

THE “WAR ON DRUGS” AND THE “NEW STRATEGY”:  
IDENTITY CONSTRUCTIONS OF THE UNITED STATES,  
U.S. DRUG USERS AND MEXICO

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**ABSTRACT.** *On narcotics control policy, the Obama Administration’s “New Strategy” represents a rupture with the hitherto prevailing narrative of the “War on Drugs,” whose origins date back to the Nixon Administration. While the latter emphasized prosecution at home and military cooperation abroad, the former balances education and treatment with law enforcement at the domestic level as it admits U.S. limitations towards Mexico in the international arena. This article employs discourse analysis on particular speech pieces by the U.S. executive branch since 1971. In doing so, it finds identity constructions of the “self” and the “other” articulating difference signifiers around a nodal point. Henceforth, the War on Drugs depicts an epic scenario in which the United States has been a virtuous and sufficient actor defending American values from irrational criminals while helping its flawed and deficient southern neighbor cope with its own shortcomings. Needless to say, this strategy has reached no decisive achievement and has protracted for nearly 40 years. On the other hand, the New Strategy portrays the United States as a limited entity providing U.S. teenagers, convalescent drug users and low-level offenders with healthcare and education in order to reduce consumption. Meanwhile, the new U.S. identity acknowledges and underscores its responsibility providing weapons and money fuelling Mexico’s narco-trafficking. This reconstruction of identities shows that both neighbors can no longer believe in fairy tales about drug policy and must start addressing their issues of public health and social exclusion as the fallible States they are.*

**KEY WORDS:** *Drug control policy, White House, US-Mexico relations, organized crime, war on drugs, discourse analysis, Barack Obama, public health.*

**RESUMEN.** *En materia de política antinarcóticos, la nueva estrategia de la administración Obama rompe con la, hasta hace poco, narrativa dominante de guerra contra las drogas. Mientras que ésta se enfocó en criminalización en casa y cooperación militar afuera, aquella balancea educación y tratamiento con*

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*aplicación de la ley domésticamente mientras Estados Unidos admite limitaciones hacia México en la arena internacional. Este artículo emplea el análisis del discurso sobre ciertos textos oficiales del Poder Ejecutivo de Estados Unidos desde 1971. En el proceso se encuentran construcciones de identidad sobre el “yo” y el “otro,” articulando significantes diferenciados alrededor de un punto nodal. Así, la “Guerra contra las drogas” describe un escenario épico en el que Estados Unidos fue un actor virtuoso y suficiente, defendiendo valores americanos contra criminales irrationales mientras ayudaba a su viciado y deficiente vecino sureño a lidiar con sus propios defectos. Esta estrategia no alcanzó ningún logro significativo y se prolongó durante casi 40 años. Por otro lado, la “nueva estrategia” ilustra a Estados Unidos como una entidad limitada, proveyendo tratamiento y educación a jóvenes, a adictos convalecientes y a infractores menores para reducir el consumo de drogas. Asimismo, esta nueva identidad de Estados Unidos reconoce y subraya su responsabilidad al solapar flujos de armas y dinero que facilitan la narcoviolencia en México. Esta reconstrucción muestra que ambos países no pueden seguir creyendo cuentos de hadas en política antinarcóticos y deben comenzar a encarar sus asuntos de salud pública y exclusión social como los Estados falibles que son.*

**PALABRAS CLAVE:** *Política antinarcóticos, Casa Blanca, relaciones México-Estados Unidos, crimen organizado, guerra contra las drogas, análisis del discurso, Barack Obama, salud pública.*

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#### I. INTRODUCTION: THE WAR ON DRUGS AND THE NEW STRATEGY

In May 2009, White House Drug Czar Gil Kerlikowske called “to completely and forever end the war analogy, the War on Drugs.”<sup>1</sup> The U.S. War on Drugs

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<sup>1</sup> Wall Street Journal, *Q & A with the New Drug Czar*, <http://online.wsj.com/article/SB123331735120871.html> (last visited February 18, 2012).

was first proclaimed in 1972 by Richard Nixon, who defined narcotics as "public enemy number one," initiating drug control policy framed in terms of National Security at home and abroad.<sup>2</sup> This approach criminalized illegal drug users using mostly law enforcement agencies within the United States and establishing mainly military partnerships with "transit" and "source" countries.<sup>3</sup> With its ups and downs, the War on Drugs witnessed estimated figures of US\$117.6 billion spent on narcotics in the United States by 1999.<sup>4</sup> In 2008, 20.1 million US citizens reported having used any kind of illegal drug in "the past month" at least once.<sup>5</sup> Outside the United States, after participating militarily in different countries such as Colombia and Afghanistan, the last episode of the War on Drugs in Mexico shows this country is facing a spiral of violence with approximately 50,000 drug trafficking-related deaths since 2006.<sup>6</sup> Furthermore, Mexican cartels operate "in more than 230 US cities."<sup>7</sup>

In this light, the 40-year-old War on Drugs has failed to defeat "public enemy number one" in its entirety. Illegal drug use still has millions of U.S. consumers whilst narco-violence moved from Cali and Bogotá to Ciudad Juárez and Monterrey, just on the border with the United States. In this scenario, Mr. Kerlikowske's claim represents a noteworthy change in the discourse on the narcotics policy.

The Obama administration reconstructed U.S. discourse on drug policy with Mexico by not expressing it any longer as the War on Drugs. Its New Strategy favors education and treatment over law enforcement in dealing with narcotics use.<sup>8</sup> The main goal of the 2010 National Drug Control Strategy (hereinafter NDCS) is to reduce the use of drugs by 15 percent in the next five years.<sup>9</sup> Abroad, the New Strategy still involves shrinking military coopera-

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<sup>2</sup> ANDREW B. WHITFORD & JEFF YATES, PRESIDENTIAL RHETORIC AND THE PUBLIC AGENDA: CONSTRUCTING THE WAR ON DRUGS, 71 (Johns Hopkins University Press, 2009).

<sup>3</sup> Adam Isacson, *The U.S. Military in the War on Drugs*, in DRUGS AND DEMOCRACY IN LATIN AMERICA: THE IMPACT OF U.S. POLICY 15-60 (Coletta Youngers & Eileen Rosin eds., Lynne Rienner, 2005).

<sup>4</sup> RAND CORPORATION, HOW GOES THE "WAR ON DRUGS"? AN ASSESSMENT OF U.S. DRUG PROBLEMS AND POLICY (2005), [http://www.rand.org/pubs/occasional\\_papers/2005/RAND\\_OP121.pdf](http://www.rand.org/pubs/occasional_papers/2005/RAND_OP121.pdf) (last visited February 18, 2012).

<sup>5</sup> National Institute on Drug Abuse, *National Survey on Drug Use and Health: National Findings*, <http://oas.samhsa.gov/nsduh/2k7nsduh/2k7Results.cfm#Ch2> (last visited February 18, 2012).

<sup>6</sup> Bbc.co.uk, *Q&A: Mexico's drug-related violence*, <http://www.bbc.co.uk/news/world-latin-america-10681249> (last visited February 18, 2012)

<sup>7</sup> OFFICE OF NATIONAL DRUG CONTROL POLICY [Hereinafter ONDCP], 2009 NATIONAL SOUTHWEST BORDER COUNTERNARCOTICS STRATEGY 1 (2009), [http://www.whitehouse.gov/sites/default/files/ondcp/policy-and-research/swb\\_counternarcotics\\_strategy09.pdf](http://www.whitehouse.gov/sites/default/files/ondcp/policy-and-research/swb_counternarcotics_strategy09.pdf) .

<sup>8</sup> ONDCP, 2010 NATIONAL DRUG CONTROL STRATEGY III (2010), [http://www.whitehouse.gov/sites/default/files/ondcp/policy-and-research/ndcs2010\\_0.pdf](http://www.whitehouse.gov/sites/default/files/ondcp/policy-and-research/ndcs2010_0.pdf).

<sup>9</sup> *Id.*

tion with Mexico while providing funding and expertise through the Mérida Initiative.<sup>10</sup> However, the 2009 National Southwest Border Counternarcotics Strategy (hereinafter NSBCS) “also recognizes the role that the outbound flow of illegal cash and weapons plays in sustaining the cartels;” thus establishing U.S. responsibility for resources fueling narco-bloodshed on Mexican soil.<sup>11</sup>

This article examines how the War on Drugs identities regarding actors and roles differ from those constructed in the New Strategy. Thus, this article claims for a discursive change in the identity of the United States with respect to Mexico on drug control policy. It does so through a constructivist approach as it envisions international relations going beyond the material capabilities of power as a cause of policy-making, towards power conceived as discourse.<sup>12</sup> Power is manifested through discursive representations highlighting certain discourses and overshadowing alternative ones.<sup>13</sup> When discourse is constructed and accepted, determinate policy-scenarios are enabled.<sup>14</sup> The realm of international relations is a social construction built on intersubjectivity and language.<sup>15</sup> Unlike neorealism and neoliberalism which envision States and their environments as exogenous and closed identities fighting for either survival or hegemony, constructivism looks for meaning construction since individuals in society require meaning for their actions.<sup>16</sup> Meaning is neither exclusive of the individual nor of society, but is constructed on the practices and reproduction of both entities.<sup>17</sup> Constructivism sees a world of social relations, in which identities are constructed through production and contestation of meaning.

The proposed method analyses the identity constructions of the “self/other” binary regarding the United States and Mexico on the War on Drugs and the New Strategy.<sup>18</sup> Inside the identities of the “self” and the “other” are entangled a series of differences and equivalences constructing meaning in

<sup>10</sup> ONDCP, 2009 NSBCS 5 (2009).

<sup>11</sup> *Id.* at 1.

<sup>12</sup> Christina Rowley & Jutta Welsch, *Identities and US Foreign Policy* in US FOREIGN POLICY 183, 184 (Michael Cox & Doug Stokes eds., Oxford University Press, 2008).

<sup>13</sup> CHRISTOPHER BROWNING, *CONSTRUCTIVISM, NARRATIVE AND FOREIGN POLICY ANALYSIS* 16 (Peter Lang, 2008).

<sup>14</sup> Karin Fierke, *Constructivism in INTERNATIONAL RELATIONS THEORIES: DISCIPLINE AND DIVERSITY* 166, 177 (Tim Dunne et al. eds., Oxford University Press, 2007).

<sup>15</sup> Michael Barnett, *Social Constructivism in THE GLOBALIZATION OF WORLD POLITICS* 251, 259 (John Baylis et al. eds., Oxford University Press, 3<sup>rd</sup> ed., 2007).

<sup>16</sup> Christian Reus-Smit, *Constructivism in THEORIES OF INTERNATIONAL RELATIONS* 209, 213 (Scott Burchill et al. eds., Palgrave 2nd ed., 2001).

