



**Information Note No. 16**  
**Mexico City, August 4, 2021**

## **Comments on the position of the Firearm Industry Trade Association (NSSF) regarding the lawsuit filed by the Government of Mexico**

The defendants and the gun industry in the United States will try to disclaim any responsibility for the unlawful trafficking of their arms to Mexico and for the harm they cause.

It was to be expected that they would try to litigate the issue in the media rather than in court, where the existing evidence will be brought before a judge:

1. Almost all the guns recovered at crime scenes in Mexico - between 70% and 90% of them - were trafficked from the United States. The defendants include the six US-based manufacturers whose guns are most frequently found in Mexico — Smith & Wesson, Beretta, Century Arms, Colt, Glock and Ruger. Another manufacturer that has been sued is Barrett, whose .50 caliber semi-automatic sniper rifle is a military-style firearm that is prized by drug cartels. The last defendant — Interstate Arms — is a Boston-area wholesaler, through which all but one of the manufacturers being sued sell their guns for resale to gun dealers throughout the United States.
2. The defendants design, market, distribute and sell guns in such a way as to know that they are arming the drug cartels in Mexico. The defendants use reckless and corrupt arms dealers, and engage in dangerous and illegal sales practices used by the cartels to obtain their guns. The defendants design these guns to be easily modified to fire automatically and to make them easily transferable in the criminal market. The defendants know how to manufacture and sell their guns to prevent these illegal sales; the United States Government and the United States court told them how to do it. The defendants continue to defy these recommendations and many others, and instead choose to continue supplying the criminal arms market in Mexico — because they benefit from it.
3. The defendants manufacture more than 68% of the trafficked US-sourced guns, which means that each year they sell more than 340,000 guns that flow from their factories in Massachusetts and other US states to criminals south of the border.
4. In 2001, the federal government of the United States urged the defendants to monitor, supervise, and establish reasonable conditions in their distribution systems to avoid supplying guns to criminals. The defendants refused. Defendant Smith & Wesson reached a conciliation agreement with the United States federal government, as well as several US cities, committing to make specific reforms to its distribution system designed to prevent it from supplying arms to the criminal market. Under pressure from others in the industry, Smith & Wesson breached the agreement.

The United States Supreme Court recognizes that a foreign government can sue in United States courts. This lawsuit is respectful of US laws and is not intended to violate the Second Amendment of the United States Constitution.





This is not a lawsuit against gun sales. Rather, it seeks responsible arms sales where, if the defendant companies were indeed governed by the law, they would have stricter business practices and would:

1. Refrain from advertising high-powered military-style weapons among the civilian population.
2. Penalize distributors and sellers who violate United States law.
3. Cooperate with US authorities to trace the guns used to commit crimes in Mexico. This information could benefit investigations and law enforcement.
4. Not tailor their publicity for criminal groups.

The lawsuit will prove that the companies named engage in illicit and negligent practices. The court will be presented with facts and evidence, not the superficial messages that seek to legitimize the defendants' unconscionable enrichment at the cost of the deaths of hundreds of people.

