.[8,9] Additionally, in 1972, the Federal Law of Firearms and Explosives created the Federal Arms Registry, in which all firearms in Mexico were legally required to be registered.[10]

Governmental regulation of weapons extends far beyond ownership and registration, however. The guns legally allowed for purchase in Mexico are solely semi-automatic – which

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[6] "Mexico's Constitution of 1917 with Amendments through 2015," *Constitute Project*, Accessed October 20, 2019, https://www.constituteproject.org/constitution/Mexico_2015.pdf?lang=en.
[7] David Kopel, "Mexico's Gun-Control Laws: A Model For the United States?" *Texas Review of Law & Politics*, no. 1 (2010): 27-63. doi: 10.2139/ssrn.1588296, 31.
[8] "Mexico's 1968 Massacre: What Really Happened?" *NPR*, December 1, 2008, https://www.npr.org/templates/story/story.php?storyId=97546687.
[9] Tim Smyth, "The 1971 Student Massacre That Mexico Would Rather Forget," *Vice*, June 12, 2014, https://www.vice.com/en_us/article/xwpmmw/the-1971-student-massacre-that-mexico-would-rather-forget.
[10] "Firearms-Control Legislation and Policy: Mexico," *Library of Congress*, Accessed October 20, 2019, https://www.loc.gov/law/help/firearms-control/mexico.php.

eliminates many assault rifles and submachine guns – and are typically of weak calibers.[11] In order to obtain deadlier weaponry such as shotguns and hunting rifles, a citizen must be able to prove that they are a member of a shooting club. In order to obtain any weapon whatsoever, a thorough multi-month background check regarding citizenry, criminal record, and "perceived need" is undertaken to determine eligibility.[12] Further, there is only a single gun store in the entirety of the country where a citizen can legally obtain a weapon. This heavily-guarded store, located in Mexico City, is run by the military, requires a permit to shop there, places strict limits on monthly ammunition purchases, specifies where the gun can be taken, and has regulations on who the gun can be sold to.[13] As a result of all these firm rules, the gun store sells, on average, only 38 guns per day to Mexico's civilian population.[14] With such a low gun sale rate and strict federal guidelines regarding weapon ownership, Mexico's prevalent issue of gun violence poses quite the paradox. If not through legal channels, where are the guns really coming from?

U.S. "Straw-Purchasers"

In the face of strict federal regulation of guns, civilians and cartels alike are, perhaps unsurprisingly, forced to turn to illegal means of acquiring the necessary weaponry for their interests. As opposed to the measly 38 guns per day sales figure at Mexico's only legal gun store, the black market for weapons, largely fueled by illegally imported guns from the United States, sees approximately 700 to 800 guns smuggled into the country daily, or "about a quarter-million guns every year."[15] A 2016 U.S. Government Accountability Office (GAO) report using

[11] Ibid.
[12] Ibid.
[13] Chris Hawley, "Mired in violence, gun-strict Mexico points to U.S." *The Arizona Republic*, April 1, 2019, http://archive.azcentral.com/arizonarepublic/news/articles/2009/04/01/20090401onegunstore0401.html.
[14] Linthicum, "There is only one gun store in all of Mexico. So why is gun violence soaring?"
[15] Seth Harp, "Arming the Cartels: The Inside Story of a Texas Gun-Smuggling Ring," *Rolling Stone Magazine*, August 7, 2019, https://www.rollingstone.com/culture/culture-features/arming-mexican-cartels-inside-story-of-a-texas-gun-smuggling-ring-866836/.

Department of Justice Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) data shows that approximately 70% of guns seized and traced in Mexico from 2009-2014 came from the United States.[16] According to the report, most of these weapons were legally acquired in the U.S. at gun shops and gun shows, and were then illegally trafficked into Mexico.[17]

Notably, American gunrunners and their suppliers are heavily incentivized to continue supplying weapons due to the massive profitability of their illegal business dealings. The gunrunning trade during 2010-2012 "represented annual revenues of $127.2 million for the U.S. firearms industry," and trafficking seizures by U.S. and Mexican authorities only prevent approximately 15% of the total smuggled guns.[18] Further, nearly half of U.S. firearm dealers are dependent on Mexican demand for black market weaponry; without gun smuggling, these gun dealers would likely face economic hardship or, in some cases, a shuttering of their businesses.[19] Consequently, approximately 2,000 gun dealers in the U.S. consciously make illegal sales, many of which are for trafficking purposes.[20]

