

Addressing Gun Trafficking in the United States: How it Impacts Mexico and the Northern Triangle

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Chairs:

Ethan Tiao
Arabella Walley
Nazli Dakad

Editors:

Samantha Hasani
Sophia Vahatvany

Authors:

Karthick Arunachalam
Evian Jiang
Evan Cheng
Ayesha Rahman
Alejandra Campillo
Ryne Reger
Isabella Jordan
Mitali Khanzode
Nolawi Ayelework
Nicole Domingo
Rahul Ajmera

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Executive Summary

Weak federal and state gun laws in the United States fuel gun violence abroad, particularly in Mexico and the Northern Triangle. Stringent gun regulations in these countries have left organized crime groups searching for other outlets to acquire firearms—a void that has been filled by US-made guns trafficked to the region. Given the critical role US firearms play in strengthening Mexican and Central American gangs, United States policymakers have moral, practical, and financial obligations to revisit domestic gun policy.

On the federal level, a lack of common-sense gun policy has allowed individual states to maintain their relatively weak gun laws. Standardized national policy is imperative for providing a solid baseline. There are a number of national policies that could help curb the flow of guns from the US to Mexico and the Northern Triangle. These include: renewing the federal assault weapons ban that expired in 2004, enacting nationwide mandatory universal background checks, implementing a federal ghost guns ban, strengthening surveillance of trafficking on the US-Mexico border, and establishing a national gun registry.

Individual states boast different levels of firearm regulation, with California on the stricter end of the spectrum and Texas, New Mexico, and Arizona on the weaker end. Although California already enjoys low gun violence rates there is potential to improve the robustness of its gun-policy framework through the use of artificial intelligence for firearm tracing, enhanced social media regulations, and a commitment to continue working with neighboring states to combat gun trafficking. In contrast, Texas, New Mexico, and Arizona all have substantial room for improvement. Criminalizing straw purchasing, establishing state-wide registries of firearms, and enacting mandatory background checks on private firearm sales could help usher in a new era of common-sense gun policy for each of these states.

With American guns inflicting a tremendous toll on human life abroad, the federal government and states need to form a united front against firearms trafficking. Time is of the essence.

Introduction

This fiscal year, the United States is on pace to have a record two million migrants attempting to cross the southern border.¹ Most recognize this surge in immigration as an issue, but few consider the reasons behind the recent increase. A closer look demonstrates that the underlying causes of this influx are directly related to the United States' gun policy, or lack thereof.

A large portion of the rise in migration from Mexico and Central American countries to the United States can be attributed to violence. For example, 20 percent of migrants and 30 percent of unaccompanied children from El Salvador, Guatemala, and Honduras cited extortion, death threats, domestic violence, and gang-recruitment tactics as the main reasons for emigration.² And while a legacy of corruption and civil wars have played a large role in destabilizing these countries, violence is also facilitated by the import of guns from foreign countries. With over 50 percent of the confiscated guns in Central American countries tracing back to American manufacturers, the United States' responsibility to address this problem has become abundantly clear.³

Lack of gun control in the United States and strict gun laws in many Latin American countries have created a market for trafficked US guns. Straw purchases and gun retailers that sell to buyers without screening their qualifications heavily contribute to gun trafficking from the United States.⁴ Guns make their way across the southern border through two primary modes: ant trafficking (guns smuggled across borders in small quantities, usually by land) and air trafficking (bringing firearms in through civilian passenger planes). Once the US guns arrive, they are funneled into black markets or sold through gang networks, thereby facilitating violence in Central America and the Northern Triangle. Consequently, this violence compels vulnerable populations to leave their homes and immigrate to the United States.

¹ Priscilla Alvarez., "US on track to encounter record 2 million migrants on the southern border, government estimates show," CNN, *Cable News Network*, March 31, 2021. <https://www.cnn.com/2021/03/31/politics/migrants-us-southern-border/index.html>.

² "Death threats and gang violence forcing more families to flee northern Central America – UNHCR and UNICEF Survey," UNICEF, December 17, 2019, <https://www.unicef.org/press-releases/death-threats-and-gang-violence-forcing-more-families-flee-northern-central-america>.

³ "Central America - Data Source: Firearm Trafficking", U.S. Department of Justice Bureau of Alcohol, Tobacco, Firearms and Explosives, March 10, 2020, <https://www.atf.gov/file/144881/download>.

⁴ Chelsea Parsons and Eugenio Vargas, "Beyond Our Borders: How Weak U.S. Gun Laws Contribute to Violent Crime Abroad," N.p.: Center for American Progress. February 2, 2018, <https://www.americanprogress.org/issues/guns-crime/reports/2018/02/02/445659/beyond-our-borders/>.

Drug Demand, Gun Demand, & Violence

The ties between gun demand and violence have been thoroughly investigated over the past two decades, and while the two are clearly correlated, researchers have had difficulty establishing causal relationships. In 2004, the National Research Council (NRC) determined that the data collection and empirical methods in this field of research were woefully limited, preventing academics from conclusively reporting that higher levels of household gun ownership led to higher homicide rates and other forms of violent crime.⁵ A 2016 RAND essay solidified the findings of the NRC, reiterating that causal relationships in this domain continue to be elusive, due to a lack of conclusive data.⁶

Gun prevalence has proven to be a very difficult statistic to measure—most studies attempted to quantify gun prevalence indirectly by using the number of firearm suicides divided by the total number of suicides (FS/S) as their metric of choice. Furthermore, if people purchase or obtain firearms while crime rates are rising, the causal relationship could be flipped: more violent crime could be leading to more demand for guns.

Despite these significant empirical hurdles, researchers still managed to derive valuable correlations from existing firearm and crime statistics. For instance, in US cities and states with higher gun ownership, the risk of homicide to civilians is demonstrably higher. A 2000 paper published in the *Journal of Trauma* analyzed 26 different developed countries and decisively concluded that higher gun ownership was associated with more homicides.⁷ A University of San Diego Trans-Border Institute report regarding homicide and violent crime rates in Mexico echoes similar results; however, they attribute some of this violence to the general inaction of local governments to combat gang violence and the availability of guns in the United States brought into Mexico.⁸ Further studies show that while the correlation between gun prevalence and violent crime has been established, the link between drug demand and violence is much stronger than the link between gun availability and violence in Latin America.⁹ While a strong correlation between higher gun ownership levels and higher homicide rates in the US and Latin America has been well-established, causation remains lacking.

⁵ Rouslan Karimov, "The Relationship Between Firearm Prevalence and Violent Crime," RAND, March 2, 2018, <https://www.rand.org/research/gun-policy/analysis/essays/firearm-prevalence-violent-crime.html>

⁶ Karimov, "Crime."

⁷ David Hemenway and Matthew Miller, "Firearm availability and homicide rates across 26 high income countries," *Journal of Trauma*, 2000, 49:985-88.

⁸ Cory Molzahn, Viridiana Ríos, and David A. Shirk, "Drug Violence in Mexico," University of San Diego, March 2012, <http://kpbs.media.clients.ellingtoncms.com/news/documents/2012/03/05/2012-tbi-drugviolence.pdf>

⁹ Angélica Durán-Martínez, "Drugs Around the Corner: Domestic Drug Markets and Violence in Colombia and Mexico," *Latin American Politics and Society* 57, no. 3 (2015): 122-46, accessed June 27, 2021, <http://www.jstor.org/stable/24765978>.

The relationship between drugs, guns, and violence revolves around three pillars first outlined by Paul Goldstein in his 1985 study: pharmacological/psychological consequences, economic/compulsive crimes, and systemic crime.¹⁰ Perhaps the weakest of the pillars is the pharmacological link, which essentially claims that drugs like alcohol push individuals into a mental state in which they are more likely to commit violence. Research from Canada's Department of Justice has demonstrated that the psychological effects of drugs may not directly cause violence; instead, the illegal nature of certain drugs is likely where the causal link between drugs and gun violence lies.¹¹

The second pillar warrants further attention. When individuals cannot afford the prices of illegal drugs but are dependent on the consumption of these drugs, they may turn to violence (perhaps firearm-related violence). Classified as "economic/compulsive crimes", these crimes are often non-violent since dependent users frequently engage in theft to pay for illegal drugs—making the use of a firearm in these situations relatively rare.

Thus, the third and final pillar—systemic crime—is the strongest link between drugs, guns, and violence. The illegal drug trade involves dangerous and violent practices that range from getting rid of key competitors to killing informants and securing drug shipments. Guns are used widely in the drug trade as a way to navigate this web of violence and settle disputes through force, which explains why a sizable portion of homicides across America are labeled as drug-related.¹² Another article warrants this claim by explaining that drugs are often traded on the black market, and that violence is used as a form of conflict resolution due to the lack of official regulation in illegal markets.¹³ Furthermore, the drug violence problem is exacerbated as governments, particularly in Latin America, fail to address rampant corruption often tied to the market for illegal drugs. As an article published by Queens University states, the presence of such a variety of components in organized crime and drug trafficking networks is precisely what makes reducing gun violence related to these two fields so difficult.¹⁴

Therefore, it is imperative to develop a clear understanding of different aspects regarding the form and function of organized crime and drug trafficking networks before attempting to solve related gun violence issues.

¹⁰ Paul J. Goldstein, "The Drugs/Violence Nexus: A Tripartite Conceptual Framework," *Journal of Drug Issues* 39 (1985): 143-174.

¹¹ Eugene Oscapella, "The Relationship Between Drugs and Illegal Firearms," Department of Justice Canada, July 1998, http://publications.gc.ca/collections/collection_2011/jus/J3-8-1998-10-eng.pdf.

