

# Arms Trafficking and Supremacism in the United States-Mexico Bilateral Relationship\*

*Mauricio Ibarra Ponce de León\*\**

The issue of arms trafficking has been present at all times in bilateral security debates and meetings between Mexico and the United States, almost always in the context of meetings related to drug trafficking. Currently, the debate has evolved by relating this matter to others such as organized crime and increasing violence and, more recently, to complex issues such as racism, xenophobia, extremism and white supremacy.

In this sense, throughout this essay we will review the security discussions between both nations and how the issue of arms trafficking is introduced, making special reference to Mexico's position on the U.S. legislation on arms. In another section, we will refer to arms trafficking on the border between both countries and to the recent cases of violence in Mexican border states, which exemplify the link between arms trafficking and organized crime. Also, the new strategy of the Government of Mexico to "freeze" arms trafficking from the United States to Mexico will be highlighted and, finally, we will discuss the growing hate speech, racism, xenophobia and supremacy and how it is related to arms trafficking.

---

\* Spanish-English translation by Edith Verónica Luna.

\*\* Consul General of Mexico in El Paso, Texas.

## Bilateral security mechanisms

Over the years, the various institutional mechanisms on security matters between Mexico and the United States such as the High-Level Contact Group (GCAN, in Spanish) and the United States-Mexico Justice Procurement Panel (SLEP) in the 1990s; the United States-Mexico High Level Group since 2006; the 2017 Group to Fight Transnational Organized Crime; and now the High Level Security Group (Ganseg) created in 2019, have always had a section to discuss the issue of illicit arms flows from the United States to Mexico. Specifically, the United States-Mexico Arms Control Group, better known as GC-Armas, was also created in the 1990s, within the framework of which various law enforcement agencies of both countries with competence in arms matters discussed the joint actions that should be taken to curb arms trafficking from the United States to Mexico. Among other issues, this mechanism has dealt with the importance of having the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) tracing firearms through its eTrace system, and has discussed basic issues such as the prohibition of weapons coming through from the United States to Mexico and the need to have visible signs at the border crossings between both countries warning of the prison penalties for introducing, even involuntarily, weapons into Mexico. This was done in order to avoid cases that could negatively affect the bilateral relationship between the two countries, such as that of U.S. soldier Andrew Tahmooressi, who was arrested on March 31, 2014 at El Chaparral-San Ysidro border crossing (between Tijuana and San Diego), and was released from a Mexican prison almost seven months after his arrest as a result of extensive diplomatic work by the U.S. government.<sup>1</sup>

## Mexico's stance on the Second Amendment

So as to stop arms trafficking from the United States to Mexico, over the years, the Mexican government has reaffirmed a position of respect

<sup>1</sup> "Ex-U.S. Marine Jailed in Mexico Says he Didn't Mean to Cross Border", CBSNews, May 4, 2014, in <https://www.cbsnews.com/news/ex-us-marine-jailed-in-mexico-says-he-didnt-mean-to-cross-border/> (date of access: March 27, 2020).

for the internal legislation of the United States on the matter, which in this case falls under the Second Amendment of the United States Constitution, by laying the foundations for Americans to carry arms by stating that “since 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.” In this regard, it has never been the intention of the Mexican government to question either this amendment or the right of Americans to bear arms. However, what Mexico is strictly opposed to is the trafficking of weapons held by Americans into Mexican territory.

