

Mexican Government vs. Gun Companies: Lawsuit & Implications for U.S. Policy towards Mexico Fact Sheet

The following is a summary of the Mexican government’s lawsuit against U.S. companies and the broader implications for U.S. security policy and legal gun exports to Mexico.

Summary of Mexican Government Lawsuit

On August 4, 2021 the Mexican government filed suit in U.S. federal court in Massachusetts against 10 U.S. gun manufacturers and distributors whose weapons have been used in thousands of homicides and other violent crimes in Mexico against both Mexicans and migrants.

The suit argues that U.S. gun companies are aware that their sale of firearms generates illicit traffic of these firearms to Mexico, have facilitated such trafficking, and have conducted negligent and illegal marketing, leading to a “public nuisance” of straw sales and trafficking that have contributed to growing gun violence in Mexico. The lawsuit is **not** against the U.S. government or the Second Amendment, but instead seeks changes in the way gun companies do business and monetary damages to the Mexican government.

More than 70% of all firearms recovered and traced from crime scenes in Mexico came from the United States, according to official data from the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). Seventy percent of gun homicides in Mexico is more than all gun homicides in the United States – even in 2020, a year of unprecedented growth in U.S. gun violence.

Because the lawsuit is addressing damages outside the United States, in Mexican territory, the provisions of PLCAA (Protection of Lawful Commerce in Arms Act) that shield U.S. companies from damages in the United States related to the firearms they produce do not apply in this case.

The U.S. companies that are defendants in the lawsuit include U.S. gun manufacturers whose guns are most often recovered in Mexico:

- *Colt’s Manufacturing*. More than 8,535 Colt firearms, including at least 2,317 assault rifles, have been recovered at crime scenes by the Mexican army since 2010.¹
- *Smith & Wesson*, based in Massachusetts. More than 3,881 Smith & Wesson firearms have been recovered in Mexico since 2010.
- *Beretta U.S.A.*, a U.S.-Italian company that imports handguns for the U.S. retail market and manufactures firearms in Maryland. More than 2,483 Beretta firearms have been recovered in Mexico since 2010.
- *Century International Arms* - a company that imports, produces and exports assault rifles, including the weapon used in the massacre in El Paso, Texas in 2019. More than 985 Century firearms, mostly assault rifles, have been recovered in Mexico since 2010.
- *Sturm Ruger & Co.* More than 3,373 Ruger firearms, including at least 869 assault rifles, have been recovered in Mexico since 2010.
- *Glock Inc.*, an Austrian-U.S. company that produces handguns in Georgia and imports handguns for the U.S. retail market. More than 979 Glock handguns have been recovered in Mexico since 2010.

¹ Statistics on firearms recovered in Mexico are from January 1, 2010 to March 16, 2021, based on data from the Mexican army (Secretaría de Defensa Nacional), in response to public records requests by Stop US Arms to Mexico. The make of more than 45% of firearms recovered by the army were not identified, and other agencies besides the army also recovered thousands of illicit firearms in Mexico during this period, though data on the makes of those firearms was not available. In addition, many firearms trafficked to Mexico are not recovered by authorities. These numbers thus represent a fraction of actual trafficked firearms from the defendant gun companies.

- *Barrett Firearms*, makers of a .50 caliber sniper rifle that is sold to civilians in 47 states at gun shops and gun shows, is also a defendant. Barrett .50-caliber rifles can shoot down helicopters and fire more than a mile. More than 338 such Barrett rifles have been recovered in Mexico since 2010.

The lawsuit has been accepted by the federal court. Defendants have until November 22 to submit initial responses. Mexico will then have until January 31, and defendants will have until February 28 to respond to Mexico's response. The litigation is expected to last several years.

U.S. Legal Gun Exports & U.S. Assistance to Mexico

Congress has oversight for licenses for legally exported firearms to Mexico, and must also exercise such oversight to prevent weapons from going to public security units implicated in serious human rights abuses and collusion with organized crime. Police and military officers have received legally exported U.S. weapons used to commit atrocities, including the disappearance of 43 students from the rural teacher's college in the town of Ayotzinapa, state of Guerrero; the massacre of 19 migrants in Camargo, Tamaulipas in January 2021; and many more documented tragedies in Mexico. A [recent study](#) by the Mexican Commission of Human Rights for the Promotion and Defense of Human Rights and Stop US Arms to Mexico found that 16,685 arms were lost or stolen from Mexican armed forces and state police between 2006 and 2019. Human rights violations, including disappearances, torture, and extrajudicial executions committed by Mexican security forces are rarely investigated and prosecuted in Mexico.

Not named in the Mexican government's lawsuit, Sig Sauer is a German-owned company that produces and exports pistols and military rifles in New Hampshire. Sig Sauer, Inc. has applied for a license for a [US\\$5.5 million sale](#) of thousands of fully automatic rifles to the Mexican Navy and Marines, forces that have been [implicated](#) in dozens of forced disappearances in the border city of Nuevo Laredo in 2018.

The increasing militarization of public security in Mexico, supported by U.S. exports and policies, has resulted in a vicious cycle of growing violence, impunity, and human rights violations. U.S. security assistance and legal gun exports to Mexico need serious reform, in light of the failure to ensure that U.S. weapons do not go to Mexican police and military forces that have committed human rights violations.

Recommendations for the Biden Administration and U.S. Congress:

- End U.S. weapon sales to Mexico until reliable and effective end use controls are established and the U.S. can confidently certify these weapons will not be used to commit gross abuses of human rights or in collusion with organized crime.
- Return oversight of firearms exports to the State Department from the Commerce Department.
- Pass the federal prohibition on assault weapons, [HR1808](#).

Additional resources: Mexican government's [legal action](#).

- "Mexico v. Smith & Wesson: Does US Immunity for Gun Manufacturers Apply Extraterritorially?" William S. Dodge and Ingrid Wuerth, [Just Security](#), August 19, 2021
- [Interactive website](#) on a beta platform has maps and data on illicit firearms, firearms sold to police, and lost / stolen firearms.
- "[The US is organizing a \\$5 million gun sale to mexican forces accused of murder and kidnapping](#)", Ryan Devereaux, *The Intercept*, October 6, 2021.

Contact:

Marco Castillo, Global Exchange: 646-826-9834, marco@globalexchange.org

John Lindsay-Poland, Stop US Arms to Mexico: 510-282-8983, johnlindsaypoland@gmail.com

Daniella Burgi-Palomino, Latin America Working Group: dburgipalomino@lawg.org