To make matters worse, efforts from conservative lawmakers and organizations such as the National Rifle Association (NRA) have created an environment in which gunrunners find surprising protection under United States federal law. "Under current law, there is no statute under which police can take action, such as obtaining a warrant, if people are merely stockpiling guns and ammo, even if there are clear indications that they intend to smuggle them to Mexico," making efforts to stop gun traffickers an astonishingly difficult feat.[21] The ATF, whose data is used to generate findings such as the aforementioned 2016 GAO report, is also critically

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[16] "Firearms Trafficking," *U.S. GAO*, January 11, 2016, https://www.gao.gov/products/GAO-16-223.
[17] Ibid.
[18] Topher McDougal, "The Way of the Gun," *Journal of Economic Geography*, no. 15 (2014): 1-31. doi: 10.1093/jeg/lbu021, 2.
[19] Ibid.
[20] "Trafficking & Straw Purchasing," *Giffords Law Center*, Accessed on October 20, 2019, https://lawcenter.giffords.org/gun-laws/policy-areas/crime-guns/trafficking-straw-purchasing/.
[21] Harp, "Arming the Cartels: The Inside Story of a Texas Gun-Smuggling Ring."

impaired in its abilities to combat weapons trafficking. The Firearms Owners' Protection Act of 1986 forbids the ATF and any governmental organization from establishing "any system of registration of firearms, firearm owners, or firearm transactions," as well as repealing "certain recordkeeping requirements for the sale of ammunition."[22] This legislation, acting in tandem with other laws which seek to limit the operative capacities for regulatory agencies, successfully cripple American attempts to control its trafficking problem, which helps to explain the absurdly low 2% gun trafficking interception rate by American authorities.[23]

Lack of U.S. federal regulation has also allowed for increasingly deadly weapons, especially assault rifles and submachine guns, to find their way into Mexico. Twenty-five years ago, a provision of the Violent Crime Control and Law Enforcement Act of 1994 – also known as the Clinton Crime Bill – implemented a federal assault weapons ban with a ten-year sunset date.[24] In 2004, the Bush administration opted to allow the federal ban to expire on its sunset date, and the purchase of the affected weapons – including "AK-47s, Uzis, and TEC-9s" – was once again legally allowed for U.S. citizens.[25]

The ramifications of this political decision have proven incredibly consequential for the gun smuggling trade and subsequent loss of life in Mexico. In 2004, Mexican municipalities directly next to the entry ports of Texas, Arizona, and New Mexico saw "total homicides rise by 60% as compared to [municipalities] 100 miles away."[26] In comparison, areas near the entry ports of California, which had already implemented a state-level ban on assault weapons and

[22] S. Bill 49, 99th Congress (1986), https://www.congress.gov/bill/99th-congress/senate-bill/49.
[23] Topher, 2.

[24] H. R. Bill 3355, 103rd Congress (1994), https://www.congress.gov/bill/103rd-congress/house-bill/3355/text.
[25] "Congress Lets Assault Weapons Ban Expire," *NBC News*, September 13, 2004, http://www.nbcnews.com/id/5946127/ns/politics/t/congress-lets-assault-weapons-ban-expire/#.XbTAPOhKhPY.
[26] Arindrajit Dube, Oeindrila Dube, and Omar Garcia-Ponce, "Cross-Border Spillover: U.S. Gun Laws and Violence in Mexico," *American Political Science Review* 107, no. 3 (2013): 397–417. doi:10.1017/S0003055413000178, 415.

therefore remained unaffected by the federal ban expiry, saw only low rises in homicides during this same time period.[27] Further, the volume of firearms trafficked into Mexico during the ban is easily overshadowed by the number of guns smuggled following its expiration: 1997-1999 saw approximately 88,000 firearms smuggled into Mexico, whilst 2010-2012 saw about 253,000.[28] However, these latter figures are not significantly higher solely due to the expiration of the ban. Skyrocketing gun purchases and homicide rates in Mexico post-2006 were largely the result of the Mexican government's violent military approach to its War on Drugs.