¹² Oscapella, "Firearms."

¹³ Jeffrey A. Miron, "Violence, Guns, and Drugs: A Cross-Country Analysis," *The Journal of Law & Economics* 44, no. S2 (2001): 615-33, doi:10.1086/340507.

¹⁴ Chris Leuprecht and Andrew Aulthouse, "Guns for Hire: North America's Intra-continental Gun Trafficking Networks," *Criminology, Criminal Justice, Law and Society* 57, no. 3 (2014): 57-74.

Modes of Trafficking

The trafficking of US guns across the southern border has negatively impacted Mexico and the Northern Triangle for decades. In order to develop an understanding of this issue, it is critical to explore how firearms travel from the US to these neighboring regions.

Between 2011-2016, 70 percent of guns seized and traced in Mexico originated in the United States.¹⁵ In El Salvador, the figure is 49 percent, in Honduras, the figure is 45 percent, and in Guatemala, the figure is 29 percent.¹⁶ The modes of trafficking and the frequency at which they occur depend on the country's proximity to the US and its gun control policies. Unlike the popular narrative may suggest, the majority of trafficking is not done through back channels or secret tunnels, but right in front of our eyes.

The ATF reports that licensed dealers are the most common gun-purchasing point for traffickers. Oftentimes, “straw purchasers”—legal gun buyers who purchase guns with the purpose of re-selling or transferring the weapon to another individual—use licensed dealers to acquire weapons. Although straw purchases are carried out by individuals, they are extremely effective when executed on a large scale. As the chief of the Office of the Ministry of Foreign Affairs of Mexico, Fabian Medina Hernandez, said, “There are 9,000 sales points for guns along the US border. I don't know that they have as many McDonald's restaurants as they have gun stores there.”¹⁷ The lack of regulation around straw purchasing contributes to the pervasive nature of gun trafficking. Just like a virus, gun trafficking can spread easily across borders. A 2018 Giffords report found that even areas with strict gun control laws fell ill to gun trafficking when they were in proximity to areas with little to no regulation.¹⁸ Essentially, gun trafficking only needs one country with loose regulations to flourish.

A large portion of gun smuggling out of the US occurs on land through official points of entry along the US-Mexico border. Traffickers typically transport weapons across in vehicles with as few as two guns per car, although many border crossings may be part of the same large gun purchase. Specifically, cases of five firearms or less account for over two-thirds of seizures by US border patrol at the Mexican border.¹⁹ This phenomenon—the smuggling of

¹⁵ Chelsea Parsons and Eugenio Vargas, “Beyond Our Borders: How Weak U.S. Gun Laws Contribute to Violent Crime Abroad,” N.p.: Center for American Progress. February 2, 2018, <https://www.americanprogress.org/issues/guns-crime/reports/2018/02/02/445659/beyond-our-borders/>.

¹⁶ Parsons et al., “Beyond.”

¹⁷ Julian Resendiz, “Mexico calls on U.S. for help in stemming flow of guns at the border and beyond,” WRBL, January 28, 2021, <https://www.wrbl.com/news/mexico-calls-for-increased-border-inspections-to-stem-flow-of-guns-from-u-s/>

¹⁸ “Trafficking and Straw Purchasing”, Giffords Law Center, Accessed May 3, 2021, <https://giffords.org/lawcenter/gun-laws/policy-areas/crime-guns/trafficking-straw-purchasing/>.

¹⁹ UNODC, “Transnational.”

firearms in small quantities—is known as “ant trafficking.”²⁰ Because there is so much variety in vehicle type—from minivans to pick-up trucks—and concealment methods—from in the fuel tank to under the bumpers—it is complicated to monitor and curb gun trafficking at the border.²¹ A study conducted by the United Nations Office of Drugs and Crime suggests that ant trafficking is the dominant cause of the continued trafficking of guns across the border.²² Ant trafficking may seem benign for its low-impact individual yields, but the overall amount of firearms trafficked aggregates over time.

Guns are also trafficked to the Northern Triangle from the US through checked luggage on passenger airplanes. Due to the distance between the US and Northern Triangle countries, air trafficking is a more attractive mode. Mexico for example, according to DHS data, had only two seizure events at the US-Mexican border that involved commercial air during fiscal years 2014 through 2016.²³ Traffickers choose US airports where the inspection of checked luggage is less prevalent.²⁴ Historically speaking, air travel gun trafficking circumvented border security, but since 9/11 airport controls, the popularity of this trafficking method has declined.²⁵

Another prevalent mode of trafficking is the concealment of weapons within otherwise legitimate imported goods. For example, large quantities of guns can be hidden inside anything from used cars and appliances, to clothes and toys.²⁶ This is the preferred method for large criminal groups in Honduras, who pay officials to allow these shipments through.²⁷ One advantage of this mode of trafficking is that commercial shipments can travel long distances—enabling guns to be shipped over land to Guatemala through Mexico. There is relatively little inspection when it comes to the shipment of these commercial goods. Therefore, in an industry where bypassing border checkpoints can be risky, concealing arms in imported goods is a very appealing method for traffickers.

²⁰ “The Nature of Firearms Trafficking,” United Nations Office on Drugs and Crime, 2020, https://www.unodc.org/documents/data-and-analysis/Firearms/2020_Global_Study_on_Firearms_Trafficking_Chapter_3.pdf

²¹ Matt Schroeder, “The Mechanics of Small Arms Trafficking from the United States,” Small Arms Survey, March 2016, <http://www.smallarmssurvey.org/fileadmin/docs/G-Issue-briefs/SAS-IB17-Mechanics-of-trafficking.pdf>.

²² UNODC, “Trafficking.”

²³ “U.S. Efforts to Disrupt Gun Smuggling into Mexico Would Benefit from Additional Data and Analysis,” US Government Accountability Office, February 2021, <https://www.gao.gov/assets/gao-21-322.pdf>.

²⁴ Colby Goodman, “US Firearms Trafficking to Guatemala and Mexico,” Wilson Center, April 2013, <https://www.wilsoncenter.org/sites/default/files/media/documents/publication/US%20Firearms%20to%20Guatemala%20and%20Mexico.pdf>.

²⁵ “Firearms Trafficking in Honduras,” InSight Crime, Accessed April 5, 2021, <https://www.justice.gov/eoir/page/file/1031606/download>

²⁶ Steven Dudley, “Trafficking Firearms Into Honduras,” InSight Crime, August 23, 2017, <https://insightcrime.org/investigations/trafficking-firearms-into-honduras/>

²⁷ InSight, “Firearms.”

There are other less common modes of trafficking as well. The large size of shipping containers and the high volume of containers that pass through ports enable the successful arrival of large shipments by sea.²⁸ Some trafficking is even said to occur by mail as well, although this form of trafficking certainly does not meet gun market demand as well as the other alternatives.²⁹ Another source that contributed to the presence of American guns abroad was US military aid. During the height of the cold war when many Central American countries were fighting civil wars, the US military provided over 6.5 billion dollars worth of military aid to the region.³⁰ Much of this aid came in the form of weaponry, which to this day remains in US-backed stockpiles.³¹ Unfortunately, due to corruption and limited regulations, many of these weapons get leaked from the stockpiles and into the hands of gang members and black market vendors.³²

While the relative shortage of quantitative data regarding US firearms trafficking can, in part, be attributed to the difficulty of tracking traffickers in the first place, some responsibility falls on government agencies as well. In the US, the DOJ's Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) is the primary agency responsible for investigating violations of firearms laws as well as tracing and analyzing firearms. However, the ATF lacks complete and timely information about weapons because it relies on Mexican federal and state agencies that do not always hand over firearms for tracing. The ATF cannot identify initial purchasers for over half of the firearms it traced to the US.³³ The ATF's inability to effectively track firearm purchases (illegal and legal) is another factor that is enabling gun violence abroad.

With gun trafficking methods ranging from foot soldiers, traveling across land borders, to guns hidden in batches of imported commercial goods, the task of stemming the flow of weapons from the US to Mexico and the Northern Triangle is daunting. However, policies focused on limiting the widespread access of firearms and the ease at which people and goods travel from the US across the southern border, developed in the policy recommendation section, can strengthen anti-gun trafficking efforts.

²⁸Schroeder, "States."

²⁹Schroeder, "States."

³⁰"Impact of US Assistance in the 1980s," General Accounting Office, July 1989, <https://www.gao.gov/assets/nsiad-89-170.pdf>

³¹InSight, "Firearms."

³²"How the Honduran Military and Police Profit from the Illegal Arms Trade," Transparency International, November 9, 2017,

<https://www.transparency.org/en/news/how-the-honduran-military-and-police-profit-from-the-illegal-arms-trade>

³³GAO, "U.S."

An Overview of US States that Contribute Most to Gun Trafficking

The four states that border Mexico (California, Arizona, New Mexico, and Texas) are responsible for the vast majority of guns traveling across the southern border into Mexico and the Northern Triangle—largely due to the lack of focus and resources allocated towards combating gun trafficking. Laws vary widely between states. For example, California has extensive gun-sense regulations, whereas Arizona, New Mexico, and Texas have little to no regulations which results in high rates of gun exports to other states and countries. A critical study from Brown University found that firearms tend to flow from states with weak laws to states with strict laws.³⁴ Thus, even though California may take appropriate measures to combat gun violence and trafficking, firearms still make their way from California across the border into Mexico and the Northern Triangle. Ultimately, the US State-to-state gun law inconsistencies serve to benefit the gun trafficking industry flow to and from Latin America.

