

# [***Mexico May Save Us From Our Own Crazy Gun Laws | Opinion***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6B91-1CJ1-JBR6-90KX-00000-00&context=1516831)

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**Highlight:** U.S. gun laws are broken. Even when states muster the political will to enact reasonable restrictions, for example as California did recently, they get blocked in federal court.

**Body**

U.S. gun laws are broken. Even when states muster the political will to enact reasonable restrictions, for example as California did recently, they get [*blocked*](https://www.reuters.com/legal/us-appeals-court-prevents-california-banning-guns-most-public-places-2024-01-07/#:~:text=US%20appeals%20court%20prevents%20California%20from%20banning%20guns%20in%20most%20public%20places,-By%20Nate%20Raymond&text=Jan%206%20(Reuters)%20%2D%20A,was%20unconstitutional%20to%20take%20effect.) in federal court. With federal and state action on guns stymied, the gun violence epidemic can seem hopeless.

But now there's finally some hope, and it's coming from outside the United States. A federal appeals court just issued the most significant opinion ever to go against the gun industry, ruling that Mexico has the right to sue manufacturers to hold them accountable for gun trafficking and gun violence.

First the bad news: U.S. gun violence is at record levels and rising, with [*gun deaths nearing 50,000 a year*](https://publichealth.jhu.edu/2023/cdc-provisional-data-gun-suicides-reach-all-time-high-in-2022-gun-homicides-down-slightly-from-2021#:~:text=According%20to%20the%20provisional%20CDC,in%202022%20compared%20to%202021.). Guns are now the [*leading cause of death for young people*](https://www.usnews.com/news/health-news/articles/2023-08-21/with-cases-soaring-guns-are-now-leading-cause-of-death-for-u-s-kids). And the crisis is spreading: hundreds of thousands of [*guns flood across the southern border to Mexico*](https://home.watson.brown.edu/research/research-briefs/exit-wounds-how-americas-guns-fuel-violence-across-border#:~:text=Organized%20crime%20groups%20use%20funds,were%20purchased%20in%20the%20U.S.) every year, arming the cartels. Armed with U.S.-made weapons, criminals traffic fentanyl back to the U.S., and the violence they wreak drives migration across the U.S. border.

The crisis is a direct consequence of the U.S. gun industry's practices—not Mexico's. Mexico has just [*one gun store*](https://www.latimes.com/world/la-fg-mexico-guns-20180524-story.html#:~:text=The%20only%20gun%20shop%20in,be%20frisked%20by%20uniformed%20soldiers.) (located on a military base) and strong laws that make it hard for criminals to get guns. But in the U.S., gun dealers sell traffickers assault weapons and other guns by the dozen, with no limits and little screening. Those guns are then resold on the black market, arming criminals, and people are dying on both sides of the border as a result.

While most U.S. dealers are careful not to sell guns to criminals, a few profit from the criminal market, turning a blind eye to obvious indicators of trafficking. [*ATF reported more than 20 years ago*](https://www.nycourts.gov/reporter/webdocs/020400report.pdf) that 90 percent of dealers handle no crime guns, but 5 percent of dealers sell about 90 percent of crime guns. The [*U.S. Department of Justice then told manufacturers*](https://www.justice.gov/archive/opd/gunviolence.htm) to stop supplying these scofflaw dealers and require training and responsible sales practices. They refused, and gun trafficking today is rampant, with U.S. crime guns flooding into Mexico, Jamaica, and throughout the region.

Now the good news: Mexico is fighting back against this gun pipeline arming the cartels and winning. It's the first country to bring a lawsuit against the gun industry alleging that manufacturers aid and abet illegal gun trafficking by choosing to sell guns through dealers and practices that they know arm the cartels.

The U.S. Court of Appeals for the First Circuit recently [*upheld Mexico's claims*](https://www.nytimes.com/2024/01/22/us/politics/appeals-court-mexico-lawsuit-gunmakers.html), reversing a federal district court decision that said that the federal Protection of Lawful Commerce in Arms Act ("PLCAA") shielded the gun industry from such suits. Since [*Congress*](https://www.newsweek.com/topic/congress?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) enacted the [*PLCAA*](https://www.law.cornell.edu/uscode/text/15/chapter-105) at the [*NRA*](https://www.newsweek.com/topic/nra?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships)'s behest in 2005, the gun industry has avoided liability, while Congress refused to rein in reckless practices, leading to ever-worsening gun violence. But now the First Circuit has ruled that unlawful business practices disentitles gun companies to any protection under this protectionist law.

The ruling is historic, recognizing for the first time that gun manufacturers who engage in unlawful sales practices and enable crime and gun violence can be held liable. Mexico's suit could force them to stop supplying scofflaw dealers and other reckless and illegal practices. Already, just the credible threat of accountability and compliance risk places a cost on supplying criminals with guns, which hits gun companies' bottom line. So even if the human costs of their practices haven't induced them to change, now that they may have to pay for the damages, the financial costs could. Their new vulnerability to lawsuits also carries the threat of discovery, which could expose dark secrets, as litigation exposed Big Tobacco and other industries that harmed the public.

Mexico has done what the U.S. failed to do: bring an effective lawsuit that could change the way guns are sold in this country and trafficked to others. It's part of a promising new movement, led by my organization, [*Global Action on Gun Violence*](https://actiononguns.org/), to bring international pressure on the U.S. gun industry and policymakers to crack down on the illegal gun market like the rest of the world does. While the U.S. has abundantly demonstrated it can't or won't take effective action on guns, international actors, unconstrained by our gun-friendly ***politics***, can and will.

The resulting reforms will not prevent law-abiding people from buying guns, but they will stop the supply of guns to straw buyers, traffickers, and other criminals. The U.S. stands to benefit as much or more than Mexico.

*John Lowy is president of Global Action on Gun Violence, and counsel for the Government of Mexico in its gun industry lawsuits.*

*The views expressed in this article are the writer's own.*

[*Link to Image*](https://d.newsweek.com/en/full/2346712/price-freedom.jpg)

**Graphic**

The Price of Freedom?

Win McNamee/Getty Images

Empty chairs displaying the names of students killed during school shootings are shown during an event on the National Mall calling for action on preventing gun violence on Sept. 13, in Washington, DC. The event, called Lives Robbed Back-To-School Roll Call, featured parents whose children were killed by gun violence, calling for common sense gun laws.

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