

Brady Center



To Prevent Gun Violence

America's Weak Gun Laws Are Fueling The Violence in Mexico . . . and in the U.S.

The Mexican drug war has received much attention recently in the media. The Brady Center to Prevent Gun Violence prepared this paper to assist journalists who have asked about U.S. gun laws and the role they play in the ongoing violence.

Mexico's escalating gun war with well-armed drug cartels has killed thousands of police, government officials, and ordinary citizens, and threatens the stability of the Mexican government. U.S. Attorney General Eric Holder, Homeland Security Secretary Janet Napolitano, and President Obama have recognized that helping stem the violence in Mexico is of urgent national — and international — importance. American gun sellers supply the cartels with virtually all of their guns — between 95 and 100 percent.¹ Recently, Mexico's drug war has begun to wreak havoc in the U.S.

While the crisis has been much discussed in the media and in Washington, there has been little mention of the elephant in the room: *the Mexican drug cartels are arming themselves here because the U.S. makes it too easy for criminals and traffickers to get guns.* Mexican Attorney General Eduardo Medina Mora correctly called American gun laws “absurd.”²

Two crucial points need to be in the spotlight in media coverage and policy responses to the crisis:

- 1) *To stem the violence in Mexico, we need to prevent criminals and traffickers from buying guns in the U.S. by plugging loopholes in our gun laws and strengthening law enforcement's ability to crack down on corrupt gun dealers.* This crisis is not happening because our border is loose; it is happening because our gun laws allow unlicensed sellers to sell guns without Brady background checks, military-style assault weapons to be freely sold, and corrupt dealers to thrive. Making our borders less porous will take years, and will not stop the imminent Mexican crisis.
- 2) *The same legal loopholes and corrupt gun sellers who arm Mexican criminals also arm American criminals.* While we should heed the call of Mexican officials to help stop the violence there, we also should heed the call of the majority of Americans who want to stop the violence in their communities.

Loopholes in Our Gun Laws Enable Mexican Drug Cartels To Obtain Deadly Weapons

Mexican criminals can't get guns in Mexico because the gun laws in Mexico, like those in most industrialized nations, do not allow a vast unregulated gun market, in which military-style weapons and all manner of guns are easily available to be purchased in unlimited quantity without a background check. Stymied by Mexico's tough gun laws, the drug lords and the traffickers who supply them come to the U.S. to take advantage of our gun laws' gaping loopholes:

- ***No Background Check Sales:*** Federal law allows guns to be sold by unlicensed sellers without Brady background checks. ATF has found that “no background check” sales are a major source for supplying dangerous people with guns. Investigations of gun shows have found that unlicensed sellers have trafficked thousands of guns without background checks, making them the second most prominent source of illegal gun trafficking.³ Mexican drug cartels are exploiting this loophole, buying guns in “no background check” sales at gun shows or other private venues.⁴
- ***Military-style Assault Weapons:*** Federal law in the U.S. allows civilians to purchase military-style assault weapons, as well as military surplus .50 caliber sniper rifles that can shoot through armored vehicles and bring down airplanes. Mexican law enforcement is increasingly being out-gunned by drug gangs bearing military-style weapons. Mexico Attorney General Medina Mora has said that before the U.S. assault weapons ban was allowed to expire, only 21 percent of the weapons Mexico seized from traffickers were assault rifles, while today, it is more than half.⁵ For example, a Bushmaster carbine, a civilian version of the M-16 assault rifle, bought in Houston was used by drug gangsters disguised as soldiers to massacre four police officers and three secretaries in the “2007 Acapulco Massacre.”⁶
- ***Bulk Sales:*** Federal law does not limit the number of guns a purchaser can buy at a time – the only limit is the buyer’s ability to pay for them. This enables gun traffickers to buy guns in bulk, and/or buy guns repeatedly from the same store. For example, between January and November 2003, Adan Rodriguez purchased more than 150 guns for Mexican drug gangs, returning repeatedly to Ammo Depot in Mesquite, Texas. One of the guns he sold was connected to the shooting of a police officer in Reynosa.⁷
- ***Restrictions on law enforcement:*** Only one percent of federally licensed firearms dealers are responsible for nearly 60 percent of guns traced to crime in the U.S.,⁸ and many of the guns trafficked to Mexico are also sold by gun dealers who are at worst corrupt, at best, willfully indifferent when they sell guns to straw purchasers.⁹ Yet federal law makes it too hard for law enforcement to crack down on corrupt gun dealers. For example, ATF is limited to one spot inspection per year, and the standard of proof for license revocations is difficult to meet. Riders attached annually to Justice Department appropriations legislation since 2004, known as the Tiahrt Amendment, prohibit ATF from requiring gun dealer inventory audits, restrict disclosure of crime gun data, and require the destruction of Brady Background Records after 24 hours. These restrictions make it harder for law enforcement to investigate corrupt dealers.

The Loopholes That Arm Mexican Cartels Are Also Killing Americans

Just as criminals in Mexico find it necessary to go to the U.S. to get guns, American criminals get a disproportionate share of their guns from states with weak gun laws. For example, states that require permits for handgun sales export a third of the crime guns as states with no such requirement.¹⁰ States like Texas, that allow gun sales without background checks export crime guns on average at about twice the rate of states that have closed the gun show loophole.¹¹ Texas leads the nation as the primary source of guns for drug cartels¹² and Texas dealers are the third highest supplier of interstate crime guns in the U.S.¹³ The states with the highest rate of supplying crime guns to other states all

have weak gun laws.¹⁴ States with weak gun laws also supply a larger percentage of in-state criminals with guns – because criminals do not need to travel to get guns.¹⁵

Current Proposals Are Insufficient to Stem The Violence in Mexico – or America

In response to the Mexican crisis, legislation has been introduced to expand resources for ATF to crack down on firearms trafficking across the border,¹⁶ and U.S. Attorney General Eric Holder has called for reinstatement of an assault weapons ban.¹⁷ While these proposals are positive steps, they alone will not be sufficient to stem the gun crisis in Mexico, or in the United States.

