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# MEXICO'S FEDERAL LAW OF FIREARMS AND EXPLOSIVES

By David B. Kopel\*

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## Introduction

In recent years, gun control has become an important international issue. For example, some persons have claimed that the gun laws in the United States are responsible for the many homicides perpetrated in Mexico's drug war.<sup>1</sup> The Organization of American States has proposed a gun control treaty for the western hemisphere, which President Obama has urged the U.S. Senate to ratify.<sup>2</sup> Currently, the United Nations General Assembly is drafting an international Arms Trade Treaty.<sup>3</sup> In contrast to the Bush Administration, the Obama Administration has announced its support for the treaty.

Accordingly, scholars, policy-makers, and concerned citizens around the world are seeking to better understand the gun control laws in different nations. And of course Americans, who often visit Mexico, have an especially important need to understand Mexico's laws.<sup>4</sup>

Although Mexico, like the United States and Switzerland, has a federal system of government, gun control laws in Mexico are set by the national government.

Part I of this Article is an English translation of the Mexican Constitution's guarantee of the right to arms, as well as predecessor versions of the constitutional guarantee.

Part II explains the operation of Mexico's gun control system, and provides some historical and statistical information about gun ownership in Mexico, and gun smuggling.

## I. Constitution of Mexico

Like some other nations in the region,<sup>5</sup> Mexico in its constitution guarantees the personal right to arms:

Article 10. The inhabitants of the United Mexican States have a right to arms in their homes, for security and legitimate defense, with the exception of arms prohibited by federal law and those reserved for the exclusive use of the Army, Navy, Air Force, and National Guard. Federal law will determine the cases, conditions, requirements, and places in which the carrying of arms will be authorized to the inhabitants.<sup>6</sup>

The above language is a revision of the 1917 Constitution, which stated:

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This article is a condensed version of an article by David B. Kopel, with translation assistance from Angelica Tovar-Hastings (Denver University, Sturm College of Law, J.D. 2010. LL.M., 2011), which can be found here: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1588296](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1588296). The full version of the article includes an English translation of Mexico's gun control statute.

Article 10: The inhabitants of the United Mexican States are entitled to have arms of any kind in their possession for their protection and legitimate defense, except such as are expressly forbidden by law, or which the nation may reserve for the exclusive use of the army, navy, or national guard; but they may not carry arms within inhabited places without complying with police regulations.<sup>7</sup>

The current version replaced "are entitled" with "have a right," but the right is now limited to the home.

In the 1857 Constitution, there was an explicit right to carry:

Article 10: Every man has the right to have and to carry arms for his security and legitimate defense. The law will indicate which arms are prohibited and the penalty for those that will carry prohibited arms.<sup>8</sup>

The later versions, besides eliminating the right to carry, phrased the right in gender-neutral language.

## II. Mexican Federal Law of Firearms and Explosives

### A. Background and Summary of the Law

In the middle of the twentieth century, Mexico was a popular hunting destination for Americans, and Mexican hunters invented a new shooting sport. "Silhouette shooting"—shooting at metal silhouette targets in the shape of game animals—originated in Mexico in the early 1950s. Mexican hunters were looking for ways to sharpen their eyes between hunting seasons, and so began shooting at live animals which had been placed on a high ridgeline, visible in silhouette from hundreds of yards away. Whoever shot the animal would win a prize. American hunters near the Mexican border—most notably the Tucson Rifle Club—adopted the sport, but used life-sized metal targets instead—hence the sport's name of *Siluetas Metalicas*.<sup>9</sup>

In Mexico as in the United States, civil unrest in 1968 led to important new restrictions on firearms. Before then, many types of rifles, shotguns and handguns were freely available. Anti-government student movements, however, scared the government into closing firearms stores, and registering all weapons. The rate of compliance with the registration has been very low.

The most important gun laws are contained in the Federal Law of Firearms and Explosives (*Ley Federal de Armas de Fuego y Explosivos*). The law establishes a Federal Arms Registry controlled by the Ministry of National Defense.