### Arms trafficking on the U.S.-Mexico border

The most recent ATF data on arms trafficking to Mexico prove that from the 11 506 weapons seized in Mexico in the fiscal year 2018 and sent to this U.S. agency for tracing through the eTrace system, 70.4% came from the United States, 50.9% were manufactured in U.S. territory and 19.5% were imported into the United States.<sup>2</sup>

In addition, data from the U.S. Government Accountability Office (GAO) over a longer period of time in 2016 confirmed that 70% of the weapons seized in Mexico and sent to ATF for tracing from 2004 to 2014 came from the United States. In this regard, he emphasized that the ATF confirmed that of the more than 73 000 weapons trafficked from the United States to Mexico during this period, most were acquired legally in gun shops or gun shows, mainly in the border area between the two countries. It should be noted that 17% of the weapons originated elsewhere, and it was not possible to define the origin of 13% of these arms.<sup>3</sup>

This is relevant because there is a clear link between firearms and the deaths of Mexican and U.S. citizens, especially if we consider that according

<sup>2</sup> Office of Strategic Intelligence and Information-ATF, *Mexico. Data Source: Firearms Tracing System, January 1, 2013-December 31, 2018*, Washington, D.C., U.S. Department of Justice-ATF, March 2019, p. 7, at <https://www.atf.gov/file/135106/download> (date of access: March 27, 2020).

<sup>3</sup> U.S. Government Accountability Office (GAO), *U.S. Efforts to Combat Firearms Trafficking to Mexico Have Improved, but Some Collaboration Challenges Remain*, Washington, D.C., GAO, January 2016, at <https://www.gao.gov/assets/680/674570.pdf> (date of access: March 27, 2020).

to data from the National Institute of Statistics and Geography (INEGI), in 2008, deaths from guns amounted to 24 439, which represented 67.7% of the total at the national level.<sup>4</sup>

As Fabián Medina, head of the Office of the Foreign Affairs Minister, states, firearms trafficking across the border is based mainly on the *tráfico hormiga* method (trail of ants) that is hidden in the daily crossing of more than 25 000 people, mostly Mexicans and some foreigners who work in the United States and generally live on the border, who enter arms or their parts and ammunition hidden in bags, toys, vehicles or in courier shipments, and who in exchange receive from criminal organizations from US\$100 for a package of 50 bullets, to US\$2000 for an automatic rifle.<sup>5</sup> Despite the above, remote sites that were previously distinguished for being used as routes for entering illegal immigrants or drugs, are now also used to carry arms, parts and ammunition, as these routes are well known by organized crime.

Several factors make the land border the best route for arms trafficking from the United States to Mexico: the proximity between U.S. cities and their Mexican counterparts; the low probability of being searched when crossing from north to south on foot or by vehicle; and the easy access to various weapons, parts and ammunition in the United States, especially since there is a wide range of authorized gun shops in California, Arizona, New Mexico and Texas, amounting to almost 23 000 businesses and more than 1000 gun shops in these states in 2019.

Of the four U.S. border states, it is important to separate Texas, as it has more than 10 000 firearms sales licenses; it was the state with the highest number of arms shows (632), and more importantly, the sale of high-powered weapons and ammunition is completely legal when you are only 18 years old and a resident of the state. Minors can also purchase weapons with the written permission from their parents or legal guardians.<sup>6</sup>

<sup>4</sup> Fabián Medina and Mauricio Ibarra, “Mexican Consul General: Gun Violence Shared Problem for U.S., Mexico”, *El Paso Times*, September 4, 2019.

<sup>5</sup> F. Medina, “El mapa de las armas ilícitas provenientes de la frontera norte (II de IV)”, *Milenio*, February 4, 2020, at <https://www.milenio.com/opinion/fabian-medina/columna-fabian-medina/mapa-armas-ilicitas-provenientes-frontera-norte-ii> (date of access: March 27, 2020).

<sup>6</sup> “Texas Gun Laws”, December 22, 2019, in Laws, at <https://gun.laws.com/state-gun-laws/texas-gun-laws> (date of access: March 27, 2020).

## Culiacán and LeBarón cases, as examples of organized crime

In this context, two recent cases illustrate why the Mexican government has taken up even more strongly the need to fight firearms trafficking from the United States to Mexico from a totally bilateral perspective. The first was known as the “*culiacanazo*”, an incident that occurred on October 17, 2019 in Culiacán, Sinaloa, in which the son of the drug lord Joaquín Guzmán Loera was freed from federal forces, as a result of the potential for violence due to the great firepower shown by the groups of hitmen who promoted the release of Ovidio Guzmán, the *Chapito*. The second was the LeBarón family, in which three women and six children of this Mormon family died as a result of an attack by an armed group on the border between the states of Sonora and Chihuahua in November 2019.

