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U.S. Gun Laws Fuel

Mexican Drug Wars

By **Juliet A. Leftwich**

Anyone who needs convincing that our nation's gun laws are dangerously inadequate should consider the devastating impact those laws are having on our neighbor to the south, Mexico. Firearm-related violence across the border has skyrocketed recently in bloody battles between Mexican drug cartels and Mexican authorities, resulting in the slaughter of police officers, soldiers, judges, prosecutors, reporters and innocent bystanders. Because Mexico's strict gun laws make it extremely difficult for civilians to purchase firearms, the increasing gun violence raises an obvious question: Where are the drug cartels buying their guns? Unfortunately, they're buying them right here in the United States.

According to a report issued by the U.S. State Department on Feb. 27, more than 5,000 people were killed in the Mexican drug wars in 2008. The report states that Mexican authorities seized nearly 40,000 illegal firearms in 2008 and that 95 percent of the guns traced

Juliet A. Leftwich is the legal director of Legal Community Against Violence, a national law center formed in the wake of the 101 California St. assault weapon massacre in San Francisco.

were purchased in the United States. Not surprisingly, the escalating violence has begun to spill over into this country.

The reason Mexican drug lords look to America for their guns is clear: In most states they can easily buy guns, including assault weapons and .50-caliber rifles, from private sellers without a background check, no questions asked.



PHOTO ILLUSTRATION BY JASON DOIY

Gun sales in Mexico, in contrast, are strictly regulated, as they are in other industrialized nations outside of the United States. The reason shady gun dealers and private sellers here are willing to supply the illegal Mexican market is also clear: It is a highly lucrative business and our gun laws make it unlikely that they will ever get caught.

Three changes to our federal firearms laws would help dramatically stem the flow of illegal guns, both in Mexico and here at home.

The first would be to close the "private sale loophole," which allows unlicensed persons to sell guns without conducting a background check on the purchaser. Under existing federal law, background check and other record-keeping requirements are only imposed upon licensed firearms dealers. However, undocumented sales by unlicensed persons — which can legally occur at gun shows or any

other location — account for an estimated 40 percent of all

gun sales. Because of this massive loophole, criminals and other prohibited persons can easily buy guns throughout most of the United States (only California and Rhode Island require background checks on all gun purchasers). It should surprise

no one, therefore, that Mexican drug gangs have seized upon this loophole to funnel guns into Mexico.

The bloodshed in Mexico and America could also be curtailed if Congress banned assault weapons and .50-caliber rifles (rifles used by armed forces worldwide that combine long range, accuracy and massive power). Congress enacted an assault weapon ban in 1994, but allowed that law to expire in 2004. Now only seven states, including California, ban assault weapons, and California is the only state to ban .50-caliber rifles.

As a result of this regulatory vacuum,

assault weapons and .50-caliber rifles are proliferating on the domestic market. They are also being purchased in the United States and smuggled across the border for use by the drug cartels, ever eager to increase their firepower over Mexican authorities. During a recent press conference in Phoenix focused on combating drug cartels in Mexico, Attorney General Eric Holder linked the proliferation of military-style weapons to the violence along the Mexican border, noting that a federal assault weapon ban would have a positive impact.

Finally, Congress could significantly reduce gun violence, both domestically and in Mexico, if it strengthened regulation and oversight of firearms dealers by repealing the so-called Tiahrt Amendments, annual riders to the U.S. Department of Justice's appropriations bill which significantly hinder law enforcement's ability to prosecute corrupt dealers and other criminals.

According to the Bureau of Alcohol, Tobacco, Firearms and Explosives, firearms dealers are a major source of trafficked firearms here and in Mexico. Trafficked guns are frequently sold by a dealer to a "straw purchaser," a person with a clean criminal record who purchases a gun on behalf of a convicted felon or other prohibited person, often in a manner that would be obvious to any dealer who is paying attention. Business is booming for dealers who have set up shop along the 2,000-mile U.S.-Mexican border, where more than 6,600 dealers now sell their wares.

Law enforcement efforts to prosecute dealers engaged in gun trafficking are significantly hampered by the Tiahrt Amendments, which: 1) prohibit ATF from releasing gun trace data, used to determine where a crime gun was purchased and his-

torically shared by law enforcement agencies to detect patterns of criminal behavior; 2) require the destruction of approved gun purchaser records within 24 hours (records of handgun purchases in California, in contrast, are never destroyed, facilitating efficient crime gun tracing); and 3) prohibit ATF from requiring gun dealers to submit inventories, allowing unscrupulous dealers to claim that they simply "lost" guns that are later recovered in crime. These amendments, added to appropriations bills since 2003 at the behest of the gun lobby, have tied the hands of law enforcement seeking to prosecute gun dealers who supply the illegal market.

Public opinion polls consistently show overwhelming support for common-sense reforms to our nation's gun laws. According to three of those polls, 92 percent of respondents favor mandatory criminal background checks for all gun purchasers; 65 percent favor banning assault weapons; 90 percent believe police should be allowed to share information about purchasers and sellers of crime guns; and 86 percent favor requiring dealers to conduct annual inventories.

Although President Obama has also expressed support for strengthening background checks, banning assault weapons and repealing the Tiahrt trace data restrictions, his fellow Democrats have shown little appetite for a fight with the National Rifle Association, despite the fact that our nation's weak gun laws are directly contributing to the senseless bloodshed in Mexico and at home. How much longer are members of Congress going to ignore the will of the American people and continue their shameless pandering to the gun lobby? Probably for as long as we continue to let them. ■