Mexico's War on Drugs & The Mérida Initiative

In 2006, newly elected Mexican President Felipe Calderón, in keeping his campaign promise of cracking down on cartels, launched Mexico's War on Drugs and began an era of the most extreme violence in recent Mexican history. Two months following Calderón's announcement, approximately 20,000 Mexican troops were militarily facing off against cartels across the country, prompting brutal retaliations from the gangs.[29] In his administration's attempt to defeat the cartels, Calderón employed the "Kingpin Strategy," the goal of which was to kill or capture the leaders of prominent cartels. By the end of his presidency, 25 of the 37 top cartel targets were either dead or in custody, making the apparent objective of the Kingpin Strategy an evident success.[30]

However, 13 years following the commencement of the War on Drugs, the human cost has been staggering. In only four years, Mexico's War on Drugs had caused the homicide rate in

[27] Ibid, 407.
[28] Topher, 2.
[29] Nina, Lakhani, "Mexico's war on drugs: what has it achieved and how is the US involved?" *The Guardian*, December 8, 2016, https://www.theguardian.com/news/2016/dec/08/mexico-war-on-drugs-cost-achievements-us-billions.
[30] Keegan Hamilton, "Felipe Calderón has no regrets about his bloody war against Mexico's cartels," *Vice*, November 21, 2018, https://www.vice.com/en_us/article/zmdmzx/felipe-calderon-has-no-regrets-about-his-bloody-war-against-mexicos-cartels.

the country to surge to a level "150% higher than the pre-drug-war rate."[31] Today, reports estimate that "more than 200,000 people have been killed in gang-fueled violence and over 40,000 are missing," and the body count continues to spiral upwards.[32] Apprehending a single cartel leader – the main mission of the Kingpin Strategy – leads to homicide rate increases of 80% in the municipality in which the capture takes place.[33] Worse still, the elimination of cartel leaders does not have the effect of dismantling the entire cartel structure in the absence of leadership. Power vacuums form from the splintering of cartels, which leads to infighting, increased violence, and the opportunity for new gangs to take over. One such opportunistic gang, the Cartel de Jalisco Nueva Generación (CJNG), was able to consolidate power following the death of Sinaloa Cartel leader Ignacio Coronel in 2010.[34] Today, "most security analysts view the [CJNG] as the most powerful organized crime group in Mexico."[35]

Notably, the Mexican government has not been able to mount this violent offensive on its own; American weapons and funding from The Mérida Initiative have fueled the surging violence. Commencing in 2007, The Mérida Initiative has put United States military-grade weapons and vehicles in the hands of Mexican military and federal police forces.[36] Since its origins, "Congress has appropriated almost $2.8 billion" for the Initiative, and, as of March 2017, "more than $1.6 billion of Mérida assistance had been delivered to Mexico."[37] As a result, the Mexican government has become increasingly militarized in its approach towards cartel violence, now having access to a larger and deadlier arsenal than ever before: "U.S. exports of

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[31] Jason Lindo, "Kingpin Approaches to Fighting Crime and Community Violence," *CATO Institute*, no. 31 (2015): 1-2, https://www.cato.org/sites/cato.org/files/pubs/pdf/research-brief-31.pdf, 2.
[32] Anthony Esposito, "Mexico's week of bloodshed. What is going on?" *Reuters*, October 18, 2019, https://reut.rs/2JGMWxp.
[33] Lindo, 2.
[34] Nathan Jones, "The Strategic Implications of the Cártel De Jalisco Nueva Generación," *Journal of Strategic Security* 11, no. 1 (2018): 19-42. https://www.jstor.org/stable/26466904, 21.
[35] Ibid, 20.
[36] "Five Key Points to Understanding the Merida Initiative," *U.S. Embassy & Consulates in Mexico*, Accessed October 20, 2019, https://bit.ly/31QWaNx.
[37] Clare Seelke, "U.S.-Mexican Security Cooperation," *CRS*, June 29, 2017, https://fas.org/sgp/crs/row/R41349.pdf, 2.

firearms, ammunition, explosives and gun parts to Mexico rose to roughly $40 million a year…The Mexican army also vastly increased its own production of firearms."[38] In response to increased military intervention by the Mexican government, the cartels rationally responded by improving their firepower as well, turning to illegally smuggled American weaponry to do so, the specifics of which have already been discussed. Consequently, both legal and illegal U.S. weapons have continued to fuel the ongoing War on Drugs conflict, and effective solutions have yet to be implemented to curtail the ever-worsening violence.