<sup>17</sup> Marlene Wind, *Nicholas Onuf: The Rules of Anarchy in THE FUTURE OF INTERNATIONAL RELATIONS: MASTERS IN THE MAKING* 237, 238 (Iver B. Neumann & Ole Waeaver eds., Routledge 1997).

<sup>18</sup> DAVID CAMPBELL, *WRITING SECURITY: US FOREIGN POLICY AND THE POLITICS OF IDENTITY* 21 (Manchester University Press, 1998).

negative ways utilizing "floating signifiers" and a "nodal point."<sup>19</sup> Whereas the logic of difference accentuates the disparities between signifiers, the logic of equivalence emphasizes the similarities between them.<sup>20</sup> The use of a nodal point enables the construction of a superior identity vis-à-vis the "other," producing a hierarchy of identities.<sup>21</sup> The nodal point is the United States constructing itself as the top actor with floating signifiers around its fixed position. The United States has active agency as a speaking, and policy-making actor on the content of signifiers such as "help" and "sovereignty," thus producing a shared discourse with its "other" (Mexico) on narcotics policy.

Since the power of language is pivotal in this article, a discourse analysis to disentangle these articulations of meaning inside U.S. and Mexican identities is essential. The materials to be examined are salient addresses by different U.S. presidents ranging from Richard Nixon to Barack Obama and others by U.S. executive branch officers. In 1988, the Office of National Drug Control Policy (hereinafter ONDCP) was created to set goals and measures on a timely basis by producing NDCSs.<sup>22</sup> Thus, this article focuses on selected addresses and official documents produced by members of the U.S. executive branch and NDCSs by the ONDCP.

When the features of the War on Drugs and the New Strategy are analyzed and contrasted, it is possible to say that the latter is a reconstruction of the former.<sup>23</sup> The United States is still the top actor, but the "self" and the "other" identities changed prompting a different scenario; thus, a change in U.S. identity becomes plausible and this also reaches Mexico's identity: "So long as there is difference, there is a potential for change."<sup>24</sup>

Finally, although the New Strategy is not a radical rupture from the War on Drugs, it seeks to reduce the focus on criminalization and militaristic measures. The War on Drugs observed the rise of cartels, the corruption of public institutions on both sides of the border, the skyrocketing of prices of illegal drugs, and a death toll of thousands of Mexicans annually.<sup>25</sup> The argument presented here demonstrates past drug policies based on articulations of meaning creating identities of a virtuous, sufficient and certain country vis-à-

<sup>19</sup> ERNESTO LACLAU & CHANTAL MOUFFE, *HEGEMONY AND SOCIALIST STRATEGY: TOWARDS A RADICAL DEMOCRATIC POLITICS XI* (Verso, 2001).

<sup>20</sup> Rodolphe Gasché, *How Empty can Empty be? On the Place of the Universal in LACLAU: A CRITICAL READER* 17, 22 (Simon Critchley & Oliver Marchart eds., 2004).

<sup>21</sup> ROXANNE L., DOTY, *IMPERIAL ENCOUNTERS: THE POLITICS OF REPRESENTATION IN NORTH-SOUTH RELATIONS* 66 (Routledge, 1996).

<sup>22</sup> GARY FISHER, *RETHINKING OUR WAR ON DRUGS: CANDID TALK ABOUT CONTROVERSIAL ISSUES* 1 (Greenwood, 2006).

<sup>23</sup> MICHAEL CLIFFORD, *POLITICAL GENEALOGY AFTER FOUCAULT: SAVAGE IDENTITIES* 6 (Routledge, 2001).

<sup>24</sup> Ted Hopf, *The Promise of Constructivism in International Relations Theory*, 23 *INTERNATIONAL SECURITY* 171, 180 (1998).

<sup>25</sup> PETER H. SMITH, *DRUG POLICY IN THE AMERICAS*, 11 (Westview, 1992).

vis its flawed, deficient and uncertain neighbor. The identity changes for the United States and Mexico reminds us that both countries are fallible States prone to contingencies. Therefore, the best way to tackle the drug problem is by addressing public health and social exclusion on both sides of the border under the banner of honesty between neighbors.

## II. CONSTRUCTIONS OF WAR ON DRUGS

[...] And Nixon was sitting there as usual in his kind of reflective quiet way. And he looked out the window of the helicopter, and he turned to Bud and me and whoever else was there, and he pointed—we were flying over Brooklyn then—and he said, “You and I care about treatment. But those people down there, they want those criminals off the street.” And that was the way he said it. And it was probably 99.9% right.<sup>26</sup>

This section draws on a corpus of speech pieces in which the identity constructions of the “self/other” binary represented actors and threats equally at the domestic level and in the international arena. Initially, the Nixon administration paved the way to create the drug threat inside and outside the United States. Later, in the Carter’s message to the Congress in 1977, the then president spoke of decriminalizing the use of marijuana, a proposal that in the end died in Congress.<sup>27</sup> After Carter’s failure, the Reagan administration completely endorsed contempt towards illegal drugs as threats against U.S. values.<sup>28</sup> The following administrations continued along the already constructed path: drug use in the United States is a crime to be prosecuted, Mexico and other States are weak transit countries to be helped, and it is the duty of the United States to cope with such threats by providing help and cooperation as a positively sovereign and virtuous State.

### 1. *The Nixon Administration*

As the War on Drugs implies both domestic and international battlefields, its birth inscribed meaning to domestic and foreign “others.”<sup>29</sup> During his nomination speech in 1968, Richard Nixon declared this before the rising

<sup>26</sup> Pbs.org, *Interview: Myles Ambrose on Frontline Show Drug Wars*, <http://www.pbs.org/wgbh/pages/frontline/shows/drugs/interviews/ambrose.html> (last visited February 19, 2012).

<sup>27</sup> JEREMY KUZMAROV, THE MYTH OF THE ADDICTED ARMY: VIETNAM AND THE MODERN WAR ON DRUGS 168 (University of Massachusetts Press, 2009).

<sup>28</sup> WILLIAM ELWOOD, RHETORIC IN THE WAR ON DRUGS: THE TRIUMPHS AND TRAGEDIES OF PUBLIC RELATIONS 29 (Greenwood, 1994).

<sup>29</sup> Robert Putnam, *Diplomacy and Domestic Policies: The Logic of Two-Level Games*, 42 INTERNATIONAL ORGANIZATION 427, 457 (1988).

crime rates scourging the United States: "Our new Attorney General will be directed to launch a war against organized crime in this country [...] The wave of crime is not going to be the wave of the future in the United States of America."<sup>30</sup>

This declaration foresaw the "get-tough" crime policy and is important since social constructions including identities, policies and threats are not created inside a vacuum apart from the social environment.<sup>31</sup> In his 1971 Message to the Congress on Drug Abuse Prevention and Control, Nixon shaped the "domestic other:" "Narcotic addiction is a major contributor to crime. The cost of supplying a narcotic habit can run from \$30 a day to \$100 a day [...] Untreated narcotic addicts do not ordinarily hold jobs. Instead, they often turn to shoplifting, mugging, burglary, armed robbery, and so on."<sup>32</sup>

There is a causal articulation from drug use to crime based on economic and criminal patterns like "the costs of supplying" and "armed robbery." Those criminal addicts "have lost control over their lives due to their predisposition to consume beyond their means."<sup>33</sup> The boundary between "us" and "them" is constructed over an economic principle: rationality. "They," the drug-consumers, are irrational and unreliable; "we," the non-consumers, are rational and reliable.<sup>34</sup> The first pair of floating signifiers articulated through the logic of difference, "irrationality/rationality," appears. Nixon now signifies the nature of the threat: "America has the largest number of heroin addicts of any nation in the world. And yet, America does not grow opium — of which heroin is a derivative — nor does it manufacture heroin, which is a laboratory process carried out abroad. This deadly poison in the American life stream is, in other words, a foreign import."<sup>35</sup>

The deadly poison haunting irrational consumers with deviant behavior manifested through addiction and crime is a foreign import. This poison endangers "American life." The second pair of floating signifiers, "death/life," stems from this point. The manner in which Nixon calls the poison-exporting countries follows:

Fifth, I am asking the Congress to amend and approve the International Security Assistance Act of 1971 and the International Development and Hu-

<sup>30</sup> Richard Nixon, *Nomination acceptance address* (1968), <http://www.presidentialrhetoric.com/historicspeeches/nixon/nominationacceptance1968.html> (last visited February 19, 2012).

<sup>31</sup> Harry Gould, *What is at Stake in the Agent-Structure Debate?* in INTERNATIONAL RELATIONS IN A CONSTRUCTED WORLD 79, 80 (Vendulka Kubálková et al. eds., M.E. Sharpe 1998).

<sup>32</sup> Richard Nixon, *Special message to the Congress on drug abuse, prevention and control* (1971), <http://www.presidency.ucsb.edu/ws/?pid=3048> (last visited February 19, 2012).

<sup>33</sup> PABLO VILA, BORDER IDENTIFICATIONS: NARRATIVES OF RELIGION, GENDER AND CLASS ON THE US-MEXICO BORDER 272 (University of Texas Press, 2005).

<sup>34</sup> Kelly Szott, *(De)constructing Boundaries: Affective Economies, Biopolitics and Drug Users*, 4 THE NY SOCIOLOGIST 38, 42 (2010), available at <http://newyorksociologist.org/09/Szott09.pdf>.

<sup>35</sup> Nixon, *supra* note 32.

manitarian Assistance Act of 1971 to permit assistance to presently proscribed nations in their efforts to end drug trafficking [...] I intend to leave no room for other nations to question our commitment to this matter.<sup>36</sup>

Those nations were deemed proscribed and condemned. Even then, they were expecting U.S. assistance and by no means was the United States going to allow any doubt about its determination to combat the trafficking of this poison. Since these nations cannot control their exports, they need U.S. assistance boosted by a mix of generosity and concern.<sup>37</sup> Hence, we can observe a third pair of signifiers: “weakness/willpower.” Nixon carries on: “Narcotics addiction is a problem which afflicts both the body and the soul of America [...] We have fought together in war, we have worked together in hard times, and we have reached out to each other in division- to close the gaps between our people and keep America whole.”<sup>38</sup>

The U.S. soul is asserted through its conviction to triumph and to fight domestic criminals and foreign poison. This establishes U.S. willpower. However, since drug addiction “afflicts both the body and the soul of America,” there is yet another issue. Nixon talks about crime and death infringed on the American body, as well as threatening American soul with irrationality and weakness. Where then is the US body? Indeed, asserting U.S. willpower is enough to endorse the United States as the nodal point and superior actor “simply because soul and body are always each other’s immediate expression.”<sup>39</sup> The United States cannot be a proscribed and weak nation because it has willpower. Nonetheless, by showing the U.S. body’s discursive representation, the State apparatus, we can add another pair of differences and complete a meaningful articulation:

The U.S. Customs agents with whom I met today at the International Bridge between Texas and Mexico are representative of the many thousands of dedicated Federal, State, and local law enforcement officials engaged in our total war against drug abuse all across this country -men and women to whom every American owes a debt of gratitude for their efforts to defeat the menace which is truly “public enemy number one” [...] Keeping heroin and all dangerous drugs out of the United States is every bit as crucial as keeping out armed enemy invaders.<sup>40</sup>

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<sup>36</sup> *Id.*

<sup>37</sup> Doty, *supra* note 21, at 130.