### 1. Types of Guns

Article Two of the Federal Law of Firearms allows possession and carrying of handguns (*pistolas*) in calibers of .380 or less, although some calibers are excluded, most notably .357 magnum and 9mm parabellum. Shotguns (*escopetas*) are permitted in 12 gauge or smaller. Rifles (same word in English and Spanish) are also permitted, in .30 caliber or smaller.

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## 2. The Permitting System

Gun permits, for a one-year term, are issued by the military department of defense, SEDENA (*Secretaría de la Defensa Nacional*). The SEDENA subdivision in charge of gun licensing is the *Dirección General del Registro Federal de Armas de Fuego y Control de Explosivos*.<sup>10</sup> In Mexico, the military plays a leading role in domestic law enforcement.

An applicant must belong to a shooting club in order to obtain a permit. If he does, it is straightforward to obtain a permit to own one handgun for home protection.

A person may, in theory, obtain a permit for up to 10 firearms. All guns must be registered with the Ministry of National Defense within 30 days of acquisition. Licensees may only buy ammunition for the caliber of gun for which they are licensed.

To apply for a permit, a person must go to the nearest military base. The military is legally required to issue or reject a license within 50 days of the application. A license applicant must be at least 18 years old, must have fulfilled any obligation of military service, must have the physical and mental capacity to use firearms safely, have no criminal convictions involving firearms, must not be a consumer of drugs, and must have an “upright” way of life.

There is only one firearms store, UCAM (*Unidad de Comercialización de Armamento y Municiones*). It is owned and operated by the military, and located in Mexico City.

Private sales of long guns are legal, but the buyer must register the gun within 30 days with the military’s arms registry.

By police fiat, possession of firearms above .22 caliber is severely restricted.

A separate license is necessary for the transportation of firearms. Guns in transit must be unloaded and contained in a case.

A special permit for collectors allows the possession of more guns, including military-caliber firearms. The military police frequently inspect gun collectors, to ensure that the arms are stored so as to prevent theft.

The grounds for issuing a carry permit are: a need due to occupation or employment; special circumstances related to one’s place of residence; or other reasonable grounds. A carry permit applicant must also post a bond, and must supply five character references. Farmers and other rural workers are allowed (in theory at least) to carry legal handguns, .22 caliber rifles, and shotguns, as long as they stay outside of urban areas, and obtain a carry license.

But in practice, carry licenses are restricted to the wealthy and the politically connected.<sup>11</sup> In a nation of 105 million people, there are only 4,300 carry licenses.

Temporary gun licenses for sporting purposes may be issued to tourists by Mexican Embassies or Consulates. Mexican law provides penalties of 5 to 30 years in prison for tourists who attempt to bring a firearm, or even a single round of ammunition, into Mexico without prior permission. In the past, the law was enforced stringently, even in cases where the violation was accidental, such as a Texan who drove across the border for dinner, and forgot that there was some ammunition

in his car.<sup>12</sup> In December 1998, however, the Mexican Congress enacted legislation relaxing the law for first-time, unintentional violations involving only a single gun. Now, first-timers will be fined \$1,000, but not imprisoned. The exemption does not apply for military weapons or prohibited calibers.

In Mexico, there are no shooting ranges open to the general public. Nor is there any public land for hunting. As a result, the only persons who can hunt are those who can afford to pay an outfitter, or are friends with a landowner.

The *Small Arms Survey*, an international gun control think tank based in Geneva, estimates that there are about 15,500,000 total firearms in civilian hands in Mexico,<sup>13</sup> but acknowledges that the size of the civilian gun stock is very murky.<sup>14</sup> About 5,000,000 guns are legally registered.