Texas

Texas' approach to gun legislation is similar to that of New Mexico and Arizona in that inadequate gun control encourages gun trafficking. The main loophole remains that private sellers are not required to conduct background checks before selling a firearm.³⁵ The ATF reports that there are two main gun smuggling corridors through Texas: the "Houston Corridor" and the "El Paso Corridor."³⁶ Those involved in gun trafficking can range from everyday citizens to figures in positions of authority. Notably, there are several documented cases of former police officers' involvement in the selling and smuggling of firearms, especially into Mexico. For example, Mike Fox, a former law enforcement officer, was found guilty of assembling and selling miniguns to a man who managed a network of straw buyers in Texas.³⁷ Nonetheless, Fox was able to keep his firearm license and remain in the US Attorney General's Office's list of licensed gun dealers in good standing.³⁸ This case and others point to a relationship between gun violence in Latin America and US state unenforced prohibition of gun trafficking.

³⁴ Brian Knight, "State Gun Policy and Cross-State Externalities: Evidence from Crime Gun Tracing," *American Economic Journal: Economic Policy* 5, no. 4 (2013): 200-29, Accessed June 27, 2021, <http://www.jstor.org/stable/43189358>.

³⁵ "Background Check Procedures in Texas", Giffords Law Center, February 12, 2021, <https://giffords.org/lawcenter/state-laws/background-check-procedures-in-texas/>

³⁶ "Interim Review of ATF's Project Gunrunner," U.S. Department of Justice Office of the Inspector General Evaluation and Inspections Division, September 2009, <https://oig.justice.gov/reports/ATF/e0906.pdf>.

³⁷ Seth Harp, "Arming the Cartels: The Inside Story of a Texas Gun-Smuggling Ring," Rolling Stones, n.d., <https://www.rollingstone.com/culture/culture-features/arming-mexican-cartels-inside-story-of-a-texas-gun-smuggling-ring-866836/>

³⁸ Harp, "Arming."

New Mexico

New Mexico has the 10th highest gun death rate in the country; this can be attributed to the lack of gun laws in place.³⁹ As it stands currently, New Mexico has universal background checks, extreme risk protection orders, and certain domestic violence gun laws. However, New Mexico lacks gun owner licensing, assault weapon restrictions, background check waiting periods, a strong concealed carry law, open carry regulations, child access prevention laws, community violence intervention funding, and lost and stolen firearm reporting.⁴⁰ While New Mexico does have universal background checks, sales of antique firearms and sales between immediate family members can still occur without background checks.⁴¹

There have been several documented cases of gun trafficking in New Mexico involving government officials. An article published by ICE (Immigration and Customs Enforcement) details an instance in which a man named Ian Garland straw purchased over 200 guns that he knew were going to be smuggled across the US-Mexico border. Involved in the same trafficking ring was border town Columbus's Mayor Eddie Espinoza, City Trustee Blas Gutierrez, and Police Chief Angelo Vega.⁴² Although New Mexico has some anti-gun trafficking legislation in place, the current legislation combined with the complicity of figures in authority help to explain how US guns cause violence in Mexico and the Northern Triangle.

Arizona

Arizona has extremely weak gun trafficking laws, with only one policy prohibiting the intent and action of trafficking guns that assist gangs, criminals, or racketeering enterprises.⁴³ Nearly two-thirds of crime-related guns recovered in states with strict gun laws are originally sold in states with weak gun laws. Thus, Arizona is a preferred source for gun traffickers.⁴⁴ Arizona had the 13th-highest rate of crime gun exports in 2009 and supplied guns to out-of-state criminals at a rate of 75 percent above the national average.⁴⁵ Unfortunately, in

³⁹“New Mexico Gun Laws,” Giffords Law Center, accessed May 3, 2021, <https://giffords.org/lawcenter/gun-laws/states/new-mexico/>.

⁴⁰Giffords, “New Mexico.”

⁴¹Giffords, “New Mexico.”

⁴²“New Mexico Firearms Dealer Sentenced to 5 Years for Weapons Trafficking”, Ice.gov, May 24, 2012, <https://www.ice.gov/news/releases/new-mexico-firearms-dealer-sentenced-5-years-weapons-trafficking>.

⁴³“Trafficking & Straw Purchasing in Arizona,” Giffords Law Center, accessed May 3, 2021, <https://giffords.org/lawcenter/state-laws/trafficking-straw-purchasing-in-arizona/#:~:text=In%202012%2C%20Arizona%20adopted%20a>.

⁴⁴Erik J. Olson, et al., “American Firearm Homicides: The Impact of Your Neighbors,” *Journal of Trauma and Acute Care Surgery* 86, no. 5 (2019): 797–802

⁴⁵“Arizona Gun Violence,” Center for American Progress, n.d., [//cdn.americanprogress.org/wp-content/uploads/2013/04/ArizonaGunViolence.pdf](http://cdn.americanprogress.org/wp-content/uploads/2013/04/ArizonaGunViolence.pdf)

light of the Arizona Governor's strong stance against Biden's gun reform agenda, there is no indication that this lack of gun regulation in Arizona will change anytime soon.

California

California has some of the strongest gun laws in the country, including measures that impede high levels of trafficking across the US border. As an example, each gun sold must be purchased within California, or it must be transferred through licensed firearms dealers. Consequently, it has the fifth-lowest export of firearms within the country and one of the lowest gun death rates in the US.⁴⁶ Between 2004 and 2008, whereas 50 percent of guns seized across the border could be traced back to Arizona and Texas, 20 percent were traced back to California.⁴⁷ Significantly, each gun sold must be purchased within California, or it must be transferred through licensed firearms dealers. The loopholes to California's laws are minimal, but weak gun laws in neighboring states allow gun trafficking to persist. Thus, the overall efficacy of California gun laws and trafficking protections are limited due to the nature of the proximity to states that have weaker gun laws, which leads to spillover amongst states themselves and Mexico.

Regions Affected by United States Gun Trafficking

United States Trends

US gun policy pales in comparison to many of its neighbors in the Global North. The ease at which firearms are transported varies significantly from state to state. Arizona, New Mexico, and Texas—states with comparatively relaxed gun legislation—are responsible for the majority of guns entering Mexican border states illegally. The US Government Accountability Office also reports that from 2009 to 2014, the majority of the crime guns recovered in Mexico that were originally purchased in the United States came from three southern border states: 41 percent from Texas, 19 percent from California, and 15 percent from Arizona.⁴⁸ Additionally, a 2013 study found after the federal assault weapons ban was lifted in 2004, gun homicide rates rose in the Mexican municipalities bordering the United States— with the exception of those that border California, which has a state-level ban on assault weapons.⁴⁹ The discrepancies between US state-to-state gun legislation directly encourages the gun flow into Mexican border states across the US Southern Border.

⁴⁶“California Gun Laws,” Giffords Law Center, n.d., <https://giffords.org/lawcenter/gun-laws/states/california/>.

⁴⁷UNODC, “Firearms.”

⁴⁸Eugenio Weigend Vargas and Rukmani Bhatia, “Beyond Our Borders but Within Our Control,” Center for American Progress, November 1, 2019, <https://www.americanprogress.org/issues/guns-crime/news/2019/11/01/476576/beyond-borders-within-control/>

⁴⁹Vargas et al., “Beyond.”

With the relatively recent expansion of free trade agreements such as NAFTA and the war on drugs, it is easier for American guns to make their way into Mexican and Central American markets. According to the Center for American Progress, US-sourced guns were used to commit crimes in nearby countries approximately once every 31 minutes.⁵⁰ Additionally, a US-made gun is more likely to kill a Mexican or Central American than it is to kill a US National.⁵¹ Honing in on Mexico, journalist Ioan Grillo, who has covered crime in Mexico for over two decades, says most of the automatic weapons sold legally in the US end up in the wrong hands in Mexico, driving armed conflict there.⁵² Considering the political and economic instability of many of these nations, it is no surprise that gun violence has drastically risen.

The export of firearms in the United States increased by five-fold during both the Obama and Trump administrations.⁵³ At one point during the Trump administration, the export of firearms moved from under the management of the Department of State to the Department of Commerce, resulting in significantly looser regulations.⁵⁴ There is currently not a federal crime against gun trafficking in place.⁵⁵ Gun trafficking policy nonpartisanship, and subsequently the recent incline in gun trafficking has remained steady and consistent across multiple US presidential administrations.

Impact of US Guns on Mexico

When touching on US-Mexico relations, the topic of border security tends to overshadow the significant impact that U.S. guns have on immigrants seeking refuge in the US. Currently, Mexico's murder rate is at an all-time high. In 2018, the Mexican government recorded more than 30,000 intentional murders—20,005 were committed with firearms.⁵⁶ Over the past two decades, firearms have played an increasingly larger role in Mexican homicides. In 2004, only a quarter of Mexico's homicides were committed with a gun. In 2019, guns accounted for 72 percent of killings. With more guns on the streets, "things got crueler," said Jose Manuel Martinez Hernandez, a forensic scientist in the Guerrero state prosecutor's office.⁵⁷

⁵⁰Parsons et al., "Beyond."

⁵¹"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>

⁵²Luis Chaparro, "How American guns help Mexican cartels overwhelm Mexico's police and military", April 10, 2021, <https://www.businessinsider.com/guns-sold-legally-in-us-used-in-crimes-in-mexico-2021-4>

⁵³Alex Yablon, "Trump is Sending Guns South as Migrants Flee North," Foreign Policy, March 8, 2019, <https://foreignpolicy.com/2019/03/08/trump-guns-honduras-central-america/>

⁵⁴ Economist, "Guns."