<sup>38</sup> Nixon, *supra* note 32.

<sup>39</sup> MICHEL FOUCAULT, MADNESS AND CIVILIZATION: A HISTORY OF INSANITY IN THE AGE OF REASON 88 (Richard Howard trans., Tavistock, 1965).

<sup>40</sup> Richard Nixon, *Statement about drug abuse law enforcement* (Change the format to regular letter) (1972), <http://www.presidency.ucsb.edu/ws/index.php?pid=3590&st=enemy&st1=invaders> (last visited February 19, 2012).

Once settled the U.S. body, incarnated in its number of dedicated officials, it also established its capacity for keeping out a threat comparable to enemy invaders. Since enemy invaders encroach on a specific territory, the last difference pair is "aggression/defense."<sup>41</sup> Therefore, the United States, as nodal point, uses the logics of equivalence and difference, grouping the floating signifiers to construct the "self" and the "other." Around the "other," we have: drug addiction, irrationality, death, weakness and aggression. Around the "self," the United States, rationality, life, willpower and defense are contained. This articulation left the United States not only as the nodal point, but at the top of the hierarchy of identities against domestic/foreign "others."<sup>42</sup> In this sense, the United States must prosecute criminals through law enforcement and must help proscribed nations through international cooperation, all based on the defense of U.S. life and rationality.

## 2. Carter and Reagan: Contestation and Reproduction

The Carter administration's decriminalizing discourse on marijuana consumption and Reagan's "religious" discourse offer an interesting dialogue to better understand contestation and reproduction of a meaningful narcotics policy. While the former failed to achieve congressional success, the latter beheld no obstacles towards the creation of the ONDCP.<sup>43</sup>

In his 1977 message on drug abuse to the Congress, Carter offered an alternative in drug control policy:

Penalties against possession of a drug should not be more damaging to an individual than the use of the drug itself; and where they are, they should be changed. Nowhere is this clearer than in the laws against possession of marijuana in private for personal use. We can, and should, continue to discourage the use of marijuana, but this can be done without defining the smoker as a criminal.<sup>44</sup>

This excerpt shows the fragmentation of two discursive representations established in Nixon's discourse: the criminal issue and the drug issue. In Nixon's narrative, drug traffickers and users were indistinctively criminals; meanwhile, all drugs, regardless of their harmful potential, were equally mortal. Although Carter also attempted to reduce marijuana use, he tried to differentiate between dealers and users, and between "soft" and "hard" drugs.<sup>45</sup>

<sup>41</sup> FRANKE WILMER, THE SOCIAL CONSTRUCTION OF MAN, THE STATE AND WAR: IDENTITY, CONFLICT AND VIOLENCE IN THE FORMER YUGOSLAVIA 75 (Routledge, 2002).

<sup>42</sup> Doty, *supra* note 21, at 42.

<sup>43</sup> Kuzmarov, *supra* note 27.

<sup>44</sup> James Carter, *Drug Abuse Message to the Congress* (1977), <http://www.presidency.ucsb.edu/ws/index.php?pid=7908#axzz1XhqPyFmD> (last visited February 19, 2012).

<sup>45</sup> SHANE BLACKMAN, CHILLING OUT: THE CULTURAL POLITICS OF SUBSTANCE CONSUMPTION, YOUTH AND DRUG POLICY 185 (Open University Press, 2008).

If strategies of “otherness” are depicted as “deviating from or falling below or failing to live up to the standards of subjectivity,”<sup>46</sup> then Nixon’s discourse radicalized and homogenized the threat as criminal and deadly. Carter’s discourse tried deconstructing the monolithic signifiers which formed Nixon’s discursive bedrock. However, by 1978, many parent associations and U.S. Congress did not think the same and the proposal for decriminalization fell apart.<sup>47</sup>

In contrast with the Carter Administration, the Reagan Administration endorsed Nixon’s discourse by keeping the war, crime and poison discursive representations: “The time has also come for major reform of our criminal justice statutes and acceleration of the drive against organized crime and drug trafficking [...] This administration hereby declares an all-out war on big-time organized crime and the drug racketeers who are poisoning our young people.”<sup>48</sup>

As stated before, meaning is constructed via production, contestation and reproduction of discourses. The Nixon Administration produced the scenario, whereas Jimmy Carter contested certain aspects of it. What makes the Reagan administration noteworthy is its reproduction on the War on Drugs. Reproduction appears when there is a discursive crisis that arises from questioning previously constructed boundaries.<sup>49</sup> This rupture is manifested because “if the other, is the other, and if all speech is for the other, no logos [discourse] as absolute knowledge can comprehend dialogue and the trajectory toward the other.”<sup>50</sup> Carter questioned the criminal construction of the “domestic other” by dividing it into the “dealer/user” dichotomy, opening this unclosed construction even more. Later, the reproduction by the Reagan Administration would also add another pair of difference signifiers reinforcing the “strategies of otherness.”<sup>51</sup> Now, Ronald and Nancy Reagan speak together:

NR: [...] Drugs steal away so much [...] so much to shake the foundations of all that we know and all that we believe in [...] So, open your eyes to life: to see it in the vivid colors that God gave us as a precious gift to His children [...]

RR: [...] Can we doubt that only a divine providence placed this land, this island of freedom, here as a refuge for all those people on the world who yearn to breathe free? [...] So, won’t you join us in this great, new national crusade?<sup>52</sup>

<sup>46</sup> William Connolly, *Taylor, Foucault and Otherness*, 13 POLITICAL THEORY, 365, 371 (1985).

<sup>47</sup> DAVID MUSTO, THE AMERICAN DISEASE: ORIGINS OF NARCOTIC CONTROL 264 (Oxford University Press, 1999).

<sup>48</sup> Ronald Reagan, *Address before a Joint Session of the Congress on the State of the Union* (1983), <http://www.presidency.ucsb.edu/ws/index.php?pid=41698> (last visited February 19, 2012).

<sup>49</sup> Campbell, *supra* note 18, at 136.

<sup>50</sup> JACQUES DERRIDA, WRITING AND DIFFERENCE 121 (Routledge, 2001).

<sup>51</sup> Campbell, *supra* note 18, at 137.

<sup>52</sup> Ronald Reagan, *Address to the Nation on the Campaign against Drug Abuse* (1986), <http://www>.

Belief, God, divine providence and crusade. This discourse attaches another level of danger to the menace. Narcotics not only threaten U.S. rationality and life, but also jeopardize the “American Civil Religion:” the privileged relationship between God and the United States.<sup>53</sup> The War on Drugs reached a level of spirituality by producing another pair of difference signifiers: un-faithfulness/faithfulness. When Carter denaturalized the criminal identity of the drug holder, the “other’s” signifiers became unanchored. By adding a new pair of differences, the Reagan administration re-articulated Nixon’s constructions over the same nodal point, the United States, therefore underpinning the U.S. position and its values at the top of the hierarchy again.<sup>54</sup> The criminal aspect remains a monolithic threat menacing U.S. rationality, life and now, faithfulness.

### *3. The H.W. Bush Administration on the Foreign “Other”*

Although the H.W. Bush Administration echoes in the constructions made by the prior administration, the enactment of the first NDCS allows for the analysis of the identity of the foreign “other.”<sup>55</sup> The 1989 NDCS shows the articulations constructed between Latin American countries and the United States in the War on Drugs. This text included a chapter on “International Initiatives,” which starts as follows: “The source of the most dangerous drugs threatening our nation is principally international. Few foreign threats are more costly to the U.S. economy. None does more damage to our national values and institutions or destroys more American lives [...] Drugs are a major threat to our national security.”<sup>56</sup>

The H.W. Bush Administration recalls the foreign origin of the “deadly poison” that jeopardizes U.S. rationality, life and faithfulness. This export also threatens Latin American countries in a different way: “Intense drug-inspired violence or official corruption have plagued a number of Latin American countries for years: in more than one of them, drug cartel operations and associated local insurrections are a real and present danger to democratic institutions, national economies, and basic civil order.”<sup>57</sup>

The U.S discourse stopped naming producer and transhipment countries as “proscribed.” Now, insofar as they have “democratic institutions, national economies and basic civil order,” they have become nation-states just like the United States. Hence, a different identity based on different signifiers surges.

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presidency.ucsb.edu/ws/index.php?pid=36414&st=&st1=#axzz1XhqPyFmD (last visited February 19, 2012).

<sup>53</sup> Elwood, *supra* note 28.

<sup>54</sup> Doty, *supra* note 21, at 87.

<sup>55</sup> Whitford & Yates, *supra* note 2, at 63.

<sup>56</sup> ONDCP, 1989 NDCS 61 (1989) <https://www.ncjrs.gov/pdffiles1/ondcp/119466.pdf>.

<sup>57</sup> ONDCP, *supra* 56, at 2.

Nonetheless, the core signifier of the nation-state, its sovereignty, is articulated with different floating signifiers between Latin American countries and the United States.<sup>58</sup>

So far, the U.S. body has been expressed through “dedicated officers” that “keep out enemy invaders” imposing a “debt of gratitude” on Americans. Thus, the “official corruption” tag on Latin American countries is salient in the construction of U.S. identity and its foreign counterpart. Latin American countries hold “negative sovereignty” since their freedom and self-determination are constrained by their own lack of skill to protect their populations and to avoid damaging other countries.<sup>59</sup> As a counterpart, the United States holds “positive sovereignty” because its freedom and self-determination are product of its reasoning and skill to be its “own master” unconstrained as a responsible agent.<sup>60</sup> Invoking “official corruption,” a pair of difference signifiers “flaw/virtue” has been established. The description continues in the H.W. Bush’s 1989 Address to the Nation: “In Colombia alone, cocaine killers have gunned down a leading statesman, murdered almost 200 judges and 7 members of their supreme court. The besieged governments of the drug-producing countries are fighting back, fighting to break the international drug rings.”<sup>61</sup>

Although the War on Drugs always conveys the threat drugs pose to American values, rationality and life, Colombia in this case is still represented as an inferior actor. Since cocaine killers assassinated public officers before the eyes of its powerless government, we can say that “the monopoly of the legitimate use of physical force in the enforcement of its order” is successfully challenged by the cartels.<sup>62</sup> Unlike Colombia, the United States has “many thousands of dedicated officers keeping out enemy invaders.” A second pair of signifiers, “deficiency/sufficiency” on the prevalence of legitimate force is established. The 1989 NDCS continues: “To the greatest extent possible, we must also disrupt the transportation and trafficking of drugs within their source countries, since the interdiction of drugs and traffickers en route to the United States is an immeasurably more complicated, expensive, and less effective means of reducing the drug supply to this country.”<sup>63</sup>

<sup>58</sup> Christian Reus-Smit, *Human Rights and the Social Construction of Sovereignty*, 27 REVIEW OF INTERNATIONAL STUDIES 519, 520 (2001b).