### B. The Cross-Border Trade in Arms

Like the Fourth of July, Cinco de Mayo is closely connected to American guns. The French Emperor Napoleon III, after assuming dictatorial powers in France, began looking for more nations to rule, and so in 1862, he invaded Mexico. Although defeated at the Battle of Puebla on May 5, he eventually deposed Mexico’s President Benito Juárez. Napoleon III proclaimed the Austrian prince Maximilian von Habsburg as Emperor of Mexico. In northern Mexico, Juárez gathered an army of resistance. The United States was a crucial source of arms for the Mexican nationalists. They procured one thousand .44 caliber short rifles (Winchester Model 1866 carbines), as well as 500 rounds of ammunition for every gun. Inscribed with the initials “R.M.” (República de México), the Winchesters are now valuable collector items. They helped the Mexican people win the war, remove the puppet government of Napoleon III, and re-establish the Mexican republic. The victory is commemorated every year on the fifth of May.

Today, however, some American guns play a harmful role in Mexico. The United States government is currently providing extensive assistance to the Mexican government to help Mexico deal with the problem of violent *narcotraficantes*. At present, Mexico suffers from a tremendous homicide problem, resulting from Mexican President Felipe Calderón’s escalation of the drug war. From 2007 to 2008, drug war homicides rose over one hundred percent, to 5,612.<sup>15</sup> While most of the fatalities are the *narcotraficantes* themselves—killed by the police or by gang rivals—innocent civilians and police have also been killed. As a Congressional Research Service report explained: “[T]he government’s crackdown, as well as turf wars among rival DTOs [drug trafficking organizations], has fueled an escalation in violence throughout the country, including states along the U.S.-Mexico border.”<sup>16</sup>

During the Clinton Administration, the U.S. Bureau of Alcohol, Tobacco, and Firearms (BATF) initiated a program called Operation Forward Trace.<sup>17</sup> United States law requires that licensed firearms dealers keep registration forms (Federal Form 4473) of their customers. Especially targeting gun buyers with Hispanic names, BATF examined the 4473 forms for federally-licensed firearms dealers in southwestern states, and then investigated the customers. BATF paid particular attention to customers who had purchased self-loading rifles or low-cost handguns. (In late 2001, the Bureau’s name was

changed to the Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATFE).)

A few months after George W. Bush became President, the Mexican and American Attorneys General unveiled a joint program under which Mexican law enforcement officials could ask the BATFE to conduct computerized traces of guns that had been seized by Mexican law enforcement. That program is now known as “Project Gunrunner,” and is operated by American law enforcement officials in Mexico and in American border states.<sup>18</sup>

Project Gunrunner has become part of the Mérida Initiative, by which the U.S. government provides extensive financial support to law enforcement organizations in the Central America, with the bulk of the funds going to Mexico. Most of the Mérida money is used to purchase equipment.

Another cooperative Mexican-American project is operation Armas Cruzadas, in which several American law enforcement agencies<sup>19</sup> work with their Mexican counterparts to interdict arms smugglers. In addition, United States anti-drug programs are also tasked with preventing gun-running into Mexico.<sup>20</sup>

One more anti-smuggling program is a joint effort of the federal BATFE and the National Shooting Sports Foundation (the trade association for the American firearms industry). “Don’t Lie for the Other Guy” trains firearms store owners and employees how to spot “straw purchasers.” A straw purchaser is someone with a clean record who can legally buy guns, but who is illegally buying the gun on behalf of an ineligible person—such as a boyfriend with a felony conviction, or an arms smuggler.<sup>21</sup>

### C. *The Supply of Illegal Guns in Mexico*

An oft-repeated claim is that 90% of Mexican crime guns come from the United States. The more accurate statement would be that the Mexican police choose to give a selected minority of seized firearms to the United States BATFE offices in Mexico, and of those guns that are turned over the BATFE, a high percentage are traced to the United States, in the sense that the guns were at one point manufactured or sold in the United States.<sup>22</sup> This does not mean that the guns were necessarily sold in the civilian United States market; for example, a gun might have been lawfully sold to a Mexican police agency and then stolen. Or the gun might have been manufactured for U.S. Army use during the Vietnam War, later captured by the communist government which currently rules Vietnam, and then exported on the international black market.

