

ISSUE BRIEF: THE MOVEMENT OF ILLEGAL GUNS ACROSS THE U.S.-MEXICO BORDER

A REPORT BY MAYORS AGAINST ILLEGAL GUNS

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SUMMARY

In recent years, the escalating drug cartel violence in Mexico has claimed tens of thousands of lives, fueled in part by thousands of guns illegally trafficked from the United States. In fact, 90% of guns recovered and traced from Mexican crime scenes originated from gun dealers in the United States.¹ This report relies primarily on previously unreleased trace data provided by Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) to Mayors Against Illegal Guns to describe which states are the predominant suppliers of those guns recovered and traced in Mexico.² This new data shows that four in ten of the U.S. guns recovered in Mexico between 2006 and 2009 were originally sold by gun dealers in Texas. The three other states that share a border with Mexico – Arizona, California, and New Mexico – were the source for another one-third of the U.S. guns. To better understand the flow of guns into Mexico, this report also studies the rate at which states supply Mexican crime guns by controlling for population. When using this control, gun dealers in Arizona, New Mexico, and Texas each supply crime guns to Mexico at rates at least 169% greater than any other state and at a rate more than three times as high as the fourth border state, California. In addition to proximity to the border, relatively lax gun laws in Arizona, New Mexico, and Texas may contribute to that disparity. Additionally, the time between the original sale of guns at U.S. gun dealers and the recovery of those guns at Mexican crime scenes is decreasing – a sign of ever more sophisticated gun trafficking.

THE MEXICAN DRUG WAR

Since 2006, more than 23,000 people have been killed as a result of drug cartel violence in Mexico.³ An estimated 8-10% of those killed in Mexico’s drug war are police, military, security officers, or other public officials.⁴ That violence has impacted the United States in several ways. Between 2004 and 2008, 200 U.S. citizens were killed inside Mexico, an average of nearly one per week.⁵ And, according to ATF, drug cartel activity has affected over 200 U.S. cities.⁶

U.S. GUNS CONTRIBUTE TO THE VIOLENCE

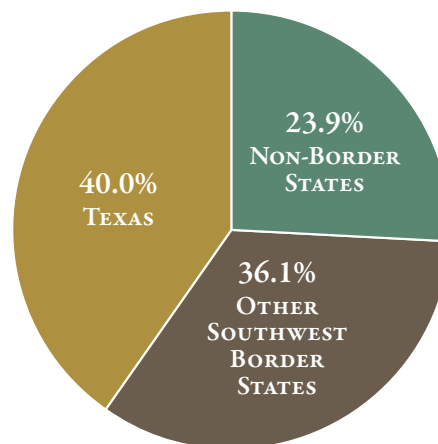
Although the vast majority of the guns used in these drug wars enter Mexico illegally with no paper trail, many of their sources can be identified.⁷ When a gun is found at a crime scene, Mexican law enforcement or military agencies can request that ATF “trace” the guns. The tracing system, which has been a key law enforcement tool within the U.S. for decades, uses a gun’s serial number to try to identify where and by whom the crime gun was originally purchased by locating the first dealer to sell the gun at retail.⁸ The resulting crime gun trace data not only helps with ongoing criminal investigations but also, in the aggregate, identifies which states are the top sources of guns recovered in Mexican crimes. Though Mexican law enforcement does not submit all recovered crime guns for tracing, over the past four years it has substantially increased its trace requests.⁹ Since 2006, 90% of the Mexican crime guns submitted for tracing originated from gun dealers in the United States.¹⁰

New trace data provided by ATF to Mayors Against Illegal Guns show that from 2006 to 2009, nearly 19,000 traced crime guns were originally sold in the U.S. and recovered and traced to Mexican crimes. The raw number of these guns increased from 1,200 guns in 2006 to 5,194 guns in 2009, and the 2009 total is expected to increase as Mexico continues to submit recently recovered crime guns for tracing.

Three out of four crime guns recovered in Mexican crimes and submitted for tracing were originally sold in a Southwest border state. In 2009, 40.0% of the Mexican crime guns that were traced to the U.S. were originally sold in Texas,¹¹ 36.1% were originally sold in other Southwest border states (Arizona, New Mexico, California), and 23.9% were originally sold in non-border states.

