

# RealClearPolicy

## **Congress Should Act to Curb US Gun Sales in Mexico**

Jordan Cohen & Jonathan Ellis Allen

October 10, 2022

In November 2019, nine members of the LeBaron family - three women and six children – were traveling a rural road in Mexico when gunmen ambushed the family’s car and riddled the passengers with bullets. The entire family died.

The weapons used in the attack were obtained from the United States.

Such cases are increasingly frequent and occur because of U.S. weapons sales to parties in Mexico. For example, Fabián Medina, chief of staff to Mexico’s foreign minister has said “these powerful [U.S.] weapons, they’ve shot down marine helicopters and deprived many people of their lives.” The evidence suggests this is true. A Government Accountability Office study found 70 percent of illegally smuggled guns in Mexico between 2014-2018 were made in America.

Stopping the illegal smuggling of guns used to commit homicide will require significant modifying to Trump-era policies that make small arms and light weapons sales to foreign clients easier.

Specifically, President Donald Trump reduced oversight controls by transferring export authority over many small arms from the State Department to the Commerce Department.

This decision weakened the regulatory process and ignored recipients’ human rights records given that the Commerce Department does not have access to the State Department’s list of arms dealers involved in suspicious or criminal activity.

Further, the Commerce Control List is less exhaustive than the State Department’s U.S. Munitions List.

Since the change, the Commerce Department approved 30 percent more firearm export licenses than the State Department had the previous year.

Amongst the countries where the Commerce Department approved sales, Mexico received the sixth highest dollar value in firearm sales, totaling \$30.3 million. Given that Congress was notified of just over \$1 million in traditional military sales during the same period, this is a striking figure.

Worse still, the transition from the State Department to the Commerce Department has been disastrous for sales to other countries. Commerce has increased the number of countries with license exceptions from just Mexico, Canada, and the United Kingdom to 37 nations – though Mexico is not one of them – while also gutting end-use monitoring.

The Commerce Department estimates it will approve several hundred license applications under its license exceptions. This means that more countries can get weapons with less regulation and oversight.

Fortunately, there are broad policy changes that can reduce the risks associated with U.S. weapons sales. For instance, the government could either transfer regulation authority back to the State Department or be substantially more transparent.

Some positive changes have taken place in this regard. The Commerce Department announced in July 2022 that it would start requiring congressional approval to export certain licensed weaponry abroad. Unfortunately, because these weapons transfers still are being approved in a less regulated manner, the likelihood of them ending up in unsavory hands and being used in human rights violations is higher.

This was a point raised by congressional Democrats in late July of this year. They hope to undo the Trump-era authority that gave this power to the Commerce Department, which will allow concerns over human rights and weapons dispersion to be better evaluated.

Doing so will also reduce contracts to send weapons to Mexico, both reducing the number of weapons that need to be tracked and providing more protection against gang and cartel-associated individuals getting their hands on American-made weapons.

Senators Elizabeth Warren (D-MA) and Chris Murphy (D-CT) recently joined with representatives Joaquin Castro (D-TX) and Norma Torres (D-CA) to push the issue again. The group sent a letter to the Secretary of Commerce in late September expressing “grave concern about Commerce Department actions.”

The group expressed concern about “countries like Mexico, where corruption puts these weapons in the hands of criminals and identified violators of human rights.”

The Democrats in this case are right. In order to truly curb U.S. gun violence in Mexico, members of Congress must keep pushing these messages while introducing legislation in the National Defense Authorization Act that addresses these concerns.

Washington alone cannot stop gang and cartel violence in Mexico, but through necessary changes to current U.S. arms sale policy, Congress can greatly reduce the instances in which American weapons are at the center of such cases. Our politicians should not wait until the next innocent family is slaughtered to put these changes in place.

*Jordan Cohen is a policy analyst at the Cato Institute and PhD candidate in political science at George Mason University. Jonathan Ellis Allen is a research associate and producer at the Cato Institute.*