One reason that a Mexican crime gun would not be turned over to the BATFE for tracing is that the gun has no manufacturer mark or serial numbers, so a trace would be impossible. Under long-standing U.S. law, any firearm manufactured in the United States for sale must have a serial number and manufacturer mark. However, in China, the firearms manufacturing companies (which are run by former military officers, and function as a profit center for the People’s Liberation Army and its business network) have produced many guns with no markings at all, or with only a simple country identification but no serial number or manufacturer name. These guns show up in very large quantities in the international

black market, which supplies warlords, dictators, drug gangs, and other international rogues.

Sometimes, the Mexican government itself refuses to allow BATFE to trace guns. In 2008, Mexican police in Reynosa, a border town near the southern tip of Texas, made the largest weapons seizure in Mexican history: 288 “assault rifles,” 428,000 rounds of ammunition, 287 grenades, and a grenade launcher.<sup>23</sup> BATFE asked to see the serial numbers on the guns in order to trace them; the Mexican government refused.<sup>24</sup>

At other times, an initial trace may be successful, but further investigation is thwarted. February 15, 2007, was “Black Thursday” in Mexico—the day that drug gangsters in central Mexico murdered four law enforcement officers.

BATFE traced the murder weapons to a gun store in Laredo, Texas, and found the man who had purchased the guns. He asserted that he had sold them to a total stranger whom he met at a shooting range. While BATFE wanted to investigate further and discover the trafficking network that had delivered the guns to the murderers, the Mexican government blocked the investigation. According to the *San Antonio Express-News*:

[T]he ATF wouldn’t get much from their Mexican counterparts, who imposed an almost total information blackout about the arrests of 14 suspects, including the alleged shooters. Not even the four widows know what happened to their husbands’ alleged killers. The mystery extends to local journalists and municipal police, who are told only the arrested are still in prison but not tried. And, federal authorities have so far refused Express-News interview requests to discuss the case.

The ATF’s Elias Bazan, who oversaw the Laredo office at the time, said Mexico’s investigators squandered an opportunity to provide the results of their interrogations and any evidence, outside of the guns’ serial numbers, that would point to how the weapons were smuggled from the Laredo side.

“We don’t have anything from the Mexican government, so we’re screwed,” Bazan said of his Laredo investigation, which was shut down as a result.<sup>25</sup>

It seems apparent that some narcos have smuggling networks which are protected by corrupt Mexican government officials.

The evidence also indicates that there are major weapons sources unrelated to the United States civilian market. In 2007-08, the Mexican government confiscated almost two thousand hand grenades—weapons which are certainly not sold at U.S. gun stores or gun shows. Also seized by the Mexican government were rocket-propelled grenade launchers, rocket launchers, and anti-tank weapons—all of them arms which appear to have been diverted from military stocks, and none of which can be bought in American stores.<sup>26</sup>

After investigating the Mexican black market in arms, reporters William La Jeunesse and Maxim Lott summarized the sources of narco weapons:

—The Black Market. Mexico is a virtual arms bazaar, with fragmentation grenades from South Korea, AK-47s from China, and shoulder-fired rocket launchers from Spain, Israel, and former Soviet bloc manufacturers.



—Russian crime organizations. Interpol says Russian Mafia groups such as Poldolskaya and Moscow-based Solntsevskaya are actively trafficking drugs and arms in Mexico.

—South America. During the late 1990s, the Revolutionary Armed Forces of Colombia (FARC) established a clandestine arms smuggling and drug trafficking partnership with the Tijuana cartel, according to the Federal Research Division report from the Library of Congress.

—Asia. According to a 2006 Amnesty International Report, China has provided arms to countries in Asia, Africa, and Latin America. Chinese assault weapons and Korean explosives have been recovered in Mexico.

—The Mexican Army. More than 150,000 soldiers deserted in the last six years, according to Mexican Congressman Robert Badillo. Many took their weapons with them, including the standard issue M-16 assault rifle made in Belgium.