A Potential Solution?

Unfortunately, given the partisan nature of American gun reform in an age of increased political polarization, coupled with pervasive issues of corruption and impunity in Mexico, the path towards a realistic solution for gunrunning and increased militarization remains unclear. Nevertheless, it is clear that major strides must be made in reestablishing the legitimacy of the Mexican government and its institutions. With corruption plaguing Mexico's leadership, police forces are free to sell weapons to cartels and civilians, border seizures of weapons are easier to avoid, and civilians are less likely to trust the government and military to protect them – consequently encouraging the civilian purchase of black market weapons due to the inaccessibility of legal channels to do so.[39] While increasing wages for the police and military – as well as the new National Guard – and mandating greater transparency requirements for politicians are meaningful steps towards reducing corruption and increasing government legitimacy, it is unclear if the public is willing to embrace claims of change within the government.[40]

[38] Linthicum, "Mexicans are killing each other at record rates. The U.S. provides the guns."
[39] "Guns from the United States are flooding Latin America," *The Economist*, May 23, 2019, https://www.economist.com/the-americas/2019/05/23/guns-from-the-united-states-are-flooding-latin-america.
[40] Martin, "How AMLO's Plans to Transform Mexico Ran Into Reality."

Perhaps to escape Mexico's current cycle of violence, a return must be made to the streets of Culiacán. Ten days following the firefight that left 13 dead, rather than bullets and blood coating the pavement, hundreds of citizens marched in the streets as they called for peace.[41] In the face of governmental ineptitude, hyper-militarized police and cartel forces, and devastating loss of life, they march. They are not the first to do so, and they will not be the last. Consider the 2011 protests in which more than 150,000 citizens walked from Cuernavaca, Morelos to Mexico City carrying pictures of loved ones lost to the War on Drugs and cartel violence.[42] Recall the thousands of journalists in 2010 who marched "in protest of the escalating intimidation, kidnapping and murder of fellow journalists by organized crime."[43] Consider, too, organizations such as México Evalúa, whom dedicate their resources to counting "invisible" victims of crime, or victims of crimes not reported to authorities.[44] While grassroots movements such as these may be unable to directly solve the challenges facing Mexico, they demonstrate a willingness of everyday citizens to work outside the confines of a failing bureaucratic system in order to enact needed change. The supply provided by the gun smuggling trade is only as valuable as the demand for weapons, and, as armed conflict continues to escalate, so does the need for munitions. The current violent approach taken by the Mexican and American governments has not worked. Smuggling continues to go relatively unchecked, violence is still on the rise, and the people of Mexico are in dire need of real, substantive change. Perhaps this transformation must come to Mexico the way it traditionally always has: from the bottom-up.

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[41] Peter Orsi, "Mexico's Culiacan tries to regroup after fierce gunbattles," *The Seattle Times*, October 27, 2019, https://www.seattletimes.com/nation-world/nation/mexicos-culiacan-tries-to-regroup-after-fierce-gunbattles/.
[42] Elisabeth Malkin, "Tens of Thousands March in Mexico City," *The New York Times*, May 8, 2011, https://www.nytimes.com/2011/05/09/world/americas/09mexico.html.
[43] Susana Seijas, "Mexican Journalists March in Protest of Cartel Attacks," *CBS News*, August 7, 2010, https://www.cbsnews.com/news/mexican-journalists-march-in-protest-of-cartel-attacks/.
[44] Lauren Villagran, "The Victims' Movement in Mexico," *The Wilson Center*, https://www.wilsoncenter.org/sites/default/files/05_victims_movement_villagran.pdf, 124.

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