It should be noted that these cases were strong evidence of the argument used by Mexico about the possibility that transnational criminal organizations receive powerful weapons, ammunition and cash from the United States, an explosive combination that forces the governments of both countries to work in a coordinated manner in order to address the arms phenomenon more efficiently.

## Strategy announced by the Ministry of Security and Civilian Protection and the SRE to freeze arms trafficking

As mentioned at the beginning, although Mexico and the United States have had an institutional scaffolding of consultations and debates on the subject of firearms, it is clear that this issue has not been properly addressed to yield concrete results. In this sense, the announcement of the Mexican government on the progress made in the binational strategy between Mexico and the United States on firearms and ammunition trafficking, which was discussed at a meeting of the Ganseg sub-group on arms trafficking,<sup>7</sup> stands out.

<sup>7</sup> SRE, “Avanza estrategia binacional México-Estados Unidos frente al tráfico ilícito de armas,” joint statement, November 21, 2019, at <https://www.gob.mx/sre/prensa/avanza-estrategia-binacional-mexico-ee-uu-frente-al-trafico-ilicito-de-armas> (date of access: March 27, 2020).

It should be noted that at this meeting, the Mexican government presented a draft bilateral agreement with the United States on arms trafficking, in which the use of both intrusive and non-intrusive technology was proposed to stop the illicit flow of arms at the border crossings between both countries, starting at five strategic points to carry out random, coordinated and mirror operations between authorities of both countries: Tijuana-San Diego, Ciudad Juárez-El Paso, Nuevo Laredo-Laredo, Reynosa-McAllen and Matamoros-Brownsville.

It is also worth mentioning that, for the first time in history, this bilateral strategy also considers a monthly follow-up on the arms that enter Mexico illegally, which translates into an exchange of information and discussion on trafficking trends, routes and methods, as well as the possibility of carrying out coordinated or mirror operations, which implies simultaneous operations; that is, each country in its own territory, as well as joint investigations, among other relevant issues in the matter.

A novel element that cannot be overlooked is the use of the Mexican consular network on the border between both countries, which considers 13 general consulates and career consulates in Arizona, California and Texas, as a means of alerting and sensitizing local actors to the importance of fighting arms trafficking together, as well as publicly collecting cases and data and exchanging information with the federal, state and local agencies assigned to the border with competence in the matter.

## **Racism, xenophobia, white supremacy and extremism in the United States**

One issue that has had to be incorporated into security discussions, not only at the bilateral level but also at the multilateral level, is the fight against racism, xenophobia, extremism and white supremacy. In this context, the arms smuggled from the United States to Mexico that feed the firepower of criminal organizations, and which is in part the result of the wide and easy access to firearms that exists in this country, is now further complicated as a result of a growing discourse of hate that has apparently intensified or become more public in the United States.

In this regard, there are several examples of attacks based on racism, xenophobia or white supremacy that have occurred in various U.S. cities,

ranging from the case of a woman who ran over a minor for thinking she was Mexican<sup>8</sup> and the incident of beatings for verbal racist attacks in California,<sup>9</sup> to atrocious crimes such as the one that occurred on August 3, 2019 at a Walmart store in El Paso, Texas.