—Guatemala. U.S. intelligence agencies say traffickers move immigrants, stolen cars, guns, and drugs, including most of America's cocaine, along the porous Mexican-Guatemalan border. On March 27, *La Hora*, a Guatemalan newspaper, reported that police seized 500 grenades and a load of AK-47s on the border. Police say the cache was transported by a Mexican drug cartel operating out of Ixcán, a border town.<sup>27</sup>

Professor George W. Grayson, author of the book *Mexico's Struggle with "Drugs and Thugs"* calls the 90% factoid a "wildly exaggerated percentage," which is being pushed by President Calderón for purposes of domestic Mexican politics.<sup>28</sup>

In any case, the profits of the Mexican drug cartels are estimated to be twenty-five billion dollars a year—or about two percent of Mexico's gross domestic product.<sup>29</sup> The Mexican government estimates that the gross revenues of weapons trafficking into Mexico are twenty-two million dollars per year.<sup>30</sup> In other words, weapons acquisition costs the drug cartels only about one percent of annual profits, and a tiny fraction of gross revenues. Accordingly, the cartels appear to have substantial extra revenue to spend on buying weapons, should law enforcement successes result in an increase in the black market price of arms.

For the full article, visit SSRN: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1588296](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1588296).

## Endnotes

1 *E.g.*, Stephen Dinan, *Obama Blames U.S. Guns in Mexico*, WASH. TIMES, Apr. 17, 2009.

2 The treaty is commonly known as "CIFTA," for its Spanish acronym, *Convención Interamericana Contra La Fabricación Y El Tráfico Ilícitos De Armas De Fuego, Municiones, Explosivos Y Otros Materiales Relacionados*. The document is called a "Convention" rather than "Treaty," because "Convention" is a term of art for a multilateral treaty created by a multinational organization.

3 U.N. Office for Disarmament Affairs, *Towards an Arms Trade Treaty*, available at <http://www.un.org/disarmament/convarms/ArmsTradeTreaty/html/ATT.shtml> (last visited Oct. 5, 2009).

4 The nation's formal name is *Estados Unidos Mexicanos*.

5 For other nations, see GUATEMALA CONSTITUCIÓN art. 38 (*Tenencia y portación de armas. Se reconoce el derecho de tenencia de armas de uso personal, no prohibidas por la ley, en el lugar de habitación. No habrá obligación de entregarlas, salvo en los casos que fuera ordenado por el juez competente. Se reconoce el derecho de portación de armas, regulado por la ley.*) ("Possession and carrying of arms. The right of possession of arms for personal use is recognized, not prohibited by the law, in the home. There will be no obligation to surrender them, save in cases that are ordered by a competent judge. The right of carrying of arms is recognized, and regulated by the law."); CONSTITUTION DE LA RÉPUBLIQUE D'HAÏTI art. 268-1 (*Tout citoyen a droit à l'auto-défense armée, dans les limites de son domicile mais n'a pas droit au port d'armes sans l'autorisation expresse et motivée du Chef de la Police*) ("Every citizen has the right to armed self defense, within the bounds of his domicile, but has no right to bear arms without express well-founded authorization from the Chief of Police."); U.S. CONST. amend. II ("A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.")

6 The official text in Spanish reads:

*Artículo 10. Los habitantes de los Estados Unidos Mexicanos tienen derecho a poseer armas en su domicilio, para su seguridad y legítima defensa, con excepción de las prohibidas por la Ley Federal y de las reservadas para el uso exclusivo del Ejército, Armada, Fuerza Aérea y Guardia Nacional. La ley federal determinará los casos, condiciones, requisitos y lugares en que se podrá autorizar a los habitantes la portación de armas.*

Available at <http://pdba.georgetown.edu/Constitutions/Mexico/textovigente2008.pdf>.