<sup>59</sup> ROBERT H. JACKSON, *QUASI-STATES: SOVEREIGNTY INTERNATIONAL RELATIONS AND THE THIRD WORLD* 28 (Cambridge University Press, 1990).

<sup>60</sup> *Id.* at 29.

<sup>61</sup> George Bush, *Address to the nation on the National Drug Control Strategy*, GEORGE BUSH, ADDRESS TO THE NATION ON THE NATIONAL DRUG CONTROL STRATEGY (1989), <http://www.presidency.ucsb.edu/ws/index.php?pid=17472&st=&st1=> (last visited February 19, 2012).

<sup>62</sup> MAX WEBER, *THE THEORY OF SOCIAL AND ECONOMIC ORGANIZATION* 141 (Free Press, 1947).

<sup>63</sup> ONDCP, *supra* note 56, at 62.

By gauging its capabilities against the situation, the United States is able to assess the procedures to follow. It interprets its own agency and gives rational appraisal over the dire situation of Latin American countries, placing its agency on them.<sup>64</sup> US agency establishes a third pair of differences: uncertainty/certainty.

H.W. Bush states: "We will help any government that wants our help. When requested, we will for the first time make available the appropriate resources of America's Armed Forces. We will intensify our efforts against drug smugglers on the high seas, in international airspace, and at our borders."<sup>65</sup>

Finally, U.S. procedures for "International Initiatives" are clear. Whereas U.S. flows to Latin American countries are understood in terms of help through military support, the northbound flows to the United States continue to be deadly poison. The last pair of signifiers regarding these flows is "harm/help." The United States again works as the nodal point by starting to use the logic of equivalence to attach its own cluster of floating signifiers, and the logic of difference to interpret the "other." The United States renders itself in an articulation of virtue, sufficiency, certainty and help. Meanwhile, Latin American countries contain flaw, deficiency, uncertainty and harm.

The United States was constructed as an actor able to exert its agency in the international arena compared to other countries that may be deemed sovereign, but lack the privileged U.S. reasoning and wherewithal, thus diminishing the agency of the latter.<sup>66</sup> The United States is a generous actor that brings help to Latin American countries by assisting them to cope with their deficiencies. As will be shown, the United States brings something more than help to its foreign "other."

#### *4. The Clinton and W. Bush Administrations: Mexico*

The War on Drugs also provides another interpretation of those negatively sovereign States: that of the "transit" or "source" country. This denomination also implies that its holder is situated in an inferior position regarding the action agent, otherwise known as the object/subject pair in strategies of "otherness."<sup>67</sup>

The Clinton administration regarded Mexico in these terms: "Current estimates indicate that as much as 70 percent of all cocaine coming into the United States is trans-shipped through Mexico and then across the U.S.–Mexico border."<sup>68</sup> Therefore the "transit" country interpretation enables a new War on Drugs procedure:

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<sup>64</sup> GIL FRIEDMAN & HARVEY STARR, AGENCY, STRUCTURE AND INTERNATIONAL POLITICS 6 (1997).

<sup>65</sup> George Bush, *supra* note 61.

<sup>66</sup> Doty, *supra* note 21, at 44.

<sup>67</sup> Campbell, *supra* note 18, at 65.

<sup>68</sup> ONDCP, 1996 NDCS 31 (1996), <https://www.ncjrs.gov/pdffiles/strat96.pdf>.

Aggressive Use of the Annual Certification Process: Certification involves evaluating the counternarcotics performance of countries that have been defined as major drug-producing or drug transit countries [...] For countries that are not certified, the United States cuts off most forms of assistance and votes against loans by six multilateral development banks.<sup>69</sup>

Certification is an instrument of the U.S. Congress to assess funds authorization to “transit” and “source” countries based on a report made by the executive branch.<sup>70</sup> This mechanism ensures that the “transit/source” countries also speak the War on Drugs discourse regarding narcotics as poison and drug traders and peasants as criminals.<sup>71</sup> Thus, the subject/object pair in the U.S./transit-country dichotomy allows the creation of a “geography of foreign other” which reinforces the United States as the master of the object with negative sovereignty.<sup>72</sup> Mexico becomes a geographical zone “that may be needed for operational use.”<sup>73</sup>

By 1997, the Congress pushed Bill Clinton to decertify Mexico in view of some Mexican officers’ relations with drug-cartels.<sup>74</sup> Thomas Constantine, the then DEA administrator, declared: “The major civilian law enforcement institutions in Mexico, the Mexican, the federal judicial police, which the government has said is dysfunctional as a result of corruption [...] And at the present point in time, we just haven’t found an institution that we feel we can share that information with.”<sup>75</sup>

Again the United States resorted to the “flaw/virtue” binary to depict its relation with a transit country. Then Mexican President Ernesto Zedillo called the certification an offense and proposed that the United States should apply this procedure to itself. The Mexican Congress called the certification an act of “imperial arrogance.”<sup>76</sup> Finally, Clinton solved the dilemma between the U.S. Congress and the Mexican government by certifying Mexico claiming:

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<sup>69</sup> *Id.* at 18.

<sup>70</sup> RUSSELL CRANDALL, *DRIVEN BY DRUGS: US POLICY TOWARD COLOMBIA* 43 (Lynne Rinner, 2002).

<sup>71</sup> Julie Ayling, *Conscription in the War on Drugs: Recent Reforms to the US Certification Process*, 16 INTERNATIONAL JOURNAL OF DRUG POLICY, 376, 377 (2005).

<sup>72</sup> David Campbell, *The Biopolitics of Security: Oil, Empire and the Sports Utility Vehicle*, 57 AMERICAN QUARTERLY 943, 948 (2005).

<sup>73</sup> Doty, *supra* note 21, at 92.

<sup>74</sup> Riordan Roett, *El proceso de certificación y la relación México-EU*, ESTE PAÍS (April, 1997), at 73, [http://estepais.com/inicio/historicos/73/5\\_ensayo\\_el%20proceso\\_roett.pdf](http://estepais.com/inicio/historicos/73/5_ensayo_el%20proceso_roett.pdf) (last visited February 20, 2012).

<sup>75</sup> Thomas Constantine, *Interviews on Frontline Show Murder, Money & Mexico* (1997), <http://www.pbs.org/wgbh/pages/frontline/shows/mexico/interviews/constantine.html> (last visited February 20, 2012).

<sup>76</sup> Bill Spencer, *Drug Certification*, 6 FOREIGN POLICY IN FOCUS 1 (1998), available at [http://www.fpi.org/reports/drug\\_certification](http://www.fpi.org/reports/drug_certification) (last visited February 20, 2012).

I certified Mexico because in the last year, we have achieved an unprecedented level of cooperation on counternarcotics [...] Our military cooperation has improved dramatically as we have expanded antidrug training and assistance on drug interdiction [...] And the Zedillo administration immediately arrested and prosecuted its drug czar when they discovered he had been corrupted by a major drug ring.<sup>77</sup>

Clinton uses the transit country construction quoting certification, military cooperation and corruption. Since intersubjectivity is taken as the common understanding of "norms, identities and discursive patterns," they should be shared by the social actors.<sup>78</sup> After this diplomatic trouble involving both countries, Ernesto Zedillo concluded: "We are not a drug-producer country. We are a transit zone and we are victims of those who produce and consume drugs."<sup>79</sup> The then Mexican President thus endorsed the War on Drugs discourse on the "other:" drug dealers and users are criminals alike while countries other than the United States are either "source" or "transit" countries with all the implications of these identities. Now Mexico itself plays its role as the foreign "other" in the War on Drugs.

The division between U.S. interpretations of negatively sovereign States and transit countries is also artificial. In the 2007 NDCS, the W. Bush Administration articulated both discourses over Mexico's identity:

Across the Southwest Border in Mexico, drug trafficking and associated violence pose a grave threat not only to the health and safety of the Mexican people, but to the sovereignty of Mexico itself [...] This lawlessness is fueled by Mexico's position as the primary transit corridor for most of the cocaine available on American streets [...] DEA and other U.S. law enforcement agencies have developed highly productive relationships with key Mexican counterparts that are yielding positive results.<sup>80</sup>

Sovereignty is again a floating signifier. Mexico's sovereignty is associated with negative sovereignty signifiers: flaw, deficiency, uncertainty and harm; plus its "objectification" as a transit country reflected on its "lawlessness." On the other hand, the United States contains virtue, sufficiency, certainty and help; plus its "subject" position turns the United States into the speaking and

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<sup>77</sup> William Clinton, *Statement on House of Representatives action on narcotics certification for Mexico* (1997), <http://www.presidency.ucsb.edu/ws/index.php?pid=53863&st=&st1=> (last visited February 20, 2012).

<sup>78</sup> SAMUEL BARKIN, REALIST CONSTRUCTIVISM: RETHINKING INTERNATIONAL RELATIONS THEORY 27 (2010).

<sup>79</sup> Interview with Ernesto Zedillo President of Mexico on NBC Show Nightly News in New York City, NY (1998), <https://a248.e.akamai.net/7/1635/50139/1d/origin.nbclearn.com/files/nbcarchives/site/pdf/5993.pdf> (last visited February 20, 2012).

<sup>80</sup> ONDCP, 2007 NDCS 33 (2007), [http://www.cicad.oas.org/Fortalecimiento\\_Institutional/eng/National%20Plans/ndcs07USA.pdf](http://www.cicad.oas.org/Fortalecimiento_Institutional/eng/National%20Plans/ndcs07USA.pdf).

policy-making agent in this relationship. Thereby, Mexican agencies can only achieve good results when helped and in cooperation with the United States through the “DEA and other U.S. law enforcement agencies.”

Mexico might be the country most coerced by the United States in drug control policy.<sup>81</sup> However, discourses must be shared socially in order to work and the War on Drugs is no exception. Mexican governments chose to perform the role assigned for Mexico in that U.S. discourse. In doing so, they have militarized drug policy on Mexican soil causing power abuse and human rights violations.<sup>82</sup> In 2006, without any U.S. coercion, Mexican President Felipe Calderón launched a new “Mexican Drug War” and so far casualties reach approximately 50,000 during his tenure, which ends in December 2012.<sup>83</sup> It is clear that this U.S. discourse on Latin American countries and Mexico, tagging them “proscribed,” “source” or “transit,” has lasted many years since the Nixon days to the W. Bush days. Nevertheless, those discursive representations could not be protracted without the performance of States like Mexico along the lines of this War on Drugs script.