While the Southwest border states supply the majority of U.S. guns recovered in Mexican crimes, these guns are trafficked from non-border states as well. Over the past four years, eight states – Texas, California,

U.S. GUNS RECOVERED IN MEXICAN CRIMES BY SOURCE STATE IN 2009



Arizona, Florida, New Mexico, Colorado, Illinois, and Oklahoma – appear on the top ten list of sources of crime guns recovered in Mexico in all four years. These states are highlighted in red below.

Top Ten Sources of Traced U.S. Guns Recovered in Mexican Crimes							
2009		2008		2007		2006	
Source State	Number of Crime Guns	Source State	Number of Crime Guns	Source State	Number of Crime Guns	Source State	Number of Crime Guns
1. Texas	2,076	1. Texas	3,126	1. Texas	1,946	1. Texas	491
2. California	1,011	2. California	1,618	2. California	832	2. California	225
3. Arizona	690	3. Arizona	1,012	3. Arizona	406	3. Arizona	125
4. New Mexico	173	4. Florida	191	4. Florida	119	4. Florida	42
5. Florida	113	5. New Mexico	174	5. Washington	97	5. New Mexico	24
6. Colorado	100	6. Illinois	149	6. New Mexico	79	6. Colorado	21
7. Oklahoma	90	7. Colorado	137	7. Colorado	77	7. Illinois	19
8. Illinois	84	8. Washington	129	8. Illinois	76	8. Oklahoma	19
9. Nevada	56	9. Oklahoma	116	9. Oklahoma	68	9. N. Carolina	15
10. N. Carolina	56	10. Nevada	108	10. Georgia	58	10. Washington	15
Total U.S. Guns Recovered in Mexico From Top Ten Source States	4,449	Total U.S. Guns Recovered in Mexico From Top Ten Source States	6,760	Total U.S. Guns Recovered in Mexico From Top Ten Source States	3,758	Total U.S. Guns Recovered in Mexico From Top Ten Source States	996
Percent of U.S. Guns Recovered in Mexico From Top Ten Source States	85.7%	Percent of U.S. Guns Recovered in Mexico From Top Ten Source States	84.2%	Percent of U.S. Guns Recovered in Mexico From Top Ten Source States	84.6%	Percent of U.S. Guns Recovered in Mexico From Top Ten Source States	83.0%

THREE BORDER STATES “EXPORT” CRIME GUNS AT MUCH HIGHER RATES

The figures on the previous page may not tell the whole story, because states with larger populations are expected to be the source of larger numbers of Mexican crime guns. Therefore, to identify which states are a source of a disproportionately large number of Mexican crime guns, this report controls for population. Using population as a control makes it possible to determine the rate at which states supply or “export” guns that are recovered in Mexican crimes.

While proximity to the border appears to be a major factor affecting which states are top sources, controlling for population reveals that even among the Southwest border states, certain states export crime guns to Mexico at disproportionately higher rates. Three of the border states – Arizona, New Mexico, and Texas – each have export rates at least 169% greater than any other state and more than three times as high as the fourth border state, California.

These differences in export rates to Mexico among the four border states may reflect differences in the way those states regulate guns: California, which has the lowest export rate, has adopted several regulations that Arizona, New Mexico and Texas have not.¹² ATF agents have said that Arizona’s and Texas’ laws make it easy to buy guns for smuggling to the cartels, while California’s do not.¹³ Similarly, a December 2008 report from Mayors Against Illegal Guns found that five types of state laws were associated with lower rates at which a state exported crime guns to other states.¹⁴ California has four of those laws: requiring background checks for all handgun sales at gun shows, requiring purchase permits in advance of handgun sales, allowing local jurisdictions to regulate firearms, and allowing inspection of gun

dealers.¹⁵ None of the other three border states, in contrast, had enacted any of the laws that were associated with lower crime gun export rates, and they have not enacted any of those laws since that report was published.¹⁶ Similarly, other studies have concluded that California’s laws designed to deter illegal gun trafficking are more rigorous than those of Arizona, New Mexico, or Texas.¹⁷