The El Paso attack in particular is the clearest example of how hate crimes are linked to easy access to guns. In this case, 22 people were killed, 8 of them Mexican and 24 injured, including 8 Mexicans, as a result of the despicable armed attack carried out by Patrick Crusius, a white American from Dallas, Texas. Crusius, who with premeditation, deliberation and advantage attacked the Hispanic population of El Paso, specifically argued, in the manifesto he wrote prior to the armed attack, that “this attack is a response to the Hispanic invasion of Texas.”<sup>10</sup> He also describes the type of high-powered weaponry he intended to use in the attack (AK-47), which, as was later publicly reported, was purchased entirely legally.<sup>11</sup>

It is important to point out that, from the beginning, the Foreign Minister Marcelo Ebrard, in a visit to El Paso two days after the incident, in solidarity with the victims, reaffirmed the absolute condemnation of the government and the people of Mexico, considering this attack as “one of the greatest tragedies that Mexicans have experienced on U.S. territory” and an “act of terrorism against Mexicans in the United States”. As a result, a series of protective, diplomatic and legal actions were initiated at the national level, such as opening an investigation file by the Office of the Attorney-General of the Republic (FGR), making a renowned lawyer in El Paso available to the victims so that they could consider filing civil suits, and sending a diplomatic note to the U.S. government condemning and rejecting the massacre. At the

<sup>8</sup> “Mujer atropella a joven porque creyó que era mexicana”, in ViveUSA, December 23, 2019, at <https://www.viveusa.mx/noticias/mujer-atropella-joven-porque-creyo-que-era-mexicana> (date of access: March 27, 2020).

<sup>9</sup> Pamela Benítez, “Pareja llama ‘frijoleros’ a latinos y desata pelea en California”, in ViveUSA, June 10, 2019 at <https://www.viveusa.mx/noticias/video-pareja-llama-frijoleros-latinos-y-desata-pelea-en-california> (date of access: March 27, 2020).

<sup>10</sup> Patrick Crusius “The Inconvenient Truth about Me”, p. 1, mimeo.

<sup>11</sup> Alana Autler, “Accused El Paso Mass Shooter, Patrick Crusius Bought Gun Legally”, in CBS DFW, August 5, 2019, at <https://dfw.cbslocal.com/2019/08/05/accused-el-paso-mass-shooter-patrick-crusius-bought-gun-legally/> (date of access: March 27, 2020).

international level, in regional and multilateral forums such as the OAS and the UN, Mexico fostered absolute rejection of the aggressions suffered in El Paso, but also of the groups, trends and media that promote hate speech, racism, xenophobia and supremacism that go so far as to incite and call for violence.

As mentioned before, there is a link not only between hate groups and easy access to weapons, but also to weapons trafficking and other crimes. U.S. law enforcement agencies correlate organized groups of supremacists and extremists with a series of profitable crimes such as money laundering, fraud, human trafficking and drug and weapons trafficking, among others.

In this context, comments such as that made by Jared Maples, head of the New Jersey Office of Homeland Security, in congressional testimony, on how extremist groups are financed, in the sense that “lone offenders lone offenders will likely be ‘self-directed and self-funded’ to carry out their goals, other more organized groups engage in selling counterfeit goods, drug and weapons trafficking.”<sup>12</sup>

A case that exemplifies all of the above was made public by the Department of Justice in a statement issued on February 14, 2020, when it announced that 64 white supremacists were sentenced to a combined 820 years in federal prison. The statement noted that the defendants “All together, this round’s defendants—members or affiliates of white supremacist gangs including Aryan Circle, Aryan Brotherhood, the Peckerwoods, Soldiers of Aryan Culture, and the Dirty White Boys—were sentenced for trafficking more than 1600 kilos of meth, 59 firearms, and various other drugs, including cocaine and heroin, between 2015 and 2018.”<sup>13</sup>

These kinds of cases demonstrate that groups such as those mentioned above pose additional challenges for the governments of both countries, espe-

<sup>12</sup> Ted Sherman, “N. J. Officials Say State Faces ‘High’ Level of Threat from Extremist Groups, White Supremacists”, in NJ.com, February 21st, 2020, at <https://www.nj.com/crime/2020/02/nj-officials-say-state-faces-a-high-level-of-threat-from-white-supremacist-groups.html> (date of access: March 27, 2020).

