
Student Name
Latin American Security
Teacher Name
Date
A majority taken collectively may be regarded as a being whose opinions, and most frequently whose interests, are opposed to those of another being, which is styled a minority. If it be admitted that a man, possessing absolute power, may misuse that power by wronging his adversaries, why should a majority not be liable to the same reproach?\(^1\)

- Alexis de Tocqueville, Democracy in America

Abstract: Instability, violence, and impunity in Mexico are fueled by the demand for illegal narcotics in the United States. The U.S. however, has failed to enact reforms that effectively reduce this demand. Thus, the Mexican government has been forced into conflicts against sophisticated Transnational Criminal Organizations (TCOs) that have claimed hundreds of thousands of lives. In this paper, I argue that- due to the level that U.S. and Mexican societies have been integrated through trade and migration- James Madison and Alexis de Tocqueville’s tyranny of the majority doctrine is a useful lens through which to view the U.S.-Mexico relationship. After determining that the U.S. is in fact exercising the tyranny of the majority over Mexico, I conclude by calling for greater North American integration to protect minority rights in North American society.

Rule of Law vs. State of Nature

In a well-governed State, there are few punishments, not because there are many pardons, but because criminals are rare; it is when a State is in decay that the multitude of crimes is a guarantee of impunity.\(^2\)

- Jean-Jacques Rousseau, The Social Contract

The social contract has been breached in many Mexican states. Instead of rule of law, impunity reigns. Crimes go unreported, uninvestigated, and unpunished. Life, liberty, and property are no longer secured by the state.\(^3\) Government forces have lost their monopoly on coercion and citizens are left with little to no protection from the violent and anarchic state of

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\(^1\) Tocqueville, Alexis de. Democracy in America. Bantam Dell, 2002. pg. 301


nature. The situation is reminiscent of the breakdown in society that Thomas Hobbes recorded after watching armed bandits rampage through Europe during the Thirty Years War:

> Whatsoever therefore is consequent to a time or war where every man is enemy to every man, the same is consequent to the time wherein men live without other security than what their own strength and their own invention shall furnish them withal. In such condition there is... continual fear and danger of violent death, and the life of man solitary, poor, nasty, brutish, and short.

Sadly, this, “continual fear and danger of violent death,” is fueled by demand for narcotics in the United States. This is because drug sales in America create “illicit external income” that Mexican transnational criminal organizations (TCOs) use to corrupt government officials, and to purchase weapons. Yet, the U.S. government has failed, and continues to fail, to adopt policies that could effectively reduce this demand. This is tragic. Mexico is a new democracy, and it is still mired in the exceptionally difficult and vulnerable process that is democratic consolidation.

In this essay I argue that the United States’ failure to effectively reduce domestic narcotics demand has, in Mexico, facilitated the breakdown of the rule of law, and reversion to the state of nature that Rousseau and Hobbes mentioned. This severely undermines democratic governance.

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in Mexico. Because U.S. and Mexican societies have become deeply interconnected,° I contend that the U.S. is thus guilty of exercising the tyranny of the majority over her weaker southern neighbor.

Narcotics: We Are the Market

The overwhelming majority of Mexico’s internal instability— the violence, corruption and impunity— is funded by drug sales in the United States. Secretary of State Rex Tillerson recently addressed this issue bluntly: “...we as Americans must confront that we are the market. There is no other market for these activities. It is all coming here. But for us, Mexico wouldn't have the trans-criminal organized crime problem and the violence that they're suffering.” Likewise, then-Secretary of Homeland Security John Kelly recently admitted that U.S. demand for drugs brings, “...a level of violence to [Latin America] that make them the most violent nations on the planet. Our drug use has reduced some democracies in our hemisphere to nearly failed narco-states.”°

The U.S.-addiction funded violence that these officials refer to is, according to Brookings, “...more intense than many civil wars and insurgencies around the world.”°° From

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2007 to 2015 over 164,000 civilians died in Mexico due to criminal activities- this is more civilian deaths than those in Iraq and Afghanistan combined during the same time period.\textsuperscript{12} This violence is funded by the $19-$29 billion in profits that Mexican cartels reap from U.S. drug sales annually.\textsuperscript{13} After selling narcotics on American streets, straw buyers representing Mexican TCOs frequently use their profits to buy firearms- without a background check- which they then smuggle to Mexico.\textsuperscript{14} According to a U.S. government study, 70% of all guns recovered at Mexican crime scenes originated in the U.S.A.\textsuperscript{15} Furthermore, the University of San Diego estimates that around 250,000 firearms were trafficked from the US into Mexico between 2010 and 2012; this represents $127 million in profits for the U.S. firearms industry.\textsuperscript{16} The firearm issue represents just one way that American narcotics demand fuels instability in Mexico.