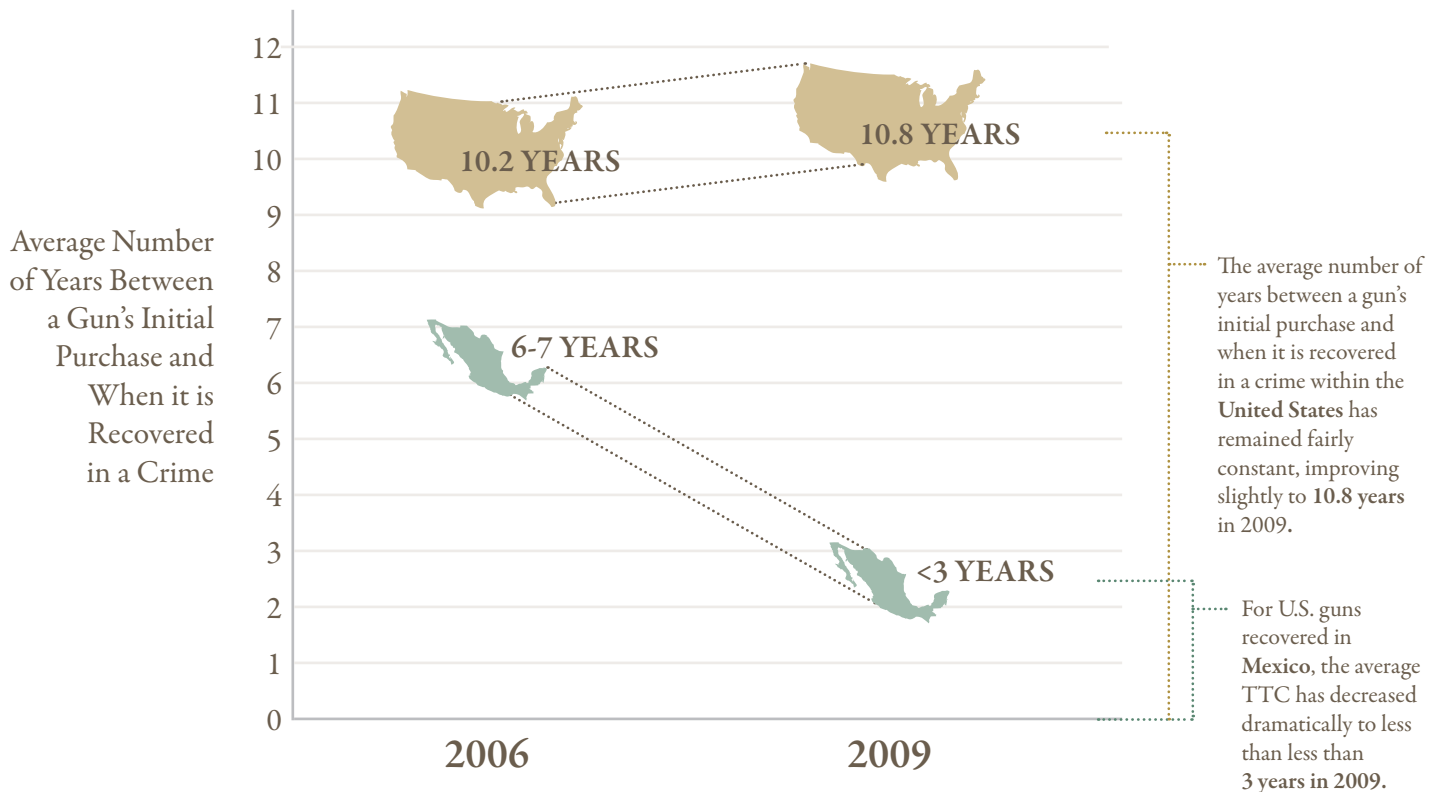
2009 Export Rates to Mexico (Highest to Lowest)			
Source State	Crime Guns Exported Per 100,000 Inhabitants	Source State	Crime Guns Exported Per 100,000 Inhabitants
Arizona	10.5	Georgia	0.5
New Mexico	8.6	South Dakota	0.5
Texas	8.4	Kentucky	0.5
Wyoming	3.1	Minnesota	0.4
California	2.7	Iowa	0.4
Oklahoma	2.4	Connecticut	0.3
Nevada	2.1	Tennessee	0.3
Colorado	2.0	Delaware	0.3
Idaho	1.7	Virginia	0.3
National Avg.	1.7	Wisconsin	0.3
Kansas	1.5	West Virginia	0.3
Nebraska	1.2	Michigan	0.3
Oregon	1.1	Maine	0.3
Alaska	1.0	New Hampshire	0.3
Arkansas	1.0	Missouri	0.3
Louisiana	0.9	South Carolina	0.3
Utah	0.8	Pennsylvania	0.2
Montana	0.8	Hawaii	0.2
Washington	0.8	Ohio	0.2
Alabama	0.7	Rhode Island	0.2
Illinois	0.7	Vermont	0.2
North Dakota	0.6	New York	0.1
Florida	0.6	Massachusetts	0.1
North Carolina	0.6	New Jersey	0.0
Mississippi	0.6	District of Columbia	0.0
Indiana	0.6	Maryland	0.0

