

Introduced by Senator De León

(Coauthors: Senators Hancock, Hernandez, Padilla, and Vargas)

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July 5, 2011

Senate Joint Resolution No. 10—Relative to firearms trafficking.

LEGISLATIVE COUNSEL'S DIGEST

SJR 10, as introduced, De León. Firearms trafficking.

This measure would urge the President and the Congress of the United States to pursue a comprehensive approach to stem the trafficking of illicit United States firearms into Mexico, that includes, among other things, the redirection of federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Immigration and Customs Enforcement, and United States Customs and Border Protection resources towards this effort, reenactment of a strong federal assault weapons ban, adoption of the ATF's proposed rule to require the reporting of rifle, including assault rifle, purchases in southwestern border states, and stronger federal authority to crack down on corrupt gun dealers.

Fiscal committee: no.

- 1 WHEREAS, The rise of firearms trafficking from the United
- 2 States into Mexico has fueled the terrorism of both United States
- 3 and Mexican citizens by Mexican drug trafficking organizations
- 4 (DTOs), that has devastated thousands of families who have lost
- 5 loved ones to violence on both sides of the border; and

WHEREAS, Since the start of Mexican President Felipe Calderon’s administration in December 2006, the Mexican law enforcement agencies have confiscated 102,600 handguns and rifles as of March 10, 2011, and Mexican security forces have seized 11,849 grenades and 10.6 million rounds of ammunition; and

WHEREAS, Violence along the United States-Mexico border has escalated dramatically during this same timeframe as President Calderon has aggressively fought the growing power of Mexican DTOs and over 23,000 people have been killed as a result of drug cartel violence in Mexico; and

WHEREAS, In a report by the United States Government Accountability Office (GAO), United States officials note that violence associated with Mexican DTOs poses a serious challenge for United States law enforcement and particularly given the increased level of criminal activity in the southwestern United States, violence threatens the safety of citizens on both sides of the border; and

WHEREAS, In May 2010, the Mexican government stated that of the 75,000 illegal firearms it seized in the last three years, about 80 percent—60,000 firearms—came from the United States; and

WHEREAS, Estimates of guns flowing into Mexico from the United States are as high as 2,000 guns every day, a staggering statistic given that Mexico has only approximately 6,000 legally registered guns; and

WHEREAS, The United States Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), as of May 2010, has processed 69,808 firearm trace requests from Mexico and it appears that a majority of these firearms have a nexus to the United States; and

WHEREAS, There are more than 6,600 licensed United States gun dealers operating along the United States-Mexico border and according to several ATF officials, individuals or groups engage in straw purchasing on a regular basis as part of a scheme to traffic United States firearms into Mexico; and

WHEREAS, The ATF reports that 87 percent of firearms seized by Mexican authorities and traced over the last five years originated in the United States, that approximately 68 percent of these illegal firearms were manufactured in the United States, and approximately 19 percent were manufactured in other countries

1 and then imported into the United States before being trafficked
2 into Mexico; and

3 WHEREAS, ATF officials state that the most common method
4 of transporting firearms illegally across the United States-Mexico
5 border is by vehicle using United States highways, and that an
6 opportune time to catch firearm smugglers is following a United
7 States gun show in Arizona or Texas; and

8 WHEREAS, Operation Armas Cruzadas was established by the
9 United States Immigration and Customs Enforcement (ICE) in
10 2008, and the United States Department of Homeland Security
11 states that this effort has resulted in the seizure of 3,877 weapons
12 and 396,424 rounds of ammunition; and

13 WHEREAS, Project Gunrunner was initiated by the ATF, with
14 the objective of tracing firearms recovered from crimes in Mexico,
15 and although the tactics utilized by this program are currently
16 under scrutiny, by the end of the 2009 fiscal year, the ATF referred
17 497 cases to the United States Department of Justice to pursue the
18 prosecution of firearms trafficking violations to Mexico; and

19 WHEREAS, Since 2006, 14 United States Custom and Border
20 Patrol (CBP) Agents have been killed in Mexico, most recently
21 Agent Brian Terry, who was killed on December 15, 2010, by
22 being shot with an AK-47; and

23 WHEREAS, In February 2011, ICE Special Agent Jaime Zapata
24 was shot and killed and another federal agent was wounded in an
25 ambush by Mexican drug gang members at a fake military
26 checkpoint on a Mexican highway north of Mexico City; and

27 WHEREAS, DTOs have escalated the use of firearms to attack
28 and intimidate high level Mexican law enforcement figures,
29 including directors of federal agencies, politicians, journalists,
30 businesses, and the general public; and