<sup>13</sup> Northern District of Texas-U.S. Attorney’s Office-Department of Justice, “64 White Supremacists Sentenced to a Combined 820 years in Federal Prison”, press release, February 14, 2020, at <https://www.justice.gov/usao-ndtx/pr/64-white-supremacists-sentenced-combined-820-years-federal-prison> (Date of access: March 27, 2020).



cially when they participate in organized criminal activities, including firearms trafficking, which is linked to the levels of violence on both sides of the border.

### **Combating firearms and ammunition trafficking, racism, xenophobia and supremacism: challenges and recommendations**

In short, in a complex context in which phenomena such as firearms trafficking and the growing hate speech in the United States are mixed, there are various challenges in terms of promoting Mexico's interests in these two priority issues, as well as in the implementation of the bilateral strategy against firearms and ammunition trafficking.

The main challenge will be to truly affect arms trafficking from the United States to Mexico, reducing the number of arms entering the national territory. The creation of the Ganseg arms subgroup and the timely follow-up given at a high level to this issue prove the political will of both countries to address a problem that affects the populations on both sides of the border.

In this regard, and recognizing the importance of the new bilateral strategy against weapons, it would be appropriate to consider some elements for its more efficient implementation in both Mexico and the United States:

First, the new bilateral strategy agreed in 2019 to stop arms trafficking should overcome the old problems that have arisen to achieve a better operation of the actions carried out in this matter in the United States, such as the coordination between U.S. agencies such as ATF and Immigration and Customs Enforcement (ICE), which is part of the U.S. Department of Homeland Security (DHS), as noted by the GAO.<sup>14</sup> Second, while the ATF is the lead agency in the United States against guns, the rest of the U.S. law enforcement agencies with expertise in this area will also have to provide information and resources to fight this crime. Third, it will be necessary to strengthen the random review operations, as well as the coordinated or mirror operations between the two governments. This is a need that cannot wait, as well as the immediate exchange of information

---

<sup>14</sup> GAO, *op. cit.*, p. 31.

between the authorities of the two countries on the results of this type of bilateral actions. Close coordination between the customs of both countries is crucial in these cases. Fourth, using intelligence to stop firearms trafficking is also crucial, in order to detect arms purchase operations, especially multiple barrel firearms that include several weapons in a single operation, from the point of sale to the attempt to cross over into Mexico. Fifth, related to the previous point, it is necessary to be able to follow up and exchange information on cases in which there are attacks by racist, xenophobic or supremacist individuals or groups in which the victims are citizens of both countries. Sixth, it would be advisable to foster the creation of a specific legal framework that would give certainty to both arms investigations and all the resulting legal actions. Seventh, a *sine qua non* requirement is to include in the debate and decision-making on firearms trafficking not only the governments of both countries, but also lawmakers, academics, and research centers, among others, in order to be more efficient in decision making.

On the other hand, the increase in cases of violence by individuals and groups that promote hate speech, racism, xenophobia, extremism and white supremacy represents a great challenge for the Mexican community. The attack of August 3 in El Paso, Texas, makes us realize that the Mexican community can be the target of armed assaults, as some other groups have been because of their nationality or religious beliefs. This case confirms that, because they are Mexican, members of the migrant population can be the target of attacks, causing fear and complex interactions between these communities and the authorities.

The challenge is therefore all the greater because it involves changes in the way we provide protection to the Mexican diaspora, as it becomes imperative to monitor and detect situations in which hate speech, xenophobia and racism is promoted, which the Mexican government has widely condemned.

Firearms trafficking and the link between easy access to and use of arms by racist, xenophobic, supremacist and extremist groups that promote hate speech and violence is a phenomenon that the government of Mexico will firmly continue to fight. Preventing the recurrence of an attack on the border where binational communities live together, such as the one on August 3, in El Paso, Texas, should be a priority for the governments of Mexico and the United States, as these are issues that clearly entail a shared responsibility.