⁵⁵ Brian Schatz, "Amazingly There is No Federal Law Against Gun Trafficking," Mother Jones, October 13, 2016, <https://www.motherjones.com/politics/2016/10/gun-trafficking-law-maloney-kenneth-thompson/>

⁵⁶ Martinez, "Debate."

⁵⁷Kate Linthicum, "Mexicans are killing each other at record rates. The U.S. provides the guns," Los Angeles Times, October 6, 2019, <https://www.latimes.com/world/mexico-americas/la-fg-mexico-guns-20190430-story.html>

Oddly enough, Mexico boasts some of the strictest gun laws in the world — home to one lone official gun store, heavily guarded by the military who operate it.⁵⁸ However, this stringent regulation is completely lost by the inflow of weapons from the US. While the exact number of firearms smuggled into Mexico is unknown, it is estimated that at least 200,000 guns are trafficked from the US into Mexico every year.⁵⁹ Additionally, 70 percent of the 132,823 guns recovered at crime scenes in Mexico from 2009 to 2018 were found to have originated in the United States—Texas being the largest supplier.⁶⁰ Organizations in Mexico have estimated that over 15 million weapons from the United States have been smuggled across the border. Frequently, these operations occur through the same routes in which money and drugs are moved.⁶¹ It is widely agreed upon that limiting the export and smuggling of guns to Mexico is essential for limiting gun violence.

Gang violence mars the lives of Mexican families and individuals every single day, enabled by the sheer number of US firearms circulating around Mexico's crime sphere. People living in constant fear, with death as a daily occurrence, are forced to take huge risks—oftentimes, uprooting their lives to seek asylum in the US.

Juan, a 55-year-old farm laborer from the Mexican state of Zacatecas who fled with his family after his son escaped a gang recruiting process says that “we are fearful [in Mexico] because you never know whether at any moment someone's going to come and kill someone. Wherever we are in Mexico, the gangs can find us.” Juan's son Manuel continued to receive threats from the gang that kidnapped him, revealing a series of menacing messages; one read: “hand over your brother to us because we already know where you are”.⁶²

Georgina Ayala Mendoza and her family fled the Mexican state of Michoacan in May of 2019 after armed members of a cartel killed two of her brother-in-laws. Worried about the cartel recruiting her husband, or facing the same fate as his brothers, the family embarked on a journey to find safety in the US.⁶³

⁵⁸Kate Linthicum, “There is only one gun store in all of Mexico. So why is gun violence soaring?” Los Angeles Times, May 24, 2018,

<https://www.latimes.com/world/la-fg-mexico-guns-20180524-story.html>

⁵⁹Chaparro, “How.”

⁶⁰Linthicum, “Mexicans.”

⁶¹Nájar, “Como.”

⁶²Kirk Semple, “Violence Drives a Swell in Mexican Migration,” New York Times, December 7, 2019,

<https://www.nytimes.com/2019/12/07/world/americas/mexico-border-migration-asylum.html>

⁶³Christal Hayes, “Thousands of immigrants pass through the southern border. Why are they fleeing their home countries?” USA Today, June 25, 2018,

<https://www.usatoday.com/story/news/2018/06/25/immigrant-family-separation-why-flee-home-countries/729013002/>

These are just two of the countless migrant stories of those who flee Mexico due to traumatic violence and gang threats. Armed violence is one of the most prominent causes for migration from Central America and Mexico to the US. According to Doctors Without Borders, 62 percent of migrants arriving at the US southern border claimed that they experienced significant violence in the two years before fleeing their home country. Three-quarters of families with children stated that gang recruitment and violence was a key reason for leaving.⁶⁴ On any given day, up to 1,500 Mexican asylum seekers wait in Ciudad Juarez, fleeing the states of Michoacan, Zacatecas, or Guerrero where organized crime groups thrive. Martin, a firefighter who fled Mexico with his wife and three children in the face of violent persecution captured the sentiments of thousands of Mexican migrants, stating “When you leave your home, you leave with energy to deal with whatever you have to, because it’s better than what you have to deal with there.”⁶⁵

Northern Triangle Trends

El Salvador, Guatemala, and Honduras rank as some of the deadliest countries in the world due to their high rates of homicides per capita.⁶⁶ Similar to Mexico, these Northern Triangle nations enforce a range of firearm regulations, with Guatemala home to the most lenient laws and El Salvador, the strictest. According to data collected by the ATF, nearly half of the guns seized from criminals in El Salvador and submitted for tracing in the ATF’s online system in 2020 originated in the US. Honduras and Guatemala, to a lesser extent, have a significant percentage of seized guns originating in the US.⁶⁷ A critical obstacle facing these nations is the lack of a legitimate method to trace and quantify guns trafficked in the Northern Triangle.

It is crucial to highlight the role that gun trafficking plays in fueling emigration and displacement. The Watch Center for Internal Displacements estimates that from 2014 to the end of 2015 there were more than 714,000 internally displaced peoples within the Northern Triangle, due to conflicts and violence.⁶⁸ Young men are disproportionately impacted by gun violence in the Northern Triangle: more than 15 percent of homicide victims in the entire world are men ages 15 to 29 from the Americas— many hailing from Honduras, El Salvador, and Guatemala.

⁶⁴Stefano Pozzebon, “American guns are a key driver in the migration crisis. When will the US address it?” Cable News Network, June 7, 2021,

<https://www.cnn.com/2021/06/07/americas/kamala-harris-central-america-gun-intl/index.html>

⁶⁵ Semple, “Violence.”

⁶⁶“Intentional homicide rates in selected countries in Latin America and the Caribbean in 2018,” Statista, 2018, <https://www.statista.com/statistics/715019/homicide-rates-in-latin-america/>

⁶⁷ Robert VerBruggen, “U.S. Guns, Central American Violence?” Real Clear Policy, July 20, 2014, https://www.realclearpolicy.com/blog/2014/07/21/us_guns_central_american_violence_1019.html

⁶⁸ Igi Nderi, “La violencia armada contra los niños en el Triángulo Norte de Centroamérica,” Humanium, September 15, 2020, <https://www.humanium.org/es/la-violencia-armada-contra-los-ninos-en-el-triangulo-norte-de-centroamerica/>

Impact of US Guns on Guatemala

Guatemala has the 14th highest murder rate in the world, with 27.7 homicides per 100,000 people. El Salvador and Honduras, its Northern Triangle neighbors, are both within the top 10 countries with the highest murder rates. In Guatemala, 75 percent of homicides involve guns, compared to the worldwide average of 41 percent.⁶⁹ This can be attributed to the extreme number of guns accessible to residents of Guatemala. In stark contrast to Mexico, Guatemala has permissive gun-purchasing policies with a vast number of private dealerships selling firearms.⁷⁰ Although there are a plethora of guns owned legally throughout Guatemala—574,000 legally registered firearms by August 2017—experts predict that at least a million more were circulating illegally.⁷¹ In Guatemala, guns on the black market sell for around \$130 whereas legal weapons cost around \$650-\$1000.⁷² The price difference between guns on the Guatemalan black market and official stores makes the illegal purchasing method more appealing to criminal organizations.

Similar to Mexico, Honduras, and El Salvador, the extensive illegal flow of US guns across the southern border increases gun supply on the Guatemalan black market. As of December 2019, the US Bureau of Alcohol, Tobacco, and Firearms (ATF) reported that 42 percent of firearms seized in Guatemala were sourced in the US.⁷³ In June 2009, the ATF sent two teams of experts to trace two separate military bunkers in Guatemala. These bunkers contain firearms and military ordnance connected to homicide and illegal possession, which were collected by law enforcement between 2006 and 2009. The subsequent report concluded that 40 percent of firearms had a nexus with the US. Although this is a small sample size, it represents a microcosm of gun seizures by Guatemalan law enforcement over time—with a significant portion originating in the US. Based on a smaller set of data, relying on firearm traces to the first purchaser in the US, the ATF found that Texas, California, and Florida were the top three US source states.⁷⁴

A 2013 study published by the National Economic Research Center identified illegal arms as one of the main obstacles to reigning in Guatemala's exorbitant gun crime rate. Although Guatemala has a national gun registry system, the relationship between gun control

⁶⁹Steven Dudley, "Homicides in Guatemala: The Challenge and Lessons of Disaggregating Gang-Related and Drug Trafficking-Related Murders," USAID, October 2016, <https://www.justice.gov/eoir/page/file/963116/download#:~:text=The%20third%20major%20theory%20revolve%2015%2C%20according%20to%20INACIF%20data>.

⁷⁰Alec MacGillis, "America's Wild-West Gun Laws Are Helping Fuel the Border Crisis," New Republic, July 20, 2014, <https://newrepublic.com/article/118759/nra-and-gun-trafficking-are-adding-fuel-border-migrant-crisis>

⁷¹Julie Lopez, "One Firearm Seized Every Two Hours in Guatemala," InSight Crime, January 17, 2018, <https://insightcrime.org/news/analysis/one-firearm-seized-every-two-hours-guatemala/>

⁷²Nderi, "La."

⁷³Pozzebon, "American."

⁷⁴Goodman, "US."

legislation and homicide rates is still unclear.⁷⁵ The bottom line is that laws will make little difference if the accessibility of illegal arms is not curtailed.