A GUN'S "TIME-TO-CRIME": A KEY INDICATOR OF ILLEGAL TRAFFICKING

While export rates identify which states supply crime guns to Mexico at the highest rates, Time-to-Crime, or "TTC," measures the time between a gun's initial retail sale and its recovery in a crime. According to ATF, a TTC of less than two years is a key indicator of illegal gun trafficking.¹⁸ The shorter the TTC, the more likely it is that a crime gun was illegally trafficked.

According to recent press accounts relying on ATF trace data, the average TTC of Mexican crime guns is dropping dramatically, suggesting that U.S. gun trafficking to Mexico is increasing. Today, the average TTC for crime guns recovered in Mexico is less than three years, which is more than a 50% decrease since 2006.¹⁹ This compares with the 2009 average TTC for crime guns recovered in the U.S. of 10.8 years, which has increased 5.9% since 2006.²⁰

A COMPARISON OF THE TIME-TO-CRIME IN THE UNITED STATES AND MEXICO IN 2006 AND 2009



METHODOLOGICAL CONSIDERATIONS

The data analyzed in this report was provided by ATF to Mayors Against Illegal Guns on March 4, 2010. Until 2007, this data was not available because Congress had implemented restrictions, known as the “Tiahrt Amendments,” which prohibited ATF from releasing crime gun trace data. However, in 2007 and 2009, after national campaigns by Mayors Against Illegal Guns and over 30 police organizations, Congress relaxed these restrictions on sharing crime gun trace data. Although there are still significant restrictions on the use of ATF crime gun trace data, the recent reforms allowed ATF to

provide the data set that is the basis for this report to Mayors Against Illegal Guns.

In addition, it is important to note that although trace data is the best available information for evaluating gun trafficking patterns, there are limitations to this data. Specifically, traced firearms do not represent all crime guns, as not all guns used in crimes are recovered, and not every recovered crime gun is traced. In addition, not all efforts to trace guns are successful. ATF cannot trace guns that were neither manufactured in nor imported through the U.S., but that affects only a small share of guns submitted from Mexico.²¹

ENDNOTES

¹ U.S. Government Accountability Office, Firearms Trafficking: U.S. Efforts to Combat Arms Trafficking to Mexico Face Planning and Coordination Challenges, GAO-09-709 (June 18, 2009), available at: <http://www.gao.gov/new.items/d09709.pdf>. According to this report, between 2004 and 2008, 87% of guns recovered and traced from Mexican crime scene crimes were originally sold by U.S. gun dealers; between 2006 and 2008, the proportion is more than 90%. *Id.* This report relies on the metric for the number of guns recovered and traced between 2006 and 2008 because it is more consistent with the time period of trace data analyzed in this report. See also William Newell, Special Agent in Charge, Phoenix Field Division, ATF, Statement before the United States House of Representatives Committee on Appropriations, Subcommittee on Commerce, Justice, Science and Related Agencies, March 24, 2009.

² The data analyzed in this report was provided by ATF to Mayors Against Illegal Guns on March 4, 2010.

³ William Booth, Mexico’s deadly drug violence claims hundreds of lives in past 5 days, Washington Post (June 16, 2010), available at <http://www.washingtonpost.com/wp-dyn/content/article/2010/06/15/AR2010061503174.html>. In June 2010, a grisly record was set when 85 people died in drug related violence in a single 24-hour period. *Id.*

⁴ William Hoover and Anthony P. Placido, Statement to the U.S. Senate Committee on the Judiciary, Subcommittee on Crime and Drugs, Law Enforcement Responses to Mexican Drug Cartels, (March 17, 2009). ATF Agents Hoover and Placido testified that 10 percent of those killed in 2007 and in early 2009, as well as 8 percent of those killed in 2008 had been police, military, security officers, or other public officials. *Id.* Based on this U.S. government estimate, there may have been about 2,000 police, military, security officers, or other public officials killed in Mexico’s drug war so far.

⁵ Lise Olsen, Caught in the Chaos: More than 200 U.S. citizens killed in Mexico since ’04, Houston Chronicle (February 8, 2009). This statistic is accurate through early 2009, when the article was published.