But what can the U.S. do to reduce the market for illegal narcotics? According to Brookings, hardcore drug addicts- as opposed to casual users- consume 80% of illegal narcotics in the U.S.\textsuperscript{17} This demographic is the key to reducing U.S. demand. Historically, U.S. administrations have pursued harsh punishments- including extended prison terms even for

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\textsuperscript{15} Ibid


\textsuperscript{17} Felbab-Brown
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non-violent users- for these offenders as a deterrent to drug use. These methods have not reduced use, and they have caused serious social harm to those imprisoned, which exacerbates the problem.\textsuperscript{18} Yet despite the failure of these law and order strategies, President Trump is currently doubling down them.\textsuperscript{19,20} Because it is unlikely that the U.S. will pursue strategies that have been proven to reduce addict use- such as providing mild and swift punishments, along with rehabilitation\textsuperscript{21}- Mexico is forced into a reactionary response to U.S. drug policy, which is attempting to counter the violence it breeds with brute force. This has resulted in the militarization of the police in Mexico,\textsuperscript{22} and a drastic rise in the crime-related death toll in Mexico.\textsuperscript{23} Both of these effects of U.S. inaction severely undermine Mexico’s democratic consolidation.

**Tyranny of the Majority**

America has not taken drastic measures to reduce narcotics demand because the effects of current U.S. drug policies do not negatively affect the average American voter in a way that is obvious to them. Therefore, they do not put pressure on their political representatives to take action. If these hundreds of thousands of homicides had occurred on U.S. soil, the issue would

\textsuperscript{18} Felbab-Brown

\textsuperscript{19} Felbab-Brown

\textsuperscript{20} It should be noted that President Obama did slow down the law and order approach. According to Brookings he ultimately backed away from prison terms for non-violent offenders, and the Affordable Care Act included provisions that supplied medical assistance to addicts. Trump has reversed this (Felbab-Brown 2017).

\textsuperscript{21} Felbab-Brown

\textsuperscript{22} Lindsay-Poland and Weiss 185

become a priority and sensible solutions would be implemented. However, the death and
destruction has only affected a minority of the North American population, thus, no action is
taken. This trampling of minority rights in a shared society- the tyranny of the majority- was a
major governmental concern for James Madison:

\[It \text{ is of great importance in a republic not only to guard the society against the}
\text{oppression of its rulers, but to guard one part of the society against the injustice of the}
\text{other part...If a majority be united by a common interest, the rights of the minority will be}
insecure...Justice is the end of government. It is the end of civil society...In a society}
\text{under the forms of which the stronger faction can readily unite and oppress the weaker,}
anarchy may as truly be said to reign as in a state of nature, where the weaker individual}
\text{is not secured against the violence of the stronger.}\]

I contend that U.S. failure to reduce the demand for narcotics is a clear example of America
exercising the tyranny of the majority over Mexico. Critics of my thesis may argue that Madison
only meant this doctrine to apply to the internal affairs of one country, and conclude that I thus
cannot apply this tyranny of the majority doctrine across the U.S.-Mexico border. To answer this
critique I would point out that at the time of writing, America was governed under the Articles of
Confederation, which was simply “a firm league of friendship” between thirteen sovereign
republics. Madison and the other framers wrote the Constitution in part as an attempt to resolve

\[24\text{ From the Federalist #51, found in: Madison, James, Hamilton, Alexander and Jay, John. The Federalist}
\text{Papers. New York: Signet Classics, an imprint of New American Library, a division of Penguin Group (USA),}
\text{2005. Pg. 320-321}\]

\[25\text{ From Article III of the Articles of Confederation, found on pg. 533 of: Madison, James, Hamilton,}
\text{Alexander and Jay, John. The Federalist Papers. New York: Signet Classics, an imprint of New American Library,}
\text{a division of Penguin Group (USA), 2005}\]
the majority tyranny issues that existed under the Articles government.\textsuperscript{26-27} Thus, according to Madison, the doctrine itself transcends borders, especially when society also transcends borders.

The U.S. and Mexico share a society that transcends the international border due to 1) integrated commerce, 2) the large numbers of Mexican-Americans residing in the U.S., and 3) the convergence of U.S. and Mexican cultures that has occurred in the American Southwest especially. Over a billion dollars in cross-border trade occurs between the U.S. and Mexico every day due to NAFTA; six million American jobs depend on this trade.\textsuperscript{28} This commercial relationship - albeit not on this scale - has existed for over a century. In times past Mexican workers easily crossed the border to engage in a pattern of circular migration between the US and Mexico.\textsuperscript{29} This migration to the U.S. established Mexican roots in America even deeper than they had been previously.\textsuperscript{30} As of 2012, over 33 million persons of Mexican descent resided in the United States; 22 million of which were U.S. citizens. Millions of these people retain familial