Similar to Mexico, Guatemala's unprecedented homicide rates are the impetus behind mass migration and the influx of asylum seekers showing up at the US border. A 2020 Doctors Without Borders study revealed that more than two-thirds of migrants fleeing Guatemala, Honduras, and El Salvador experienced the murder or kidnapping of a relative before their departure. Moreover, 42.5 percent of interviewees reported the violent death of a relative over the previous two years while 45.8 percent of migrants stated that "exposure to violent situations" was a key reason for leaving their home, clearly demonstrating how violent circumstances are forcing migrants to flee these dangerous regions.⁷⁶

In communities controlled by MS 13 or Barrio 18—the two largest gangs in the Northern Triangle—escaping violence and extortion is incredibly difficult. Gangs maintain a stronghold over communities by keeping tabs on where people live, where their children go to school, and transit patterns. Defying the gang can lead to punishment in the form of assault, rape, or murder.⁷⁷ "This isn't about immigrants chasing the American dream anymore," Sofia Martinez, a Guatemala-based analyst for the International Crisis Group, told the Associated Press. "It's about escaping a death sentence."⁷⁸

Impact of US Guns on Honduras

While it is difficult to measure the exact impact that US gun policies have on foreign countries given the illegal and unregulated nature of gun trafficking, the sheer quantity of US guns, gang violence, and government corruption in Honduras paint a very clear picture. With one of the highest homicide rates in the world and 75 percent of homicides committed with guns, there is a clear correlation between guns and violence.⁷⁹ 46 percent of the guns recovered from homicides in Honduras have been traced back to the United States where traffickers can easily purchase guns and profit by selling them to gangs in Honduras.⁸⁰ The

⁷⁵Lopez, "One."

⁷⁶David Agren, "More than two-thirds of migrants fleeing Central American region had family taken or killed," The Guardian, February 11, 2020, <https://www.theguardian.com/world/2020/feb/11/migrants-fleeing-central-america-guatemala-honduras-el-salvador-family-taken-killed-study>

⁷⁷ Alex J. Rouhandeh, "Central American Refugees Fleeing Gang-run China-style Surveillance State," News Week, March 24, 2021, <https://www.newsweek.com/central-american-refugees-fleeing-gang-run-china-style-surveillance-state-1578377>

⁷⁸Hayes, "Thousands."

⁷⁹InSight, "Firearms."

⁸⁰Jonathan Blitzer, "The Link Between America's Lax Gun Laws and the Violence That Fuels Immigration," New Yorker, March 22, 2018, <https://www.newyorker.com/news/news-desk/the-link-between-americas-lax-gun-laws-and-the-violence-that-fuels-immigration>

other way that US guns infiltrated Honduras is through military assistance. Between 1980 and 1989, the US government provided \$333 million in military assistance, much of which included military-grade weapons such as arms.⁸¹ Although the United States has not given military aid to Honduras since 2002, other countries such as Mexico and Brazil continue to satisfy the country's gun demands.⁸² This is dangerous due to the corruption found within the Honduran Government. Oftentimes, the military and police officers take weapons from storage and sell them on the black market, facing no repercussions for their actions due to the lack of firearm tracing capabilities.⁸³

Weapons sold on the Honduran black market often make their way to gangs. Honduras has an estimated 5,000 to 40,000 active gang members. MS 13 and the Barrio 18, both extort individuals and businesses, recruit children, kidnap, rape, and kill anyone who challenges their authority.⁸⁴ This culture of violence has contributed significantly to the immigration and refugee crisis at the US border. According to Human Rights Watch, "Every year, more than 100,000 Hondurans are internally displaced, migrate, seek protection abroad, or are deported back to Honduras. The groups most likely to be internally displaced or leave the country are children subjected to forced gang recruitment."⁸⁵ At this point, it should be clear that Hondurans are not emigrating for better economic opportunities, but rather out of necessity. One Honduran woman told The Crisis Group: "I saw my son and my mother killed by gangs in the same week. My son was killed because he refused to pay "renta." My mother was killed because the "marero" came to my house and thought she was me. When I close my eyes I can still see my son's entrails spread all over the floor. I want to leave Honduras no matter what. What can be worse than this?"⁸⁶ People like Luisa simply have no other options than to migrate—and rather than taking any responsibility for rectifying a problem they helped to create, the US government continues to offer limited asylum opportunities.

Impact of US Guns on El Salvador

Just like New Mexico, Arizona, California, and Texas, the trade of illegal arms between Guatemala, Honduras, and El Salvador is very common.⁸⁷ Essentially, if one country is importing large amounts of arms (either through trafficking or through military aid) then the other countries in the Northern Triangle will be affected by this. For this reason, it is no

⁸¹InSight, "Firearms."

⁸²InSight, "Firearms."

⁸³Transparency International, "How."

⁸⁴"Honduras, Events of 2020," World Report 2021, n.d., <https://www.hrw.org/world-report/2021/country-chapters/honduras>

⁸⁵World Report, "Honduras."

⁸⁶"Life Under Gang Rule in El Salvador," International Crisis Group, November 26, 2018, <https://www.crisisgroup.org/latin-america-caribbean/central-america/el-salvador/life-under-gang-rule-el-salvado>

⁸⁷

Jacob Parakilas and Iain Overton, "The Devil's Trade," Action on Armed Violence, October 2014, https://aoav.org.uk/wp-content/uploads/2014/11/the_devils_trade_lr.pdf

surprise that El Salvador, like Honduras and Guatemala, also has one of the highest homicide rates in the world with over 100 intentional homicides per 100,000 people in 2015.⁸⁸ These high rates of violence are also driven by the easy access to guns, many of which also came from the US government in the 1980s during El Salvador's Civil War. According to the Small Arms Survey, between 1980 and 1993 the US equipped the Salvadoran Military with "1,900 handguns, 32,474 M-16 assault rifles, 3,117 M203 and M79 grenade launchers, and nearly 270,000 grenades."⁸⁹ Therefore, persistent gun trafficking from the US and throughout the Northern Triangle, in addition to US military aid, explain why 49 percent of guns recovered from crime scenes in El Salvador can be traced back to the US. To put this into perspective, "El Salvador recovered more US-sourced crime guns than 20 US states."⁹⁰

Gang violence in El Salvador is even worse than in Honduras, with over 60,000 active gang members and an estimated 500,000 people involved (through extortion and coercion). The MS-13 and Barrio 18 are the largest gangs in the country and extort a combined total of 70 percent of the country's business.⁹¹ To combat gang violence, in June of 2019, the Salvadoran government implemented an anti-gang campaign called the Territorial Control Plan (Plan de Control Territorial). This campaign is said to have seized 2,026 firearms nationwide and has led to over 20,000 arrests.⁹² Although the impact of this campaign has been limited, due to the constant influx of guns into the country, it demonstrates that Salvadoran officials recognize how guns contribute to gang violence and are looking for ways to reduce the numbers of guns in circulation.

Just like in other countries in the Northern Triangle, severe gang violence has caused many civilians to seek refuge in the United States. According to a United Nations representative survey, two-thirds of the children fleeing from El Salvador in 2014 said their reason for fleeing was to escape gang violence and threats.⁹³ As safety conditions have deteriorated in El Salvador, immigration has increased steadily over the years as noted by the graph below:⁹⁴

⁸⁸Tariq Zaidi, "A Nation Held Hostage," *Foreign Policy*, November 30, 2019,

<https://foreignpolicy.com/2019/11/30/el-salvador-gang-violence-ms13-nation-held-hostage-photography/>

⁸⁹Parakilas et al., "Trade."

⁹⁰Parsons et al., "Beyond."

⁹¹Zaidi, "Hostage."

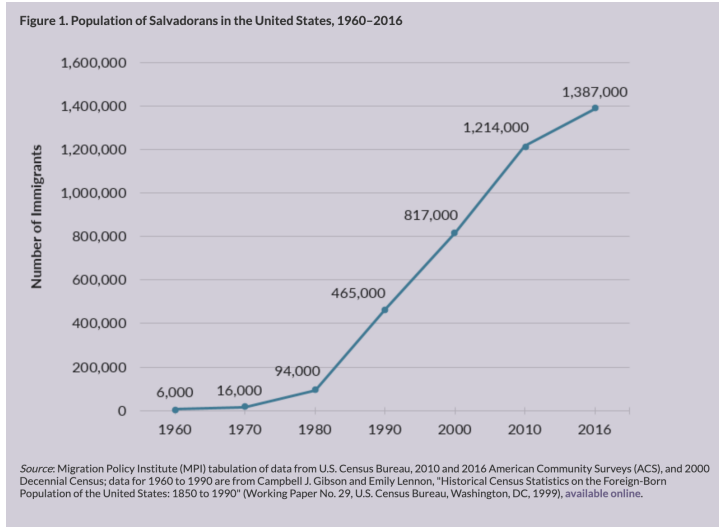
⁹²Victoria Dittmar and Chris Dalby, "El Salvador Seizing Thousands of Guns but Flow of Weapons Continues," *InSight Crime*, October 29, 2020,

<https://insightcrime.org/news/analysis/el-salvador-seizing-weapons/>

⁹³John Lindsay-Poland, "How US Guns Push Central Americans to Flee," *Stop US Arms to Mexico*, February 6, 2019, <https://stopusarmstomexico.org/guns-and-forced-migration/>

⁹⁴Cecilia Menjivar and Andrea Gómez Cervantes, "El Salvador: Civil War, Natural Disasters, and Gang Violence Drive Migration," *Migration Policy Institute*, August 29, 2018,

<https://www.migrationpolicy.org/article/el-salvador-civil-war-natural-disasters-and-gang-violence-drive-migration>



In 2014 alone, 16,400 unaccompanied minors from El Salvador were detained at the US-Mexico Border—a number three times greater than in 2013.⁹⁵ To demonstrate exactly how this violence impacts young people and their communities, below are interviews conducted by The Crisis Group among 14 to 25-year-olds in the suburbs of San Salvador:

“I remember I once went to an event [organised by the police in my neighbourhood] and I saw some of my former friends who had become gang members dressed up as officers. I told myself: are these the guys who are going to keep me safe?”