### III. RECONSTRUCTIONS OF THE NEW STRATEGY

“Men make their own history, but they do not make it just as they please; they do not make it under circumstances chosen by themselves, but under circumstances directly encountered, given and transmitted from the past.”<sup>84</sup>

The Obama administration changed U.S. identity on drug control policy by replacing the War on Drugs with the New Strategy. U.S. identity expressed itself as a positively sovereign State helping weak States abroad; and as a defender of U.S. life, rationality and faithfulness by prosecuting criminals at home. The Obama administration aims to reduce drug consumption by balancing education and treatment with law enforcement towards drug users, potential users and dealers. In the international arena, its drug policy seeks to reduce the southbound flow of U.S. weapons and cash empowering cartels. This denaturalizes the War on Drugs discourse in which the only southbound flow was “help” to transit countries. Nonetheless, none of these policy patterns are new. Prior administrations talked about domestic drug use reduction and exterior responsibilities. What is salient about the Obama administration is its reconstruction in which features that were overshadowed by the War on

<sup>81</sup> William Walker III, *International Collaboration in Historical Perspective*, in DRUG POLICY IN THE AMERICAS 265, 273 (Peter H. Smith ed., Westview 1992).

<sup>82</sup> PETER ANDREAS, BORDER GAMES: POLICING THE US-MEXICO DIVIDE 68 (Cornell University Press, 2009).

<sup>83</sup> Nora Hamilton, *Mexico in POLITICS OF LATIN AMERICA: THE POWER GAME* 285, 332 (Harry Vanden & Gary Prevost eds., Oxford University Press, 3<sup>rd</sup> ed., 2009).

<sup>84</sup> KARL MARX, THE EIGHTEENTH BRUMAIRE OF LOUIS BONAPARTE 84 (Foreign Languages Publishing House, 1960).

Drugs claim salience over law enforcement and military cooperation. In the New Strategy, the U.S. identity is portrayed through its reciprocity to give support to the U.S. people and its limited power towards its southern neighbor, Mexico.

### 1. *“Domestic Others”*

The Obama Administration divides the “domestic other” among the drug user, the potential user and the dealer and reconstructs identities for each one: “It [drug use] touches each one of us, whether we know a family member, a friend, or a colleague who suffers from addiction or is in recovery, a police officer working to protect the community, or parents striving to keep their child drug free.”<sup>85</sup>

The drug user is portrayed as a being in recuperation, the potential drug user is mainly a teenager, and the dealer is still a criminal to be chased by police officers. By August 2009, Obama settled the way to define the drug user identity: “Every year, Americans across the country overcome their struggles with addiction. With personal determination and the support of family and friends, community members, and health professionals, they have turned the page on an illness and sought the promise of recovery.”<sup>86</sup>

In this excerpt, there is an illness discourse using words such as determination, recovery, and support. This domestic “other” is differentiated through a more complex process of differentiation from “we,” the “healthy people.” Illness could refer to a physical, psychological or even a social state but generally implies a temporary episode and the promise of recovery.<sup>87</sup> The domestic “other” as a sick-being looking for recovery portrays a differentiation process that is not as radical in relation to the “other” constructed by the “strategies of otherness;” because the content of “illness” is recovery, determination and support.<sup>88</sup> Thus, the first suggested pair of floating signifiers in this “self/other” relation is the “support/convalescence” pair.

The way the United States should assist drug users is as follows:

A healthcare environment in which care for substance abuse is adequately covered by public and private insurance programs is necessary. People with ad-

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<sup>85</sup> ONDCP, 2010 NDCS, v (2010), <http://www.whitehouse.gov/sites/default/files/ondcp/policy-and-research/ndcs2010.pdf>.

<sup>86</sup> Barack Obama, *Presidential Proclamation: National Alcohol and Drug Addiction Recovery Month* (2009), [http://www.whitehouse.gov/the\\_press\\_office/Presidential-Proclamation-National-Alcohol-and-Drug-Addiction-Recovery-Month/](http://www.whitehouse.gov/the_press_office/Presidential-Proclamation-National-Alcohol-and-Drug-Addiction-Recovery-Month/) (last visited February 20, 2012).

<sup>87</sup> JUDITH LORBER & LISA MOORE, GENDER AND THE SOCIAL CONSTRUCTION OF ILLNESS 7 (Altamira, 2002).

<sup>88</sup> LENE HANSEN, SECURITY AS PRACTICE: DISCOURSE ANALYSIS AND THE BOSNIAN WAR 39 (Routledge, 2006).

dictions must take the responsibility to seek help and actively maintain their recovery [...] Treatment must become a reliable pathway not just to cessation of drug use, but to sustained recovery, meaning a full, healthy, and responsible life for persons who once struggled with addiction.<sup>89</sup>

Here, the United States manifests itself through its duty to offer adequate social networks to address drug addiction. While users have “responsibility to seek help and maintain their recovery,” the United States will provide healthcare. This creates a relationship of trust between the drug user and its nation-state which could be termed as one of general reciprocity because “involves mutual expectations that a benefit granted now should be repaid in the future.”<sup>90</sup> The United States gives healthcare and waits for the citizen’s recovery; and the citizen gives self-commitment and waits for a healthy life through the use of U.S. healthcare. This raises the “reciprocity/self-commitment” pair.

On the “self/other” relation between the United States and potential drug users, the 2010 NDCS aims at teenagers:

Drug prevention must become a bigger priority for communities, with support from all levels of government [...] Factors that protect children against initiating drug use are increased by adopting a community-based response [...] We have a shared responsibility to educate our young people about the risks of drug use, and we must do so not only at home, but also in schools, sports leagues, faith communities, places of work, and other settings and activities that attract youth.<sup>91</sup>

U.S. youth are the target for drug use prevention through education. In the War on Drugs, U.S. teenagers were considered another object at stake in the battle between the United States and the “enemy invaders,” as George H.W. Bush once said: “we will not surrender our children.”<sup>92</sup> In the New Strategy, the United States protects its teenagers by means of education and prevention covered by family, society, and State institutions. U.S. youth should be educated to develop “civic virtue,” the ways that make social interaction meaningful and reproduce the State normative to prevent drug use, abuse and addiction.<sup>93</sup> Thereby, the suggested difference pair is orientation/innocence. This is the U.S. role in prevention: “Finally, the role of high-quality

<sup>89</sup> ONDCP, *supra* note 85, at 8.

<sup>90</sup> ROBERT PUTNAM, *MAKING DEMOCRACY WORK: CIVIC TRADITIONS IN MODERN ITALY* 172 (Princeton University Press, 1992).

<sup>91</sup> ONDCP, *supra* note 85, at 8.

<sup>92</sup> George Bush, *Remarks at an Antidrug Rally in Billings, Montana* (1990), <http://www.presidency.ucsb.edu/ws/index.php?pid=18693&st=surrender&st1=children> (last visited February 20, 2012).

<sup>93</sup> JEAN ELSHTAIN, *WOMEN AND WAR* 62 (University of Chicago Press, 1995).

schools and the nexus between academic failure and drug and/or alcohol use among youth should not be neglected [...] Certainly, high-quality schools can both reduce student drug and alcohol use and have a positive effect on academic achievement and school environments and climates.”<sup>94</sup>

The State helps teenagers resorting to reciprocity through educational institutions, but the complementary signifier in this case is the teenager’s interest for self-actualization. Because “autonomous self-actualization is actually impossible,”<sup>95</sup> the teenager as the domestic “other” will achieve her/his self-actualization through schools provided by the United States. In these institutions, they will be taught how to develop civic virtue. Hence, the “reciprocity/ self-actualization” pair is established.

The U.S. procedure towards drug dealers remains criminalized: “Incarceration is appropriate for drug traffickers and drug dealers. For some lower-level offenders, however, intense supervision in the community can help prevent criminal careers while preserving scarce prison space for those offenders who should be behind bars.”<sup>96</sup>

These lines fragment the criminal identity into lower-level and higher-level offenders as the Obama administration claims to use “incarceration judiciously.” By complementing incarceration with alternative sentencing like community supervision, the New Strategy adds another State control mechanism.<sup>97</sup> Thus, alternatively to absolute incarceration, the Obama administration established the difference signifiers lower-level offense.

Finally, the United States works as the nodal point vis-à-vis the domestic “others” and their floating signifiers. The United States provides support and reciprocity towards the drug user containing and self-commitment. The United States also offers orientation and reciprocity to U.S. teenagers containing innocence and self-actualization. The United States controls and establishes community surveillance towards lower-level offenders. Therefore, the United States performs as the top actor in the hierarchy of identities by using alternative control mechanisms other than incarceration, such as healthcare, public education and community supervision.<sup>98</sup> This identity construction of the United States as a physician, teacher and supervisor contains relations of power, knowledge and technology to wield control.<sup>99</sup> However, it broadens the possibility for individuals to achieve a healthy life via self-commitment and self-actualization. There are more possibilities for preventing and treating ad-

<sup>94</sup> ONDCP, *supra* note 85, at 9.

<sup>95</sup> Elizabeth Dauphinee, *Emmanuel Levinas*, in CRITICAL THEORISTS AND INTERNATIONAL RELATIONS 238 (Jenny Edkins & Nick Vaughan-Williams eds., Routledge, 2009).

<sup>96</sup> ONDCP, *supra* note 85, at 9.

<sup>97</sup> Petrus Spierenburg, *Punishment, Power and History: Foucault and Elias*, 28 SOCIAL SCIENCE HISTORY 607, 617 (2004).

<sup>98</sup> *Supra* at 626.

<sup>99</sup> Thomas Papadimos & Stuart Murray, *Foucault’s ‘Fearless Speech’ and the Transformation and Mentoring of Medical Students*, 3 PHILOSOPHY, ETHICS AND HUMANITIES IN MEDICINE 2 (2010).

dition in the United States for the domestic “other” at a school or a clinic, or by doing community service, rather than being inside a cell.

## *2. Collaboration with the Neighbor (Still Transit) Country*

The Obama Administration kept using the “transit country” articulation to name Mexico as the foreign “other.” Nevertheless, its identity construction of the United States quoting words previously used to construct the “transit country” is noteworthy.