7 As enacted in 1917, Article 10 stated:

*Artículo 10: Los habitantes de los Estados Unidos Mexicanos tienen derecho a poseer armas en su domicilio, para seguridad y legítima defensa, con excepción de las prohibidas por la ley federal y de las reservadas para el uso exclusivo del Ejército, Armada, Fuerza Aérea y Guardia Nacional. La ley federal determinará los casos, condiciones, requisitos y lugares en que se podrá autorizar a los habitantes la portación de armas.*

Available at <http://www.georgetown.edu/pdba/Constitutions/Mexico/mexico1917.html>.

8 The 1857 version:

*Artículo 10: Todo hombre tiene derecho de poseer y portar armas para su seguridad y legítima defensa. La ley señalará cuáles son las prohibidas y la pena en que incurrer los que las portaren.*

Available at <http://www.juridicas.unam.mx/infjur/leg/conshist/pdf/1857.pdf>.

9 The sport originally used high-power rifles to shoot at metal silhouettes of wild chickens, javelinas, turkeys, sheep, and other game. In the 1970s, the National Rifle Association put silhouette shooting into its competition schedule, and created separate classes for smallbore rifle, air rifles, and both smallbore and centerfire handguns. This allowed the competitions to take place on much smaller ranges than the 500 meter ranges which had been standard for the high-power event. Since then, the sport has spread worldwide, and many competitive shooters specialize in silhouette competition. *Siluetas Metalicas* remains the proper name for silhouette shooting with high-power rifles (6mm and up).

10 The starting web page for the military's gun licensing program is available at <http://www.sedena.gob.mx/index.php?id=121>.

11 An applicant may appeal a denial to the District Court, although the prospects for success are nil.

12 See *United States v. Bean*, 537 U.S. 77(2002) (A licensed American firearms dealer, who resided in Laredo, Texas, spent the day working at a gun show, and later drove to dinner in Nuevo Laredo, Mexico; he had told his employees to remove all arms and ammunition from his car, but the employees missed one box of shotgun shells. Bean was convicted of a felony and served prison time in Mexico.) At the time, United States law was interpreted to prohibit arms possession by persons convicted in foreign courts of felonies. Federal law also provided an administrative procedure for the restoration of firearms rights by persons whom the Bureau of Alcohol, Tobacco, and Firearms deemed to be suitable to possess arms. 18 U.S.C. § 925(c). However, since 1992, Congress has prohibited BATF from expending appropriations to make determinations on restoration of rights. In *Bean*, the Supreme Court majority held that BATF's inability to process Bean's application for a restoration of rights did not amount

to a “denial” which would allow a federal court to review BATF’s decision, and then to decide that Bean’s rights should be restored.

Several years later, the Supreme Court ruled that the federal ban on arms possession by a person convicted of a felony in “any court” should not be read as encompassing foreign courts. *Small v. United States*, 544 U.S. 385 (2005); 18 U.S.C. § 922(g)(1).

13 SMALL ARMS SURVEY 2007: GUNS AND THE CITY 47, available at <http://www.smallarmsurvey.org/files/sas/publications/yearb2007.html>. The Small Arms Survey is a research institution at the Graduate Institute of International Studies, in Geneva, Switzerland.

14 SMALL ARMS SURVEY 2003: DEVELOPMENT DENIED 87, available at <http://www.smallarmsurvey.org/files/sas/publications/yearb2003.html> (Brazil’s civilian gun stock is large but unknown; “The same may be true of Mexico, but even less is known about the situation there.”).

15 *Bush Says America Should Work to Stop Guns from Entering Mexico from U.S.* CYBERCAST NEWS SERVICE, Jan. 14, 2009, <http://cnsnews.com/public/content/article.aspx?RsrcID=41937>; Kristin Bricker, *Mexico’s Drug War Death Toll: 8,463 And Counting*, NARCOSPHERE, Dec. 31, 2008, <http://narcosphere.narconews.com/notebook/kristin-bricker/2008/12/mexicos-drug-war-death-toll-8463-and-counting>.

16 Congressional Research Service, *Merida Initiative for Mexico and Central America: Funding and Policy Issues 2* (Apr. 19, 2010) available at [http://assets.opencrs.com/rpts/R40135\\_20100419.pdf](http://assets.opencrs.com/rpts/R40135_20100419.pdf).