“Do you see that place at the other side of the road? I could never get in there since that is the territory of a rival group ... if they [members of the rival gang, in this case the 18th Street gang] see me there, they may think that I am a spy ... I could easily get killed, for sure I would be beaten up”.

“They [gangs] use murders to send messages to the government ... that is a way to tell the state that they are the ones running the show here”.

These gangs exist because the government is not strong enough to protect its citizens. Many Salvadorans have no choice but to participate in this system of violence, because a) there are not enough safe job opportunities, and b) because not participating can be a death sentence in and of itself. Guns from the United States have clearly helped to fuel the creation of gangs and will continue to do so if no action is taken to prevent guns from flowing across the border.

⁹⁵Menjívar et al., “El Salvador.”

Policy Recommendations:

National Policy Recommendations

Discrepancies between gun policies in neighboring US states can nullify even the most comprehensive gun laws, leading to dangerous levels of gun violence in states that enforce strict gun legislation. For instance, Illinois boasts some of the strictest gun laws in the nation. Yet, Chicago has been ravaged by a gun violence epidemic for decades, with unprecedented levels of gun violence today. Illinois' neighboring states, including Indiana and Kentucky, states with loose gun legislation, contribute to the flow of weapons into Chicago— fueling violence on the streets. This phenomenon is also observed between countries like the US and Mexico, where the US's relatively relaxed gun regulations lead to firearms being smuggled into Mexico. In order to prevent firearms from traveling between loosely regulated states and strictly regulated states and countries, national legislation is essential. Ratifying national gun-sense legislation can also improve coordination between states through measures like gun registries, elaborated on below. Finally, if certain state legislatures like Texas and Arizona are unwilling to combat firearm trafficking through stricter gun laws, national regulations will need to take precedence. Below, we have outlined a series of gun-sense policies that will help reduce gun policy discrepancies between states and cut off the flow of guns traveling across the US border:

Federal Assault Weapons Ban

A renewed ban on assault weapons is imperative to stymieing the flow of assault weapons being trafficked to Mexico and the Northern Triangle, as well as gun violence within the US. The original ban on assault weapons was a part of the Violent Crime and Control Act of 1994.⁹⁶ This ban expired in 2004, allowing for a surge in gun violence and gun trafficking in the United States. As stated by Theodora Boulouta and John Donohue, “the body count from gun massacres was visibly restrained during the assault weapons ban (AWB) and rose sharply after 2004 when President Bush reneged on his campaign promise to renew it.”⁹⁷ Therefore, a new ban on assault weapons would be a prudent solution because there are “currently no restrictions in federal law on the manufacture, sale, and possession of assault weapons and high-capacity magazines.”⁹⁸ Such a ban would not only limit the number of lives lost due to gun violence but would also slow the trafficking of assault weapons across national borders.

⁹⁶ "Text - H.R.3355 - 103rd Congress (1993-1994): Violent Crime Control and Law Enforcement Act of 1994," U.S. Congress, September 13, 1994, <https://www.congress.gov/bill/103rd-congress/house-bill/3355/text>.

⁹⁷ Theodora Boulouta and John Donohue, “The Assault Weapon Ban Saved Lives,” *Stanford Law School*, October 2019, <https://law.stanford.edu/2019/10/15/the-assault-weapon-ban-saved-lives/>

⁹⁸“Assault Weapons and High-Capacity Magazines Must Be Banned,” Center for American Progress, August 12, 2019, <https://www.americanprogress.org/issues/guns-crime/reports/2019/08/12/473528/assault-weapons-high-capacity-magazines-must-banned/>

This in turn would lessen the power that drug trafficking rings wield, as these networks rely on gun violence in order to maintain their internal hierarchy and external power within communities.

Federally Mandated Universal Background Checks

Background checks are an important tool used to prevent firearms from falling into the wrong hands, specifically, individuals purchasing weapons for trafficking purchases. In most states, unlicensed sellers can sell guns to any buyers without a background check due to the lack of legislation addressing background check loopholes. From 2015-2017, 22 percent of gun owners obtained their firearm without a background check (i.e. millions of guns are bought in the US without any stipulations.)⁹⁹ Currently, 22 states and Washington D.C. have background check laws. States without universal background check laws export guns across state lines 30 percent more than states with universal background check laws.¹⁰⁰ Further, background checks prevent guns from entering the illegal market, as they disincentivize straw purchases and prevent unlicensed sellers from selling to ineligible customers. While defiance of the law is possible, universal background checks would greatly deter unlicensed sellers from selling to those with a record. We are advocating for mandated background checks for all firearm transfers, including for private and unlicensed sellers. Further, we are advocating for federal legislation that requires background checks for all states, with centralized federal and state databases as well as a central law agency to ensure accountability.

Federal “Ghost Gun” Ban

“Ghost guns” are guns that can be made at home by ordering a kit or parts from a gun dealer. Most guns assembled in this way contain unfinished receivers, which make them impossible to trace, as there is no serial number on the gun itself. “Ghost guns” are a problem because they are easy for people to obtain as the buyer can skirt background checks. This explains why they are highly correlated with violent crime in the United States. We recommend making “Ghost guns” illegal and strictly regulating or prohibiting the access of open-source 3D firearm blueprints that can be used to construct weapons. If 3D printed weapons are allowed, it is imperative that they are entered into a gun registry to prevent the proliferation

⁹⁹ Miller M., Hepburn L., Azrael D., “Firearm Acquisition Without Background Checks: Results of a National Survey,” *Ann Intern Med.* 2017 Feb 21;166(4):233-239. doi: 10.7326/M16-1590. Epub 2017 Jan 3. PMID: 28055050.

¹⁰⁰ Daniel W. Webster, Jon S. Vernick, and Maria T. Bulzacchelli, “Effects of State-level Firearm Seller Accountability Policies on Firearm Trafficking,” *Journal of Urban Health* 86, no. 4 (2009): 525–537; Daniel W. Webster, Jon S. Vernick, Emma E. McGinty, and Ted Alcorn, “Preventing the Diversion of Guns to Criminals Through Effective Firearm Sales Laws,” in *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis* (Baltimore: The Johns Hopkins University Press, 2013), 109–121.

of untrackable home-made firearms. The second recommendation will require a compelling incentive for individuals looking to print 3D weapons.

The presence of ghost guns in the United States is increasing. In 2019, around 10,000 ghost guns were confiscated by the ATF, and this number is only projected to increase.¹⁰¹ Apart from the fact that these guns can be assembled at home, allowing anyone easy access to a lethal weapon, ghost guns are also easy to traffick because they are untraceable. This indicates that ghost guns are likely used by perpetrators of violent crime in other nations. Banning ghost guns would help reduce unlimited access to deadly weapons. Furthermore, banning such guns would also serve as a preemptive measure to address a potentially dangerous and untrackable method by which traffickers can acquire firearms.

Increase South-bound Border Security on Goods to Mitigate Ant Trafficking

Since the majority of firearms smuggled across the US-Mexico border occur through ant-trafficking and the export of commercial goods, we recommend that the US Border Patrol increases the frequency of searches for illegally trafficked firearms on individuals and shipments traveling from the US to Mexico. Currently, most of the scrutiny is directed towards individuals traveling from Mexico to the US. However, considering the sheer number of weapons making their way across our border into Mexico and the Northern Triangle, focusing on people and commercial goods traveling the other way will allow for law enforcement to stop firearms from falling into the hands of violent groups and individuals outside of the US.

Establishing a National Gun Registry System

Currently, the US does not have a national firearm registration system. In fact, US law prohibits the use of the National Instant Criminal Background Check System (NICS) to create any system of firearm registration.¹⁰² However, the creation of a national registry is beneficial to anti-trafficking efforts and the safety of the American public. The ATF faces many challenges—a major one being that it is almost impossible to trace recovered firearms in Mexico and the Northern Triangle that originate in the US back to their original owners. By creating a comprehensive record of firearm ownership, including transfers, a national gun registry will enable law enforcement to quickly identify the source of firearms seized or recovered from crime scenes. Additionally, a registry would act as a deterrent to straw-purchasers who would operate under the knowledge that law enforcement has the

¹⁰¹ Annie Karni, “Ghost Guns: What They Are, and Why They Are an Issue Now,” New York Times, April 9, 2021,

<https://www.nytimes.com/2021/04/09/us/politics/ghost-guns-explainer.html>

¹⁰² “Registration,” Giffords Law Center, Accessed June 30, 2021,

https://giffords.org/lawcenter/gun-laws/policy-areas/owner-responsibilities/registration/#footnote_4_5607

ability to trace the weapon back to its original owner. With weak straw purchasing penalties in US states bordering Mexico and a lackluster firearm tracing method, acquiring firearms for illegal purposes like gun trafficking is relatively accessible. The creation of a national gun registry would help deter gun traffickers from engaging in straw purchasing and allow law enforcement to hold individuals accountable for their contributions to violence in Mexico and the Northern Triangle.