Recalling the War on Drugs discourse presenting the U.S. identity as a virtuous, sufficient, certain and helpful nation-state, the next declaration by Secretary of State Hillary Clinton is problematic: “Our insatiable demand for illegal drugs fuels the drug trade [...] Our inability to prevent weapons from being illegally smuggled across the border to arm these criminals causes the deaths of police officers, soldiers and civilians.”<sup>100</sup>

This affirmation denaturalizes what seemed to have been exogenously given, quoting the prior administration: “this lawlessness is fueled by Mexico’s position as the primary transit corridor.”<sup>101</sup> What seemed to be an exclusive consequence of Mexico’s official corruption and weakness in the use of legitimate force is now sponsored by U.S. incapability to reduce the demand for illegal drugs and prevent weapon-smuggling across its borders. In this sense, the War on Drugs depicted the “self” as positively sovereign and virtuous vis-à-vis the deficient and negatively sovereign foreign “other,” rewriting its meaning in order to legitimate State action and reproduce this hierarchy of identities.<sup>102</sup> Thus, the United States attempted to obscure that which is inherent to any State: that it is a fallible and contingent entity. If the State were perfect and could achieve complete security for its population, then its rationale would be accomplished and it would cease to exist.<sup>103</sup> Now that the United States itself is recognized through the “fallible entity” signifier, the Obama administration denaturalizes the “help” signifier: “[T]his strategy provides a plan to support the dedicated efforts of the Mexican Government in its fight against the cartels by addressing the role that the United States plays as a supplier of illegal cash and weapons to the cartels.”<sup>104</sup>

Before, the United States helped through certification and military cooperation. Now, the role of the United States is that of “the supplier of illegal cash and weapons to the cartels.” This U.S. supply has a material explanation according to the 2010 National Drug Threat Assessment by the Department

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<sup>100</sup> NYtimes.com, *Clinton says US feeds Mexico Drug Trade* by Mark Landler (2009), <http://www.nytimes.com/2009/03/26/world/americas/26mexico.html> (last visited February 20, 2012).

<sup>101</sup> ONDCP, *supra* note 80, at 33.

<sup>102</sup> Campbell, *supra* note 18, at 11.

<sup>103</sup> *Id.* at 12.

<sup>104</sup> ONDCP, *supra* note 10, at 3.

of Justice, which asserts that the arms are acquired in Arizona, California and Texas from "Federally Licensed Firearms Dealers."<sup>105</sup> Furthermore, this supply has a regulatory explanation lodged in the 2<sup>nd</sup> Amendment of the U.S. Constitution, which states that "the right of the people to keep and bear arms, shall not be infringed."<sup>106</sup> Hence, the "help/harm" binary to describe U.S.-Mexico flows is denaturalized. The United States not only provides help, but also exports harm, and its incapability to curb the flow of weapons to Mexico is understood in terms of a self-restriction imposed by its own Constitution. Thus, the signifier "self-constraint" is established.

The first part of Hillary Clinton's declaration is expanded in the 2010 NDCS: "However, it is not just the demand for drugs that occurs in America; the production of drugs is also increasingly becoming a domestic problem. The five most common substances with which American youth initiate use are largely produced in the United States: alcohol, tobacco, marijuana, prescription drugs, and inhalants."<sup>107</sup>

When the United States recognizes itself as the producer of illegal drugs, such as marijuana, the affirmations made in 1971 and 1989 by Nixon and H.W. Bush regarding the foreign nature of the poison are denaturalized. Simply put, the laws of supply and demand would look for cost-effective solutions within the United States, and a cost-effective mechanism was to domestically produce supply for the insatiable demand.<sup>108</sup> Now, not only does the United States export "harm" by supplying the cartels with arms and money, but it also produces its own "harm." As the United States has become a "source" country, it could possibly be a "transit" country susceptible towards drug cartels "largely based in Colombia and Mexico."<sup>109</sup> Moreover, the 2009 NSBCE suggests a new identity for those organizations:

Intelligence derived from criminal investigations clearly indicates that U.S.-based street gangs are involved in both the receipt of narcotics from drug trafficking organizations and the smuggling/trafficking of weapons to them. The increase in gang involvement in illicit trafficking has the potential to increase Southwest border violence exponentially, while contributing to the profitability and growth of international gangs such as MS-13, Latin Kings, and Mexican Mafia.<sup>110</sup>

U.S.-based street gangs, international gangs, MS-13 and Latin Kings. These concepts also denaturalize constructions of cartels as being mostly

<sup>105</sup> DEPARTMENT OF JUSTICE, NATIONAL DRUG THREAT ASSESSMENT 16 (2010), <http://www.justice.gov/ndic/pubs38/38661/38661p.pdf>

<sup>106</sup> NARA, *Constitution of the United States: Bill of Rights*. [http://www.archives.gov/exhibits/charters/bill\\_of\\_rights.html](http://www.archives.gov/exhibits/charters/bill_of_rights.html)

<sup>107</sup> ONDCP, 2010 NDCS 8 (2010).

<sup>108</sup> Smith, *supra* note 25, at 1.

<sup>109</sup> ONDCP, *supra* note 107, at 63.

<sup>110</sup> ONDCP, 2009 NSBCS 29 (2009).

“Mexican Drug Trafficking Organizations”<sup>111</sup> of the War on Drugs. MS-13 and Latin Kings are indeed U.S.-based gangs conformed of 10,000 to 25,000 members each just within the United States, and many of their members are U.S. citizens.<sup>112</sup> These street gangs coordinate criminal webs in partnership with other organizations that form transnational drug networks able to “gather and analyze intelligence about government enforcement activities.”<sup>113</sup> The construction of the Mexican cartel yields the way to the transnational drug network capable of acknowledging and challenging U.S. drug control policy. In the previous “transit country” identity, cartels challenged Colombia and Mexico as both States were deficient in their use of legitimate force, but also because their flaws were manifested by official corruption. The construction of U.S.-based gangs implicated with transnational criminal networks gathering intelligence to counter U.S. policies opens the gate to the corruption of U.S. officials. As a result, the 2009 NSBCS also enshrines measures to cope with corruption:

Attack corruption involving domestic public officials along the Southwest border [...] Public corruption undermines faith and confidence in government, eroding trust in institutions upon which the Nation’s democratic system is based [...] Investigating, prosecuting, and deterring corruption on all levels along the US borders is vital to combating transnational organized crime and protecting national security.<sup>114</sup>

Corruption has ceased to be exclusive of the foreign “other” as it now affects the United States itself.<sup>115</sup> Nonetheless, U.S. corruption is a marginal and treatable pathology. It is marginal because it appears “along the US borders;” and is treatable because the United States has set a multi-agency response with “FBI-led Border Corruption Task Forces” to cure this pathology not only along the U.S.-Mexico border, but also inside the United States.<sup>116</sup> Unlike the War on Drugs in which official corruption evidenced the “transit” country’s flaws and deficiencies, U.S. official corruption cannot represent the same thing since the United States can deal with it.

In the War on Drugs, the words that built the identity of negatively sovereign States like “production,” “transit,” “criminal organizations” and “cor-

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<sup>111</sup> ONDCP, 2007 NDCS 35 (2007).

<sup>112</sup> KAREN KINNEAR, GANGS: A REFERENCE HANDBOOK 189-195 (ABC-Clio, 2009).

<sup>113</sup> Michael Kenney, *Drug Traffickers, Terrorist Networks and Ill-Fated Government Strategies*, in NEW THREATS AND NEW ACTORS IN INTERNATIONAL SECURITY 69, 78 (Elke Krahmann ed., Palgrave, 2005).

<sup>114</sup> ONDCP, *supra* note 110, at 23.

<sup>115</sup> Robert Leiken, *Controlling the Global Corruption Epidemic*, 105 FOREIGN POLICY 55, 67 (1996).

<sup>116</sup> FBI, *Combating Border Corruption: Locally and Nationally* (2010), [http://www.fbi.gov/news/stories/2010/may/border\\_050710](http://www.fbi.gov/news/stories/2010/may/border_050710) (last visited February 20, 2012).

ruption” implied an articulation of flaw, deficiency, uncertainty and harm. When those same words are used to articulate the U.S. identity in the Obama Administration, a fallible entity facing self-constraint and dealing with marginal and treatable pathologies is constructed. This is a discursive change that takes into account the fact that the U.S. identity in the War on Drugs referred to a utopian version of virtue, sufficiency, certainty and help. Thus, this article suggests that in the Obama Administration, the U.S. identity constructs itself not only in relation to domestic and foreign “others,” but also in a complex differentiation process from the previous U.S. identity.<sup>117</sup> The ideal vision of the United States as model of the aforementioned qualities pervading the War on Drugs died in its failure to defeat “public enemy number one.” A new U.S. identity as a fallible State facing self-constraint to deal with marginal and treatable pathologies has emerged. Therefore the U.S. identity is an unclosed and dynamic construction necessarily prone to change.<sup>118</sup>

In the New Strategy, Mexico is constructed in the same fashion as the United States in the 2009 NSBCS, and on the whole, in the same fashion as in the War on Drugs. “Mexico remains a major transhipment location [...] Mexico is also a major foreign source of marijuana and methamphetamine.”<sup>119</sup> Whereas transnational criminal rings find their U.S.-based branches in street gangs, their Mexican counterparts are constructed as “major organizations” operating over vast amounts of Mexican territory like “the West Coast, the Gulf Coast and the Central Region.”<sup>120</sup> Moreover, the 2009 NSBCS also talks about the need to “[a]ttack foreign official corruption that supports drug trafficking and related crimes.”<sup>121</sup>

In the New Strategy, both the United States and Mexico are constructed by using “criminal organizations,” “official corruption” and “production and transit of drugs.” Nevertheless, the logic of difference now overcomes a difference based on difference signifiers, *i.e.* the “flaw/virtue” pair, towards a logic of difference understood as “an irreducible difference in opposition to a dialectical opposition, a difference “more profound” than a contradiction.”<sup>122</sup> Hence, the difference will be lodged in the degrees and intensity of limited power between both neighbors.<sup>123</sup> Because the New Strategy puts both States under conditions of the same nature, the United States is understood as a fallible State with self-constraint dealing with marginal and treatable patholo-

<sup>117</sup> Hansen, *supra* note 88, at 39.

<sup>118</sup> YANNIS STAVRAKAKIS, *LACAN AND THE POLITICAL* 80 (Routledge, 1999).

<sup>119</sup> ONDCP, *supra* note 110, at 17.

<sup>120</sup> *Id.* at 21.

<sup>121</sup> *Id.* at 24.

<sup>122</sup> Jacques Derridá quoted in Branka Arsic’, *Active Habits and Passive Events or Bartleby* in *BETWEEN DELEUZE AND DERRIDÁ* 144 (Paul Patton & John Protevi eds., Continuum, 2003).