31 WHEREAS, Mexican government officials report that since
32 December 2006, a total of 915 municipal police, 698 state police,
33 and 463 federal agents have been killed by Mexican Organized
34 Crime Groups (OCGs), and between 1999 and 2009, 32 news
35 reporters or editors were killed and an additional nine disappeared;
36 and

37 WHEREAS, On June 28, 2010, a leading Mexican gubernatorial
38 candidate, Rodolfo Torre Cantu, was killed by gunfire in
39 Tamaulipas, just days before the July 4, 2010, elections, and in
40 late 2008, Armando Rodriguez, a crime reporter for El Diario de

1 Juárez, was shot in the head by a 9mm as he drove his daughter
2 to school; and

3 WHEREAS, In June 2008, Edgar Millan Gomez, acting director
4 of the federal preventive police was assassinated in his own home
5 by a man wielding two 9mm pistols one week after holding a press
6 conference in Cuiliacán to announce the arrests of 12 hit men
7 working for the Sinaloa Cartel and that same day, Roberto Velasco,
8 one of the directors of the federal organized crime unit, was shot
9 and killed in Mexico City, and the next day Jose Aristeo, chief of
10 staff for the federal preventive police, was shot and killed in the
11 same city; and

12 WHEREAS, United States citizens have also been terrorized
13 by the violence associated with United States firearms trafficking
14 and Mexican DTOs. For example, in May 2010, a Phoenix
15 businessman leading a hunting expedition in Sonora, Mexico was
16 found shot dead by an AK-47, in February 2010, United States
17 and Mexican citizens waiting to cross into Mexico from Nogales,
18 Arizona were trapped in a firefight that erupted in the nearby plaza,
19 in the spring of 2008 American tourists returning through the
20 Lukeville port of entry were trapped by gunfire while waiting in
21 line, and a woman from Nogales, Arizona was shot and killed by
22 AK-47 gunfire at a fake military checkpoint on a Mexican interstate
23 in Sonora; and

24 WHEREAS, The ATF proposed a new federal rule in 2010 that
25 would require all United States gun stores in southwest border
26 states to submit a report to ATF when an individual purchases two
27 or more rifles, including assault rifles, within five business days,
28 and ATF's proposed rule has not yet been adopted; and

29 WHEREAS, Following the expiration of the federal Assault
30 Weapon Ban in 2004, it has become easier to purchase
31 high-powered assault weapons and the United States Department
32 of Justice, Office of the Inspector General has reported that 48
33 percent of crime guns recovered and traced in Mexico in 2009
34 were long guns, up from 20 percent in 2004 and recent data also
35 shows a surge in seizures of assault rifles and .50 caliber guns.
36 According to the ATF, the drug cartels tend to favor military-style
37 assault weapons such as AK-47s, AR-15s, and FN 5.7mm caliber
38 pistols, known in Mexico as "cop killers" because they can pierce
39 body armor; and

1 WHEREAS, The United States is now experiencing an era in
2 which the number of illegal border crossings have decreased over
3 the last decade yet drug-related violence and the trafficking of
4 United States firearms into Mexico has skyrocketed; now,
5 therefore, be it

6 *Resolved by the Senate and the Assembly of the State of*
7 *California, jointly,* That the Legislature urges the President and
8 the Congress of the United States to pursue a comprehensive
9 approach to stem the trafficking of illicit United States firearms
10 into Mexico, that includes the redirection of United States Alcohol,
11 Tobacco, Firearms, and Explosives (ATF), Immigration and
12 Customs Enforcement, and Customs and Border Protection
13 resources towards this effort, reenactment of a strong federal assault
14 weapons ban, along with a ban on high-capacity ammunition
15 magazines, adoption of the ATF's proposed rule to require the
16 reporting of rifle, including assault rifle, purchases in southwestern
17 border states, stronger federal authority to crack down on corrupt
18 gun dealers, extending Brady criminal background checks to all
19 gun sales, including all sales at gun shows to prevent firearms
20 trafficking, and the maintenance of firearm purchase records to
21 help law enforcement track down armed criminals and solve gun
22 crimes; and be it further

23 *Resolved,* That the Secretary of the Senate transmit copies of
24 this resolution to the President and Vice President of the United
25 States, to the Speaker of the House of Representatives, to the
26 Majority leader of the Senate, to each Senator and Representative
27 from California in the Congress of the United States, and to the
28 author for appropriate distribution.