California Policy Recommendations

With one of the nation's most comprehensive gun-sense frameworks, California is on the front lines of the fight against gun violence. As previously mentioned, California is home to some of the lowest firearm export and gun violence rates in the country. However, guns are still trafficked from California across the border to Mexico and beyond. Below, we have outlined an array of slightly more nuanced gun-sense policies to help California law enforcement combat firearm trafficking:

Firearm Tracing Patterns Analysis (FTP)

The FTP is a software-based tool that uses AI (artificial intelligence) to identify gun tracing patterns and minimize the expertise required to obtain this information.¹⁰³ In hopes of utilizing the technological resources the state has, one policy recommendation is to use FTP (Firearm Tracing Patterns Analysis) to track gun purchases within California to abate gun trafficking and better regulate the industry by discouraging straw purchasing. With California being a hotspot for straw purchasers because of its strict gun laws, it makes sense to crack down on the traces of often small batch or individual gun purchases that both leave California and enter California. Without technology, this task becomes almost impossible. By using technological analysis, California can better monitor and track gun flow, especially in regards to the migration of arms to unlicensed users.

There was a case study conducted in Los Angeles, which happens to be the biggest source of straw purchasing in California.¹⁰⁴ Through the use of this technology, the government was able to not only track the various migration and trafficking of guns within the region of Southern California, but also captured data that helped reveal general trafficking patterns that could be applied to all of California.¹⁰⁵

It is understandable why other measures of policy would be preferable over the reliance on technology. Yet, because gun trafficking commonly occurs in such small batches, it is

¹⁰³ Greg Ridgeway, et al., "Strategies for Disrupting Illegal Firearm Markets A Case Study of Los Angeles," US Department of Justice, February 2013, <https://www.ojp.gov/pdffiles1/nij/grants/241135.pdf>

¹⁰⁴ Ridgeway et al., "Strategies."

¹⁰⁵ Ridgeway et al., "Strategies."

extremely difficult to trace and stop traffickers on such an accurate, individualized level. The use of technology allows this process not only to be done efficiently, but widespread over the whole state to ensure maximum opposition against gun trafficking.

Addressing Illegal Firearm Marketing on Social Media

In California, social media platforms have been increasingly used to sell and traffic weapons. The most popular apps that now play a crucial role in firearm dealing are Snapchat and Instagram. Dealers use them to arrange the actual delivery of weapons, and these apps are very easy to navigate and make accounts with. Additionally, many circles have been tracked down through these apps where dealers have been making their arrangements.¹⁰⁶

To address the illegal social media firearm marketing space, law enforcement officials should increase their presence on social media to monitor suspicious activity and identify illegal sellers. Additionally, social media platforms like Instagram and Snapchat should make it abundantly clear that firearms and ammunition sales over their platforms are strictly forbidden.

In 2018, an inter-state trafficking ring led by Anthony Reed was discovered. It consisted of hundreds of firearms which were brought from Nevada, a state with minimal gun laws, and sold in California. Prosecutors allege that Reed used Snapchat as a marketing tool in California for the weapons purchased in Nevada.¹⁰⁷ Nevada is not the only state which dealers have been able to smuggle from easily. Arizona is even more efficient for straw purchasers and continues to pose a problem for California's stricter gun laws.

Although regulating and monitoring illegal firearm marketing on social media alone will not solve this deeply nuanced and complex issue, these virtual spaces currently make the process much more efficient. Especially in California, it is recognized that this method is very popular in the Bay Area and it is a common form of communication for these kinds of transactions.¹⁰⁸ In terms of the details behind the regulation, censorship on social media platforms—as has been observed recently in the case of Facebook and high-level politicians—is difficult to navigate. However, with a specific issue like this, solutions including, but not limited to increased law enforcement social media monitoring and clearer company guidelines can be found that do not violate freedoms of speech and privacy, yet diminish the role that social media currently plays in trafficking.

¹⁰⁶Darwin BondGraham, "California arms traffickers used Snapchat to market illegal weapons," The Guardian, August 22, 2019, <https://www.theguardian.com/us-news/2019/aug/21/snapchat-gun-sales-california>

¹⁰⁷BondGraham, "California."

¹⁰⁸ BondGraham, "California."

Policy Recommendations for Arizona, Texas, and New Mexico

Arizona, Texas, and New Mexico - all sharing a border with Mexico - are home to some of the least comprehensive gun laws in the country. These states, particularly Texas and Arizona, are responsible for the bulk of firearms trafficked into Mexico and the Northern Triangle from the US. With extremely high gun ownership, gun violence, and poorly enforced regulations, ratifying and enforcing extensive gun-sense legislation in Arizona, Texas, and New Mexico will provide the largest marginal gains when it comes to mitigating the US firearm trafficking epidemic. Below, we have outlined policy recommendations for each of these states to cut off the flow of firearms traveling south across the US-Mexico border:

Criminalize the act of straw purchasing

Straw purchasing has been referred to numerous times throughout this article as a major method used by gun traffickers to acquire firearms in the US. If legislation on the national level fails to pass, it is imperative that Texas, Arizona, and New Mexico — all states without felony penalties for straw purchasing — implement legislation specifically targeting straw purchasing penalties, strengthening their existing mandate to stem illegal trafficking activity.

Currently, New Mexico has no laws addressing the issue of straw purchasing. There are two California state laws that could benefit New Mexico in this regard. On the buyer's side, New Mexico should prohibit acquiring a firearm for the purpose of selling, loaning, or transferring it in violation of state law. Despite difficult enforcement at the time of purchase, the law would deter individuals from engaging in straw purchasing: under the circumstance that authorities trace a seized firearm back to an initial straw purchase, the law would allow penalties to be leveled against that purchaser. On the seller's side, New Mexico should prohibit transferring a firearm to someone if there is reasonable suspicion that that person is involved in a straw purchase or will later be transferred illegally. Furthermore, New Mexico should follow Connecticut and Virginia's lead and penalize the solicitation of another individual to acquire a firearm on his or her behalf, even if that solicitation is ultimately unsuccessful. While these laws have proven most effective in their respective states, a big problem lies in the fact that guns can easily be brought in from surrounding states with less restrictive gun laws. Therefore, uniform policies regarding these measures will help anti-trafficking efforts in all states, including New Mexico

In Texas and Arizona, making straw purchasing a felony can help restrict gun trafficking into Mexico and beyond. Straw purchasing is currently a Class A misdemeanor in Texas, with a maximum penalty of \$4,000 or 1 year in prison.¹⁰⁹ Similarly in Arizona, straw purchasing is

¹⁰⁹“Stop Illegal Gun Trafficking in Texas Address Straw Purchases,” Texas Gun Sense, n.d.,

classified as a misdemeanor.¹¹⁰ Changing it to a 3rd degree felony in Texas would put straw trafficking on the same level punishment-wise as similar crimes involving guns, such as possessing a firearm as a felon or committing deadly conduct with a firearm, which come with sentencing of between 2-10 years and a maximum fine of \$10,000. Making straw purchasing a felony in Arizona would make straw purchasing punishable by up to 10 years in prison or as much as \$250,000 in fines.¹¹¹ Moreover, criminalizing straw purchasing can give law enforcement more tools to prosecute and deal with straw traffickers. Levying more serious punishments could potentially increase the deterrence factor of the law and keep straw traffickers at bay for longer. The available data proves this as well: States that do not prosecute straw purchasers have gun export rates to Mexico that are 227 percent of those who do not.¹¹² Relatedly, giving state attorneys the authority to prosecute against firearm traffickers if they can prove that these traffickers are planning on straw purchasing could further enhance the value of stricter punishments.¹¹³

Increasing the severity of straw purchasing penalties or making straw purchasing a federal crime should be used as a method to deter potential traffickers and straw purchasers from exploiting loopholes in our gun-sense framework.

Creating a statewide registry of all firearms

Texas, New Mexico, and Arizona do not require gun owners to register their firearms.^{114 115 116} Maintaining a state registry of firearm purchases would also serve as a bulwark against gun trafficking. When firearms are found at the scene of a crime, law enforcement often fails to glean insights from the evidence, as tracing these weapons to their last legal owner is incredibly challenging. Though the ATF has had the legal jurisdiction to trace crime guns for over 50 years, it does not currently keep a federal registry of all gun sales. Instead, the ATF's

<https://www.txgunsense.org/articles/stop-straw-purchases>

¹¹⁰“US should make straw purchases of guns a felony,” Arizona Daily Star, March 10, 2013,

https://tucson.com/news/opinion/editorial/us-should-make-straw-purchases-of-guns-a-felony/article_a2231c48-d678-5f39-8c45-a0840c27464b.html#:~:text=Arizona's%20state%20laws%20allow%20straw,one%20Republican%20voting%20in%20support.

¹¹¹ Arizona Daily Star, “Felony.”

¹¹²Jessica A. Eby, “Fast and Furious, or Slow and Steady? The Flow of Guns From the United States to Mexico,” UCLA Law Review, 2014, <https://www.uclalawreview.org/pdf/61-4-4.pdf>

¹¹³Texas Gun Sense, “Stop.”