\footnotesize{\textsuperscript{26} Madison, James. "Vices of the Political System of the United States." National Humanities Center. April 1787. \url{http://americainclass.org/sources/makingrevolution/constitution/text1/madisonvices.pdf}. Pg. 5


\textsuperscript{30} Of course, Mexico had previously established roots in the American Southwest, which used to be Mexican territory. These roots, however, were relatively shallow. For example, before the Mexican-American War, only about 6,000 Mexicans lived in California: Herring, George. \textit{From Colony to Superpower: U.S. Foreign Relations Since 1776}. S.l.: Oxford University Press, 2011. pg. 197}
ties in Mexico. This makes them transborder stakeholders. Furthermore, Mexican migration to the U.S. has resulted in a convergence of cultures. Anyone who has spent time in Phoenix, Los Angeles, Houston, or countless other cities has likely seen this convergence of culture in music, food, sports, education, religion, families, and in countless other areas. The aforementioned economic integration, combined with the transborder nature of migration, familial ties, and culture all combine to create a shared society between the U.S. and Mexico. While this shared society may comprise many groups under different governments, so did the early American society that James Madison refers to. Therefore, the U.S. and Mexico do share a society and the narcotics demand issue can be viewed through the tyranny of the majority lens.

Recommendations

Though the United States is exercising the tyranny of the majority over Mexico, this researcher does not believe this tyranny is intentional. It is the product of the American public’s lack of knowledge concerning this problem set, and the U.S. government's preoccupation with other parts of the world. This tyranny is passive. Nevertheless, something must be done to resolve this issue. In the above quotation, Madison claims that if the stronger party in a society is not prevented from exercising the tyranny of the majority over the weaker party, society will return to a Hobbesian state of nature. This is exactly what has occured in parts of Mexico where

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33 For a good summary of just how different the early American states were, see: John Adams to Hezekiah Niles, February 13, 1818. Accessed via the National Endowment for the Humanities: https://edsitement.neh.gov/lesson-plan/inventing-new-republican-culture-america
the lives of some citizens are, “...poor, nasty, brutish, and short,” due to the breakdown of the rule of law.\textsuperscript{34}

To counter majority tyranny, Madison recommended increasing the size and scope of the American republic:

\textit{Extend the sphere and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength and to act in unison with each other.}\textsuperscript{35}

While it would be impossible for the U.S. and Mexico to pursue political union to the degree that the American republics did in 1787, a small degree of integration could significantly reduce majority tyranny. Therefore, I believe that the best method for solving this issue would be the creation of the North American economic and security community that has been advocated by David Petraeus and Robert Zoellick’s Council on Foreign Relations Task Force on North America. Such an organization would not need to go so far as to require each nation to surrender any sovereignty to the community. A formal, public debate and discussion between representatives of the three countries alone could powerfully prevent majority tyranny by eliciting news coverage of North American issues, and by cultivating a North American perspective amongst the countries’ populations. Non-binding votes on transcontinental issues could also give member states moral incentive to adopt policies for the good of the continent, while still retaining sovereign control over their policies. While serving as an ideal platform to


\textsuperscript{35} From the Federalist #10, found in: Madison, James, Hamilton, Alexander and Jay, John. \textit{The Federalist Papers}. New York: Signet Classics, an imprint of New American Library, a division of Penguin Group (USA), 2005. Pg. 78
solve the North American narcotics issue, this organization would also be well placed to prevent future enactments of the tyranny of the majority. Lastly, it would facilitate the integration and cooperation that will make North America a unified, powerful force in the world.

In the words of the Council on Foreign Relations task force:

*Consider the assets of North America: a population of almost half a billion; the potential for energy self-sufficiency and even exports; a wealth of human and mineral resources; peaceful and friendly neighbors; and markets for agriculture, manufacturing, services, technology, and innovation that account for more than a quarter of the world’s economy. If the three democracies of North America work closely together, they will be the principal force in the world for decades to come.*

While the above recommendation would be the ideal method for solving the majority tyranny issue, the current populist U.S. administration is unlikely to pursue greater North American integration. Therefore, in the short term, three actions should be taken in America that would strike severe blows to Mexican TCOs: 1) legalization of marijuana, which would cut an estimated 17% of Mexican TCO profits, 2) the closing of loopholes that allow firearms to be purchased in the U.S. sans background check, and 3) rehabilitation, instead of long term prison sentences for hard core drug addicts. While the current U.S. administration is also unlikely to adopt these reforms, the individual American states could take unilateral action in these areas to varying degrees. These reforms, however, would only be a starting point. This issue ultimately requires a North American response from all three of the continent’s democracies.

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36 Petraeus, et al. 62


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