<sup>123</sup> WILLIAM DESMOND, *ART, ORIGINS, OTHERNESS: BETWEEN PHILOSOPHY AND ART* 144 (State University of New York Press, 2003).

gies on one hand. On the other, Mexico is rather a more fallible State with more self-constraint dealing with less marginal and less treatable pathologies. This is also a rather complex differentiation process than depicting Mexico inherently as “transit” country, flawed and deficient. The United States presents itself again as the nodal point and at the top of the hierarchy of identities, thereby establishing policy patterns:

Mexican President Felipe Calderon has embarked on a courageous campaign to break the power of the drug cartels operating in his country. Through the Merida Initiative, the United States is supporting Mexico's efforts and helping to strengthen law enforcements and judicial capacities in the region [...] There has also been a significant increase in violence within Mexico, making the need for a revised National Southwest Border Counternarcotics Strategy all the more important as part of a comprehensive national response.<sup>124</sup>

Nevertheless, this policy comes from a fallible State, the United States, towards an even more fallible State, Mexico, which is at best casted as courageous. In this light, the transition of the drug-inspired violence from Cali to Ciudad Juárez, on the US southern border; can be basically understood from the stubbornness to apply policies based on Manichean identities of a virtuous, sufficient and helpful nation-state vis-à-vis the flawed, deficient and harmful transit countries.<sup>125</sup> As seen in the last section, U.S. and Mexican Governments agreed to comply with their respective War on Drugs roles. The United States could blame the “transit” country for exporting deadly poison and Mexico could wait for help from its virtuous neighbor to get rid of criminal gangs and official corruption. Now, both fallible States have different agencies based on their respective degrees of limited power to truly collaborate on the basis of their domestic duties.<sup>126</sup> In U.S.-Mexico relations, no magical and quick solution will be offered as noted by Lorenzo Meyer:

Today, some U.S. political circles are acquainted with the fact that their southern neighbor is facing serious troubles. Because, albeit it is not yet a failed State, its economy, security, polity and educative systems are badly failing [...] If, notwithstanding and in function of the security of its great southern frontier, Washington were to propose helping Mexico to alleviate its situation, it is simply quite little what the United States could do for its poor neighbor.<sup>127</sup>

<sup>124</sup> ONDCP, *supra* note 110, at 4.

<sup>125</sup> Luiza Bialasiewicz et al., *Performing Security: The Imaginative Geographies of Current US Strategy*, 26 POLITICAL GEOGRAPHY 405, 419 (2007).

<sup>126</sup> EMANUEL ADLER, COMMUNITARIAN INTERNATIONAL RELATIONS: THE EPISTEMIC FOUNDATIONS OF INTERNATIONAL RELATIONS 198 (Routledge, 2005).

<sup>127</sup> Lorenzo Meyer, *Seen from Washington* (2009), <http://cedan.ccm.itesm.mx/category/questions-norteamerica> (last visited February 20, 2012).

It is a common assumption to say that the War on Drugs was doomed to failure because no matter how many “transit countries” the United States could help militarily, another drug supply would emerge to meet U.S. demand.<sup>128</sup> However, for Mexico, if the U.S. demand/supply of illegal drugs/weapons were to finally cease to exist, is that going to make Mexico a safer country for its population? Could not the criminal gangs import their weapons from another place and switch to other activities like people smuggling to reach other international markets?<sup>129</sup> Whereas only the United States, Germany and Japan had more billionaires on the Forbes lists than Mexico by 1994; 65 percent of the Mexican population is plunged into extreme poverty.<sup>130</sup> This excluded percentage of the population may immigrate illegally to the United States, enter the informal sector, join criminal gangs or simply starve.<sup>131</sup> In this light, former President Zedillo’s declarations about Mexico as a victim and transit zone of drug-trafficking enabled Mexico to wait for help from the north of the Rio Grande. In the War on Drugs, Mexican administrations could evade responsibility by using its role as a “transit” country while U.S. administrations could blame the flawed, deficient and uncertain Mexico for exporting deadly poison.<sup>132</sup> This may have allowed the administrations of both countries to avoid far-reaching measures in drug control policy and general governance.

The victimization of the “transit” country and the enactment of the United States as superior were founded on a difference logic based on pairs of contradictory differences like flaw/virtue, deficiency/sufficiency, uncertainty/certainty and harm/help. When the New Strategy constructs Mexico and the United States using the same concepts of “criminal gangs,” “official corruption” and “transit and production of drugs,” the logic of difference is based on degrees of limited power. Therefore, the United States and Mexico basically differ over their grades of fallibility, self-constraint and on the marginality and treatability of their pathologies. A limited U.S. aims at decreasing its domestic demand/supply of illegal drugs/weapons, thus rendering Mexico accountable for the causes and effects of drug-trafficking on its own territory. In this sense, although the New Strategy is less heroic and dramatic than the War on Drugs, it represents honest policy-making from one neighbor to the other.<sup>133</sup>

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<sup>128</sup> Fisher, *supra* note 22, at 2.

<sup>129</sup> PHIL WILLIAMS & DIMITRI VLASSIS, COMBATING TRANSNATIONAL CRIME: CONCEPTS, ACTIVITIES AND RESPONSES 57 (Routledge, 2001).

<sup>130</sup> Hamilton, *supra* note 83, at 326.

<sup>131</sup> JOSÉ RAMOS GARCÍA, RELACIONES MÉXICO-ESTADOS UNIDOS: SEGURIDAD NACIONAL E IMPACTOS EN LA FRONTERA NORTE 40 (University of Baja California Press, 2005).

<sup>132</sup> GUADALUPE GONZÁLEZ & MARTA TIENDA, THE DRUG CONNECTION IN US-MEXICAN RELATIONS 6 (University of California Press, 2004).

<sup>133</sup> Abraham Lowenthal, *Renewing Cooperation in the Americas, in* THE OBAMA ADMINISTRATION AND THE AMERICAS: AGENDA FOR CHANGE 1, 12 (Abraham Lowenthal et al. eds., 2009).

### 3. Reconstruction

The New Strategy highlights features of U.S. drug control policy that were obscured in the War on Drugs. As the New Strategy did not emerge independently from its predecessor, its constructions are stabilized and constrained by the War on Drugs discourse.<sup>134</sup> Insofar as the New Strategy is understood as a reconstruction of the War on Drugs, the following quotes by previous U.S. administrations make it possible to trace the discursive roots of the former in the whispers of the latter:<sup>135</sup>

So we must also act to destroy the market for drugs, and this means the prevention of new addicts, and the rehabilitation of those who are addicted (Nixon administration).<sup>136</sup>

These polydrug organizations dealing in cocaine, Mexican heroin, marijuana, and methamphetamine, attempt to corrupt law enforcement officials on both sides of the border to facilitate their smuggling operations (Clinton Administration).<sup>137</sup>

The United States Government recognizes the role that weapons purchased in the United States often play in the narcoviolence that has been plaguing Mexico (G.W. Bush Administration).<sup>138</sup>

Prevention and treatment were topics first suggested by Richard Nixon, while the Clinton and W. Bush administrations invoked U.S. corruption and weapons supply.

Perhaps the most surprising speech comes from H.W. Bush in 1989:

But let's face it; Americans cannot blame the Andean nations for our voracious appetite for drugs. Ultimately, the solution to the United States drug problem lies within our own borders — stepped-up enforcement, but education and treatment as well. And our Latin American cousins cannot blame the United States for the voracious greed of the drug traffickers who control small empires at home. Ultimately, the solution to that problem lies within your borders. And yet good neighbors must stand together. A world war must be met in kind [...] Allies in any war must consult as partners.<sup>139</sup>

By 1989, George H.W. Bush had already concluded that the United States and Latin American countries should work first in their homelands instead

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<sup>134</sup> Lars-Erik Cederman & Christopher Daase, *Endogenizing Corporate Identities: The Next Step in Constructivist IR Theory*, 9 EUROPEAN JOURNAL OF INTERNATIONAL RELATIONS 5, 12 (2003).

<sup>135</sup> Clifford, *supra* note 23, at 6.

<sup>136</sup> Nixon, *supra* note 32.

<sup>137</sup> ONDCP, 1996 NDCS 32 (1996).

<sup>138</sup> ONDCP, 2008 NDCS 47 (2008).

<sup>139</sup> George Bush, *Remarks at the International Drug Enforcement Conference* (1989), <http://www.presidency.ucsb.edu/ws/index.php?pid=16974&st=face&st1=voracious> (last visited February 20, 2012).

of blaming the foreign “other” for drug-trafficking. Why were domestic and feasible measures to reduce drugs demand and save many Latin American and U.S. lives obscured in drug policy?

H.W. Bush answers this question in his own speech: by stepping up law enforcement at home and by confronting a “World War” abroad. Wars are particular social constructions when understood as periods of crisis enabling the hegemonic production and reproduction of the “self/other” identities.<sup>140</sup> They are special because “warfare is simultaneously accepted and constrained.”<sup>141</sup> Warfare is accepted for the nation-state because it has the legitimate use of force to pursue its interest which theoretically is in the interest of its population, and it is constrained because there should be the construction of identities to inscribe meaning to the acting characters.<sup>142</sup> A “War” discourse ponders belligerent and law enforcement identities over healthcare and education identities.<sup>143</sup> In this sense, the War on Drugs attached the meanings of “enemy invaders” and “deadly poison” to narcotics. These “enemy invaders” use flawed and deficient countries as a transit zone to reach the United States harnessing Mexican and Colombian cartels. Once in the United States, the “enemy invaders” reach individuals to turn them into irrational, unfaithful and aggressive criminals threatening U.S. rationality, life and faithfulness.

In this kind of warfare, the United States must defend its rational and healthy population by jailing criminals at home, and helping deficient “transit” countries by giving them military cooperation abroad. In the War on Drugs, the United States cannot jail U.S. youth for smoking cannabis sativa, but it can jail irrational criminals for breaking the law by smoking deadly poison. A fallible State cannot certify and help another more fallible State, but the positively sovereign United States, virtuous, sufficient and certain can certify and help corrupt “transit” and “source” Latin American countries. In the War on Drugs, the U.S. identity as a positively sovereign and as a moral defender of American values acted as a big nodal point giving unity to a series of heterogeneous elements such as treatment and education.<sup>144</sup>

This phrase encapsulates the drug policy reconstruction in the Obama Administration: “The importance of domestic law enforcement, border control, and international cooperation against drug production and trafficking cannot be overstated. These traditional approaches to the drug problem remain essential, but they cannot by themselves fully address a challenge that is inherently tied to the public health of the American people.”<sup>145</sup>

<sup>140</sup> Rowley & Weldes, *supra* note 12, at 199.

<sup>141</sup> ALEXANDER WENDT, SOCIAL THEORY OF INTERNATIONAL POLITICS 283 (Cambridge University Press, 1999).

<sup>142</sup> JOSÉ MERQUIOR, FOUCAULT 11 (University of California Press, 1987).

<sup>143</sup> Campbell, *supra* note 18, at 7.