¹¹⁴“Gun Laws: Buying and Transferring,” Texas State Law Library, Accessed June 2, 2021,

<https://guides.sll.texas.gov/gun-laws/buying-transferring>

¹¹⁵Jack Mhkitarian, “What Are the Gun Laws in New Mexico?” New Mexico Criminal Law Offices, June 4, 2019,

<https://newmexicocriminallaw.com/what-are-the-gun-laws-in-new-mexico/>

¹¹⁶“ARIZONA WEAPONS AND FIREARMS LAWS FAQs,” Phoenix.gov, Accessed June 10, 2021,

<https://phoenix.gov/policesite/Documents/088411.pdf>

National Tracing Center is packed with approximately 700 million records, making it extremely difficult for the ATF to trace firearms used to perpetrate crimes.¹¹⁷

Considering the federal inefficiency in this domain, and barring any national legislation being passed in the immediate future, it is important for each of these states to develop a registry system, potentially a digital one. Doing so would expedite law enforcement investigations, and perhaps more relevant to trafficking, would give law enforcement clues into illegal firearm transfers, including straw purchasing. The empirical effect of state-level firearm registration has been well-established: A recent study demonstrated that mandatory registration and gun licensing laws in tandem were negatively associated with gun availability for criminals, even after assessing the impact of potential confounding variables. Specifically, “a mean of 33.7 percent of crime guns were first sold by in-state gun dealers” in cities within states that had implemented both mandatory registration and licensing systems (e.g., New York and Massachusetts) while the figure rose to “72.7 percent in cities that had either registration or licensing and 84.2 percent in cities without registration or licensing,” illustrating that guns sold within states with these specific gun laws were found less often in crime scenes.¹¹⁸

A statewide registry would be beneficial on all fronts, allowing the ATF to trace weapons and hold individuals accountable for trafficking crimes while making it possible for law enforcement to identify unregistered weapons and keep tabs on weapons floating around on the streets

Mandatory background checks on weapons sold by private sellers

Currently, Texas and Arizona do not require private sellers (who are not licensed dealers) to conduct background checks on prospective firearm purchasers.¹¹⁹ ¹²⁰ Requiring mandatory background checks on all gun sales in both of these states will help reduce the number of guns that reach the illegal market by allowing governmental entities to track gun purchases from person to person and prevent straw trafficking, especially from private sellers and gun show sales who currently have no legal obligation to conduct background checks. Approximately 80 percent of all firearms acquired for criminal purposes are obtained from unlicensed sellers, making universal background checks an effective measure that Texas and

¹¹⁷Eric Flack, “Former ATF agent: Current gun tracing system is 'insane',” WUSA9, May 1, 2018, <https://www.wusa9.com/article/news/investigations/former-atf-agent-current-gun-tracing-system-is-insane/65-547682302>

¹¹⁸Daniel Webster, et al., “Relationship between licensing, registration, and other gun sales laws and the source state of crime guns,” *Injury Prevention* 2001; 7: 184-189.

¹¹⁹Giffords, “Texas.”

¹²⁰“Background Check Procedures in Arizona,” Giffords Law Center, February 12, 2021, <https://giffords.org/lawcenter/state-laws/background-check-procedures-in-arizona/>

Arizona can take to reduce the number of firearms falling into the wrong hands and trafficked across the border.¹²¹

This is borne out by the numbers as well: States that do not have universal background checks have export rates to Mexico that are 195 percent of the ones that do.¹²² To complement the effect of state-wide mandatory background checks, Texas and Arizona policymakers could work to bar individuals who cannot legally possess a firearm from lying on federal background checks to obtain one; currently, this is a federal crime, but not a state one, and since federal officials rarely enforce this law, it ends up going unpunished. This could help keep guns out of the hands of people who could potentially be buying them to traffic them across the border. Thankfully, this law has already entered and made progress through the Texas political pipeline. Currently, versions of this bill have passed the Texas State House and the Senate, and as of May 30, 2021, this bill was passed, to go into effect on September 1st of the same year.¹²³ ¹²⁴ Arizona and New Mexico should follow suit.

Compared to Texas and Arizona, New Mexico has more stringent background check laws in place, requiring private sellers to complete the sale of firearms through a federally licensed dealer. To take this a step further, New Mexico should extend background checks to instances in which two persons exchange a firearm without compensation. At the very least, this should be subjected to a formal process— ideally, involving an application to alter an entry in the statewide registry outlined in our first recommendation.

Mandating licensed and unlicensed dealers to conduct background checks on all prospective purchasers is an important step to addressing rampant gun trafficking in the US— helping law enforcement officials vet potential buyers and keep track of potentially suspicious sales that occur on a daily basis. With the vast majority of firearms acquired for criminal purposes coming from unlicensed sellers not required to enforce background checks, this legislation has the potential to stem the flow of weapons traveling south across the US border.

¹²¹ Katherine A. Vittes, et al., “Legal Status and Source of Offenders’ Firearms in States with the Least Stringent Criteria for Gun Ownership,” *Injury Prevention* 19, no. 1 (2013): 26-31.

¹²²Eby, “Fast.”

¹²³Allie Morris, “Texas House passes ‘lie and try’ gun bill prompted by mass shootings in El Paso and Midland-Odessa,” *The Dallas Morning News*, May 14, 2021,

<https://www.dallasnews.com/news/politics/2021/05/14/texas-house-oks-lie-and-try-gun-bill-prompted-by-mass-shootings-in-el-paso-and-midland-odessa/>

¹²⁴“Bill: SB 162,” Texas Legislature,

<https://capitol.texas.gov/BillLookup/History.aspx?LegSess=87R&Bill=SB162>

New Mexico-Specific Policy Recommendations

Stricter gun owner licensing laws

New Mexico currently does not have any laws that enforce gun owner licensing, but strict gun owner licensing can be beneficial as it corrects the loopholes in background checks, implements waiting periods, and leads to less trafficking. Without gun owner licensing, fewer measures and protections are taken to prevent cross-border gun trafficking that leads to violence. These laws, if implemented, could ensure that a person has gone through a background check before purchasing as well as providing extra protection as they often include in-person vetting processes. Additionally, it authorizes a periodic renewal process, which allows states to ensure that gun owners are consistently proving to be eligible and safe gun owners. Furthermore, most renewal processes include checks that make sure gun owners have the proper training for gun ownership (e.g safety training courses). There is a direct correlation between strict licensing laws and gun trafficking across state borders, as “states with strong licensing laws were associated with 76 percent lower rates of guns exported to criminals.”¹²⁵

This can also offset the fact that New Mexico’s current background checks continue to have loopholes that allow trafficking to persist and make the current background checks stricter. This can involve: a background check for all firearm sales and purchases not just from licensed dealers, prohibition of ownership of guns without registration of firearms purchased at non-licensed dealers, and an extra measure that includes restrictions on the transfer of antique firearms for family members.

Stricter gun owner licensing laws should also include waiting periods before purchasing—something that New Mexico’s gun laws currently don’t address. Waiting periods are important because they create more time for licensed firearm sellers to complete background checks. States without waiting periods are more likely to sell before background checks are completed, thereby running the risk of selling guns to people who are prohibited from purchasing firearms. Stricter gun laws could also include a clause that requires different waiting period times depending on the type of gun purchased (i.e. assault weapons would have longer waiting periods than handguns). These waiting periods are crucial because they work to mitigate the likelihood of guns falling into dangerous hands.

¹²⁵“Licensing,” Giffords Law Center, Accessed June 14, 2021, <https://giffords.org/lawcenter/gun-laws/policy-areas/owner-responsibilities/licensing/>

Lost and Stolen Firearm Reporting

New Mexico does not require firearms owners or dealers to report the loss or theft of a firearm. One large issue with stemming the flow of guns into Mexico and the Northern Triangle is that the ATF cannot fully trace over half of the guns seized in Mexico that originated from the United States.¹²⁶ A requirement that individuals and dealers report loss or theft of firearms would make the tracing and recovery of firearms easier for officials, allowing more data to be collected on gun trafficking and informing officials of where to focus their anti-trafficking efforts. Mandatory and stolen firearms reporting would decrease the theft of firearms if individuals knew that their theft would be forced to be reported.

Arizona-specific Policy Recommendations

Stricter scrutiny of individuals traveling from Arizona to Mexico

Border Patrol checkpoints should be opened to south-bound individuals and checked more frequently for smuggled guns. US Border Patrol operates 71 checkpoints throughout the United States, with 31 being permanent. Although these checkpoints are intended to deter smuggling activities, it is mainly focusing on people coming *from* Mexico or any southmost part of the US traveling north. Arizona is home to 11 checkpoints, where, legally, Border Patrol agents are allowed to request residence status and complete a vehicle inspection.¹²⁷ Arizona should open these checkpoints to individuals traveling *towards* Mexico to check for possibly smuggled or unregistered firearms, utilizing the statewide firearm registry noted in the policy recommendation below. From 2010 through 2018, Arizona had a rate of 35.9 crime gun exports for every 100,000 people—58 percent higher than the national average. Border patrol agents have been effective in stopping the entry of trafficked items into the state of Arizona. Because the routes used for gun trafficking are typically the same for other trafficked items, like drugs, cracking down on gun trafficking will inevitably reduce drug and human trafficking as well.¹²⁸ Vehicle scanning technology being used to curtail the drug trade can be made useful in detecting trafficked weapons as well.¹²⁹

¹²⁶GAO, “U.S.”

¹²⁷Eric Price, “US BORDER PATROL & ICE IMMIGRATION CHECKPOINTS EXPLAINED,” Attorney—Eric Price, June 29, 2020, <https://abogadoericprice.com/en/border-patrol-ice-immigration-checkpoints/>

¹²⁸Kold News 13 Staff, “Border agents find drugs, gun following checkpoint canine alert,” Kold News 13, May 2, 2021, <https://www.kold.com/2021/05/02/border-agents-find-drugs-gun-following-checkpoint-canine-alert/>

¹²⁹Leandra Bernstein, “Vehicle scanning technology at the border is about to ruin the drug trade,” NBC Montana, August 29, 2019, <https://nbcmontana.com/news/nation-world/vehicle-scanning-technology-at-the-border-is-about-to-ruin-the-drug-trade>