In formulating a policy to stem the flow of guns to Mexico, policymakers must focus on the fundamental problem – that our laws in the U.S. make it far too easy for criminals to obtain guns. We need to require Brady background checks for all gun sales. We should not allow the purchases of unlimited numbers of guns at one time to anyone with a high credit card limit. We should strengthen ATF's legal authority to crack down on corrupt gun dealers.

While we respond to the gun violence crisis in Mexico, we should also respond to the gun violence crisis here at home. The United States suffers more than 30,000 deaths and more than 70,000 injuries due to gun violence every year.¹⁸ Estimates of direct medical expenses for firearm injuries range from \$2.3 billion¹⁹ to \$4 billion²⁰ per year in the U.S., nearly 50% of which is covered by taxpayers.²¹ By strengthening our federal gun laws, we can start preventing criminals in Mexico and the U.S. from acquiring guns.

¹ John Asbury, *Guns move south via Inland gangs*, THE PRESS-ENTERPRISE, Sept. 28, 2008 (95%); U.S. DEPT. OF STATE, BUREAU FOR INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS, *International Narcotics Control Strategy Report, Vol. 1, Drug and Chemical Control* 414 (Mar. 2009) (95%); Manuel Roig-Franzia, *U.S. guns behind cartel killings in Mexico*, WASHINGTON POST, Oct. 29, 2007, at A1 (100%).

² *Mexico slams 'absurd' US gun laws as drug war rages*, REUTERS, Jan. 14, 2007.

³ BUREAU OF ALCOHOL, TOBACCO & FIREARMS, *Following the Gun: Enforcing Federal Firearms Laws Against Firearms Traffickers* xi (June 2000).

⁴ See Todd Bensman, *The Sellers: Gun merchants caught between profit and conscience*, SAN ANTONIO EXPRESS-NEWS (“an exemption known as the ‘gun show loophole’ that federal agents say has been a boon to cartel buyers”); Guillermo Contreras, *The Buyers: Straw purchasers in the U.S. profit from murder in Mexico*, SAN ANTONIO EXPRESS-NEWS (“Cartels also exploit what is known as the ‘gun show loophole’...Cartel figures can buy these used guns themselves”); James C. McKinley, Jr., *U.S. is arms bazaar for Mexican cartels*, THE NEW YORK TIMES, Feb. 26, 2009 (“Some of the smuggled weapons are also bought from private individuals at gun shows, and the law requires no notification of the authorities in those cases”).

⁵ *Mexico: U.S. must stop gun trade at border*, CBSNEWS.COM, Feb. 28, 2009.

⁶ Dane Schiller, *Guns Sold Here Kill in Mexico*, HOUSTON CHRONICLE, Nov. 30, 2008.

⁷ James Verini, *Arming the drug wars*, PORTFOLIO, July 2008.

⁸ BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES, *Commerce in Firearms in the United States* 2 (2000). See also BRADY CENTER LEGAL ACTION PROJECT, *Shady Dealings: Illegal Gun Trafficking from Licensed Gun Dealers* 9 (2007).

⁹ For example, according to criminal charges, George Iknadosian moved his X-Caliber gun shop from California to Phoenix, where the state laws are weaker and where he knowingly supplied firearms to Mexican drug cartels over two years, selling more than 700 weapons intended for Mexico. James C. McKinley, Jr., *U.S. is arms bazaar for Mexican cartels*, THE NEW YORK TIMES, Feb. 26, 2009.

¹⁰ MAYORS AGAINST ILLEGAL GUNS, *The Movement of Illegal Guns in America* 12, Dec. 2008 [hereinafter MAIG].

¹¹ MAIG at 10.

¹² Guillermo Contreras, *The Buyers: Straw purchasers in the U.S. profit from murder in Mexico*, SAN ANTONIO EXPRESS NEWS.

¹³ MAIG at 6.

¹⁴ MAIG at 7.

¹⁵ MAIG at 24.

¹⁶ Sens. Jeff Bingaman (D-NM) and Kay Bailey Hutchinson (R-TX) introduced in the Senate S.205, the Southwest Border Violence Reduction Act of 2009; Rep. Ciro Rodriguez (TX) introduced similar legislation, H.R.495, in the House of Representatives.

¹⁷ Jason Ryan, *Obama to seek new assault weapons ban*, ABCNEWS.COM, Feb. 25, 2009.

¹⁸ CDC National Center for Injury Prevention and Control, Web-based Injury Statistics Query and Reporting System (2005 (deaths) and 2006 (injuries), most recent year available), available at: www.cdc.gov/nceip/wisqars/ (calculations by Brady Center to Prevent Gun Violence, Feb. 29, 2008).

¹⁹ *American Academy of Pediatrics: Firearm-Related Injuries Affecting the Pediatric Population*, 105 PEDIATRICS 888, 889 (2000).

²⁰ Kizer KW et al., *Hospitalization charges, costs, and income for firearm-related injuries at a university trauma center*, 273 J. AM. MED. ASS'N. 1768, 1773 (June 14, 1995).

²¹ Philip Cook et al., *The Medical Costs of Gun Shot Injuries in the United States*, 282 J. AM. MED. ASS'N. 447 (1999).