17 In 2001 the BATFE was moved from the Department of the Treasury to the Department of Justice.

18 Congressional Research Service, *The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF): Budget and Operations* (May 30, 2008), <http://www.fas.org/sgp/crs/row/RL32724.pdf>.

19 On the American side, *Armas Cruzadas* is led by the Immigration and Customs Enforcement (ICE), with assistance from Customs and Border Protection (CBP), BATFE, and the Drug Enforcement Administration (DEA).

20 These include the 2007 Southwest Border Counternarcotics Strategy, the 2008 National Drug Control Strategy, and the 2007 U.S. Strategy for Combating Criminal Gangs from Central America and Mexico.

21 The federal law prohibiting straw purchase is 18 U.S.C. § 922(g) & (n).

22 William La Jeunesse & Maxim Lott, *The Myth of 90 Percent: Only a Small Fraction of Guns in Mexico Come From U.S.*, FOXNEWS.COM, Apr. 2, 2009, <http://www.foxnews.com/politics/elections/2009/04/02/myth-percent-guns-mexico-fraction-numberclaimed/>. For additional analysis, see Scott Stewart, *Mexico’s Gun Supply and the 90 Percent Myth*, STRATFOR.COM, Feb. 10, 2011, available at <http://www.stratfor.com/weekly/20110209-mexicos-gun-supply-and-90-percent-myth>.

23 Jo Tuckman, *Mexico Considers Banning Toy Guns to Cut Child Aggression*, GUARDIAN (London), Jan. 12, 2009.

24 Todd Bensman, *Gunrunners’ Land of Plenty*, EXPRESS-NEWS (San Antonio), Nov. 30, 2008. The *Guardian* article in the previous footnote mentions the Reynosa seizure, and is more precise in describing what was seized than in the *Express News* article, so it was used for the item inventory.

25 *Id.* In the late 1980s, the BATF started using the three-letter abbreviation “ATF” for itself, in an attempt to mimic the more-prestigious FBI and DEA and their three-letter abbreviations.

26 Stewart M. Powell, Dudley Althaus & Gary Martin, *Obama Vows Action of Flow of Guns into Mexico: He Pledges to Help Stem Violence Related to Drug Gangs*, HOUSTON CHRON., Jan. 13, 2009; Jonathan Roeder & Jorge Alejandro Medellín, *U.S. Arms Fuel Drug Violence on Border*, UNIVERSAL (Mexico City), Aug. 3, 2005, [http://www2.eluniversal.com.mx/pls/impreso/noticia.html?id\\_not=11425&tabla=miami](http://www2.eluniversal.com.mx/pls/impreso/noticia.html?id_not=11425&tabla=miami).

27 La Jeunesse & Lott, *supra* note 22. A report by the U.S. Government Accountability Office suggested that the 90% figure might be correct. See FIREARMS TRAFFICKING: U.S. EFFORTS TO COMBAT ARMS TRAFFICKING TO MEXICO FACE PLANNING AND COORDINATION CHALLENGES 16 (GAO-09-709, Government Accountability Office, June 2009). The report theorized that because most gun seizures take place in northern Mexico, most of the guns must come from the United States. The hypothesis overlooks the possibility that the gangster guns, coming from a variety of sources, are moved to northern Mexico

by the gangsters, because northern Mexico is the region where the gangsters are most active, as northern Mexico is the launching point for the trafficking of drugs and persons into the United States. The GAO report is critiqued in Stewart, *supra* note 22.

28 WASHINGTON DIPLOMAT, June 2009, at 14.

29 THE UNITED STATES AND MEXICO: TOWARDS A STRATEGIC PARTNERSHIP (Wilson Center, Mexico Institute, Jan. 2009).

30 Dudley Althaus, *Obama to Help Mexico Cut Drug Violence*. EXPRESS NEWS, Jan. 13, 2009.