<sup>144</sup> Stavrakakis, *supra* note 118, at 80.

<sup>145</sup> ONDCP, 2010 NDCS, 7 (2010).

When the Obama administration uses a previous discourse to reconstruct new identities, one criticism is whether there is a repetition of previous ones.<sup>146</sup> However, the New Strategy traced the War on Drugs genealogy to rescue those heterogeneous features that were shadowed by the past U.S. identity.<sup>147</sup> By reconstructing the U.S. identity by means of support, orientation and surveillance on the basis of reciprocity towards U.S. citizens, healthcare and education measures are balanced with the dominant punitive discourse.<sup>148</sup> Equally, the reconstruction of the U.S. identity as a fallible State *vis-à-vis* the more fallible “other,” prompts the United States and Mexico to see, in H.W. Bush’s words, that the solution “lies within their own borders.”

#### IV. CONCLUSION: ONCE THE WAR IS OVER

It does not matter whether the war is actually happening, and, since no decisive victory is possible, it does not matter whether the war is going well or badly [...] But when war becomes literally continuous, it also ceases to be dangerous [...] War, it will be seen, is now a purely internal affair [...] The war is waged by each ruling group against its own subjects [...].<sup>149</sup>

This quote offers one interpretation of the War on Drugs: when a war has protracted for nearly 40 years without entirely defeating the enemy, danger becomes naturalized, and the war focuses on the population. The warfare construction first implied attaching meaning to discursive subjects and then enabled procedures to deal with those subjects. A host of natural and chemical substances with hallucinogenic, depressive, disinhibiting or addictive effects on the human body were depicted as “deadly poison” when referred to as inside the United States, and as “enemy invaders” when outside. The War on Drugs articulated two discourses with a common characteristic: the United States is the top actor in the hierarchy of identities and is the policy-making actor on U.S. soil and in the international arena.<sup>150</sup>

Unlike previous U.S. discourses in which material objects like missiles were deemed threatening when linked to rivals like the Soviet Union,<sup>151</sup> the War on Drugs constructs narcotics as a threat by granting them metaphysical powers. The “deadly poison” prowls around U.S. streets turning people into criminals

<sup>146</sup> KARIN FIERKE & KNUD JORGENSEN, CONSTRUCTING INTERNATIONAL RELATIONS: THE NEXT GENERATION 45 (M.E. Sharpe, 2001).

<sup>147</sup> Clifford, *supra* note 23, at 7.

<sup>148</sup> MICHAEL SHAPIRO, READING THE POSTMODERN POLITY: POLITICAL THEORY AS TEXTUAL PRACTICE 107 (University of Minnesota Press, 1992).

<sup>149</sup> GEORGE ORWELL, 1984 192-197 (Penguin, 1977).

<sup>150</sup> Doty, *supra* note 21, at 98.

<sup>151</sup> JUTTA WELDES, CONSTRUCTING NATIONAL INTERESTS: THE UNITED STATES AND THE CUBAN MISSILE CRISIS 22 (University of Minnesota Press, 1999).

who commit robbery and shoplift. But crime is just one side of a bigger threat menacing U.S. life, rationality and faithfulness. The United States responds to this by incarcerating these criminals through law enforcement. When the deadly poison is outside the United States, it becomes “enemy invaders” trying to encroach upon the U.S. homeland. Here, narcotics wield their metaphysical powers to use Latin American countries surrounding the United States as transit and source zones. These countries are flawed, deficient, and uncertain; their legitimate use of force is weak, official corruption is endemic, and they cannot assess their situation. They just export harm. The United States, on the other side of the border, is a positively sovereign country supported by generosity and concern to certify and help proscribed nations.

This war has lasted long enough and its discourse has triumphed over attempts to decriminalize the domestic “other” from the Nixon era to the W. Bush days. As with any other discourse, in order to be meaningful, the War on Drugs found acceptance in “transit countries.” Mexican President Felipe Calderón provides an example:

I’d like to point out that this isn’t a “war on drugs” in the Nixon sense, but this is against criminal organizations that seek —through violence and threats— to collect rents on legal and illicit businesses in a community. Drug trafficking is a part of that. But this battle goes beyond it. To return authority to government and the citizens that elected it in each community in Mexico and take it away from the criminals.<sup>152</sup>

Although Calderón is declaring that his is not a Nixon-fashion “War on Drugs,” he is actually speaking the War on Drugs discourse. Drugs threaten U.S. rationality, life and faithfulness. But they threaten Mexico in terms of its legitimate use of force and its corrupt structure since criminal organizations take advantage of Mexico’s flaws and deficiencies as a transit country. Mexican governments speak the War on Drugs discourse insofar as they struggle to “return [challenged] authority to government” using militarized force to counter cartels. When President Zedillo endorsed the transit country role, he made the War on Drugs discourse meaningful by embracing the United States as the virtuous, sufficient, and certain State that would help Mexico get rid of its drug-related shortcomings. As a transit country, Mexico is fully entitled to ask for U.S. utopian help in order to reach a decisive victory in the War on Drugs.

After 38 years of a continuous War on Drugs, both neighbors started to fight against their own populations. In the United States, the number of people jailed for drug-related crimes has increased 12 times since 1980.<sup>153</sup> While

<sup>152</sup> Wall Street Journal, *Felipe Calderón: Interview Transcript*, <http://online.wsj.com/article/SB100014240527487039579045752551548498376.html> (last visited February 20, 2012).

<sup>153</sup> HUMAN RIGHTS WATCH, INCARCERATED AMERICA: HUMAN RIGHTS WATCH BACKGROUND-ER 1 (2003), <http://www.backspace.com/notes/images/us042903.pdf>.

in Mexico, approximately 50,000 Mexicans have died in its drug war since 2006. Furthermore, a policy that should have been devised to cope with the real jeopardizing effects of drug use like addiction and overdose death was devised to criminalize possession and trade.

For this reason, when Drug Czar Gil Kerlikowske claimed to end the War on Drugs, he added: “Regardless of how you try to explain to people it’s a war on drugs, or a war on a product, people see a war as a war on them, a war on individuals and we’re not at war with people in this country so I think we need to be more comprehensive.”<sup>154</sup>

As a result of the end of war, the 2010 NDCS divested drugs from their metaphysical powers. The United States deals with potential drug users, drug users and minor offenders by providing them with healthcare, education and community surveillance. Since the United States portrays itself on the basis of reciprocity, the nation-state will help as long as there is a response from the citizen. Although this U.S. identity implies mechanisms of power, it offers alternatives for dealing with drug use other than mere incarceration, a high expression of coercion.<sup>155</sup>

Will the New Strategy be upheld? New information confirms it will. The 2011 NDCS regards its predecessor in these terms: “[i]n its inaugural *Strategy* published last year, this Administration embarked upon a new approach to the problem of drug use in the United States.”<sup>156</sup> The document also speaks about the Fair Sentencing Act, newly approved legislation that eliminates penalty discrimination between crack cocaine and powder cocaine which used to fall under a form of racial profiling.

Moreover, the Merida Initiative, which provides Mexico with military equipment and training from U.S. agencies, has had fewer funds from Fiscal Year 2010 to 2012. The money disbursed from the International Narcotics Control and Law Enforcement Programs (INCLE) and Foreign Military Financing (FMF) went from \$549.25 million in 2010 to \$256.5 million in 2012 according to the State Department.<sup>157</sup> At least in the short and medium run, the military option in Mexico will not be much supported with U.S. public resources.

The United States has also changed in relation to Mexico. When the 2010 NDCS and the 2009 NSBCS describe the United States as consumer and supplier of drugs and weapons, it also constructs itself with the words attached to transit countries: criminal organizations, corruption, and transit and production of narcotics. The identity of the positively sovereign country

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<sup>154</sup> Kerlikowske, *supra* note 1.

<sup>155</sup> MARK COLVIN, CRIME AND COERCION: AN INTEGRATED THEORY OF CHRONIC CRIMINALITY 85 (Palgrave, 2000).

<sup>156</sup> ONDCP, 2011 NDCS III (2011), <http://www.whitehouse.gov/sites/default/files/ondcp/ndcs2011.pdf>.

<sup>157</sup> DEPARTMENT OF STATE, CONGRESSIONAL BUDGET JUSTIFICATION: FOREIGN OPERATIONS (2012), <http://www.state.gov/documents/organization/158267.pdf>.

gives way to a U.S. identity prone to having limitations and constraints imposed by its own Constitution and the inherent boundaries characteristic to the nation-state. Therefore, the difference with Mexico lodges in degrees of limited power and not in quality.

Once the war is over and the United States emerges as a fallible State, the landscape will also change for Mexico. For a country whose official name is United Mexican States, having had governments that thought that by only tying Mexico's economy to that of its northern neighbor in the NAFTA would fix its economy, this is not a minor issue.<sup>158</sup> The negative effects of drug consumption in the United States on Mexico may disappear, but without far-reaching solutions the millions of marginalized Mexicans will continue to be lured by immigration, the informal sector and crime.<sup>159</sup> Mexico should stop fearing the social environment in order to become more concerned about the consequences of its own free choices.<sup>160</sup> The Mexican people should ask their State why a country capable of producing the wealthiest man on earth has to face narco-bloodshed on its own territory. The Obama administration endeavors pragmatic and honest measures by curbing the demand for drugs and the supply of weapons; nonetheless the New Strategy only offers domestic and limited policies to Mexico, not utopian help.

As Jimmy Carter once said: “This is not a message of happiness or reassurance, but it is the truth and it is a warning.”<sup>161</sup> This warning must be posed to both the United States and Mexico in order to bury epic discourses in which the Rio Grande became the natural border between virtue and flaw. The New Strategy represents one scenario in which both neighbors have serious concerns: a massive problem of public health in the U.S. case, and a massive problem of social exclusion in the Mexican case. Starting from this point both the United States and Mexico can stop “cooperating” and start to collaborate as fallible States that represent the interests of their populations and not fight them.

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<sup>158</sup> GARY HUFBAUER & JEFFREY SCHOITT, *NAFTA REVISITED: ACHIEVEMENTS AND CHALLENGES* 4 (Peterson Institute Press, 2005).

<sup>159</sup> ADALBERTO SANTANA, *EL NARCOTRÁFICO EN AMÉRICA LATINA* 157 (Siglo XXI, 2004).

<sup>160</sup> JEAN-PAUL SARTRE, *THE TRANSCENDENCE OF THE EGO: A SKETCH FOR A PHENOMENOLOGICAL DESCRIPTION* 28 (Routledge, 2004).

<sup>161</sup> James Carter, *Address to the Nation on Energy and National Goals* (1979), <http://www.presidency.ucsb.edu/ws/index.php?pid=32596&st=truth&st1=warning> (last visited February 20, 2012).

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