⁶ U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement Press Release, Border Contraband Seizures Soar as DHS, ATF Hold Summit in San Diego, November 3, 2009, available at <http://www.ice.gov/pi/nr/0911/091103sandiego.htm>. As a result, ATF has concentrated their investigation efforts along the Southwest border with Mexico. From Fiscal Year 2004 through February 2010, ATF referred 795 cases involving 1,658 defendants and 12,800 trafficked guns. See Hoover and Placido Statement, *supra* note 4.

⁷ See Firearms Trafficking: U.S. Efforts to Combat Arms Trafficking to Mexico Face Planning and Coordination Challenges, *supra* note 1.

⁸ See e.g., U.S. Department of the Treasury, Bureau of Alcohol, Tobacco & Firearms, Commerce in Firearms in the United States (February 2000), available at <http://permanent.access.gpo.gov/lps4006/020400report.pdf>.

⁹ According to ATF, the number of guns submitted for tracing by Mexican authorities increased from 3,312 in FY 2007 to 7,743 in FY 2008. See Newell Statement, *supra* note 1.

¹⁰ Firearms Trafficking: U.S. Efforts to Combat Arms Trafficking to Mexico Face Planning and Coordination Challenges, *supra* note 1.

¹¹ In fact, in 2009 Texas supplied 2,076 guns recovered at crime scenes in Mexico, nearly as many as the 2,240 guns it supplied to the rest of the United States, and in 2008, Texas supplied 3,126 guns to Mexico, 28% more guns than the 2,450 guns it supplied to the rest of the United States.

¹² Mayors Against Illegal Guns, The Movement of Illegal Guns in America (December 2008), available at http://www.mayorsagainstilllegalguns.org/downloads/pdf/trace_report_final.pdf.

¹³ Leslie Berestein et al., Cartels’ Guns Flow From U.S.: Smugglers take advantage of some states’ looser laws, San Diego Union-Tribune (March 25, 2009) (quoting an ATF spokesman who says that in Arizona and Texas, smugglers “can purchase guns in bulk more easily” and describes California as a “transit point” rather than a major source in its own right).

¹⁴ The Movement of Illegal Guns in America, *supra* note 12. The five laws analyzed in this report are: requiring background checks for all handgun sales at gun shows, requiring purchase permits in advance of handgun sales, requiring gun owners to report lost or stolen guns, allowing local jurisdictions to regulate firearms, and allowing inspection of gun dealers.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Jon S. Vernick et al., Regulation of Firearm Dealers in the United States: An Analysis of State Law and Opportunities for Improvement, 34 J. L. Med. & Ethics 765 (2006). Legal Community Against Violence, similarly, ranked states based on the strength of their gun laws and deemed California’s the strongest in the nation. Arizona was ranked as having the weakest laws in the country while Texas and New Mexico had, respectively, the nineteenth and forty-fifth strongest gun laws in the U.S. Legal Community Against Violence, Gun Laws Matter: A Comparison of State Firearms Laws and Statistics (July 2010), available at http://www.lcav.org/Gun_Laws_Matter/Gun_Laws_Matter_Brochure.pdf.

¹⁸ ATF Press Release, ATF Shares 2008 NY State Crime Gun Data, Bureau of Alcohol, Tobacco, Firearms, and Explosives, July 8, 2009, available at <http://www.atf.gov/press/releases/2009/07/070809-ny-atf-shares-trace-data.html>.

¹⁹ Michael Isikoff, Is the Flow of U.S. Weapons to Mexican Drug Cartels Increasing Under Obama?, Newsweek (May 17, 2010). Federal indictments confirm how quickly American guns can be used in shootouts in Mexico, including a 2008 case where guns were used in a deadly shooting in Mexico less than a month after their initial purchase in Texas. Daniel Borunda, ATF: Juarez hit men using El Paso weapons in drug war, Las Cruces Sun-News (May 22, 2008).

²⁰ ATF Office of Strategic Intelligence and Information, available at <http://www.atf.gov/statistics/download/trace-data/2009/2009-trace-data-virginia.pdf> and <http://www.atf.gov/statistics/download/trace-data/2006/2006-trace-data-virginia.pdf>.

²¹ See Firearms Trafficking: U.S. Efforts to Combat Arms Trafficking to Mexico Face Planning and Coordination Challenges, *supra* note 1.